

# Competition Law Protocol

## 1. What is the purpose of our competition law protocol?

- 1.1. The purpose of this Competition Law Protocol (Protocol) is to assist Entura and its clients comply with their obligations under competition law given the nature of Entura's consulting business.
- 1.2. Entura is a specialist power and water consulting business owned by the Hydro-Electric Corporation.
- 1.3. Entura operates as an independent business separate to the Hydro-Electric Corporation's business activities in the National Electricity Market (NEM) and the Bass Strait Islands.
- 1.4. The nature of Entura's consulting business means that it may, from time to time, be providing services to clients who may be considered to be in competition with each other for the purposes of competition law, including other parts of the Hydro-Electric Corporation.
- 1.5. This Protocol should be interpreted and applied in a way that best promotes compliance with competition law.

## 2. When does this Protocol apply?

- 2.1. This Protocol applies where Entura has been engaged, or intends to be engaged, by a client to provide any power or water consulting services relating to the NEM or the Bass Strait Islands.

## 3. Compliance with our competition law obligations

- 3.1. Entura and its clients are responsible for ensuring that their conduct at all times complies with the Competition and Consumer Act 2010 (Cth), including seeking their own legal advice and maintaining appropriate internal compliance policies and guidelines.
- 3.2. Any non-compliance with this Protocol must be reported to Hydro Tasmania's General Counsel and the client's General Counsel.
- 3.3. Provisions of this Protocol may be overridden by agreement between the General Counsels where Entura and a client have each obtained legal advice and the General Counsels are each satisfied that the parties are acting in accordance with that advice.
- 3.4. The General Counsels of the parties may agree amendments to this Protocol to apply as between the parties from time to time to ensure it remains 'fit for purpose' having regard to any changes in the law or best practice approaches to compliance, any changes to the operations of the parties or the Services, or any other relevant circumstances.

## 4. Our approach to non-public information

- 4.1. Clients will not provide to Entura any non-public information relating to its market conduct except where this is required for Entura to provide the Services.
- 4.2. Non-public information of a client provided to Entura for the purposes of providing the Services, including any non-public information referred to in clause 4.1, will not be disclosed to other clients or used by Entura for the benefit of other clients.
- 4.3. Entura will not disclose to a client, or use in the provision of the Services, any non-public information it has received from other clients.

## 5. How this Protocol impacts our agreements, understandings and concerted practices

- 5.1. Entura and the client will not reach any agreement or form any understanding relating to competitive market conduct, or facilitate any such agreement or understanding between parties who are, or may be, competitors for the purposes of competition law.
- 5.2. The parties will not coordinate any competitive market conduct or engage in any concerted practice with respect to competitive market conduct or facilitate any such conduct by parties who are, or may be, competitors for the purposes of competition law.

## 6. Importance of keeping Entura's work separate from Hydro-Electric Corporation's businesses

- 6.1. Entura will not disclose to the client, or use in the provision of the Services, any non-public information relating to other parts of the Hydro-Electric Corporation.
- 6.2. The client will not discuss with Entura any dealings it has, or may have had, with other parts of the Hydro-Electric Corporation and will not disclose to Entura any non-public information it has received from other parts of the Hydro-Electric Corporation in such dealings.
- 6.3. Entura will refrain from providing any views about future market prices or competitive strategies for market conduct in the NEM or the Bass Strait Islands.
- 6.4. Any views expressed by Entura staff are not intended to be taken, and will not be relied on, as a representation as to the position, conduct or proposed conduct of other parts of the Hydro-Electric Corporation's businesses.

## 7. Definitions

- 7.1. **competitive market conduct** means any market conduct engaged in, or which may potentially be engaged in, by a client or a related party of a client in competition with one or more other clients.
- 7.2. **General Counsel** means the most senior in-house legal counsel for a party or where that party does not have in-house legal counsel, the relevant officer of that party responsible for legal compliance.
- 7.3. **Hydro Tasmania** means the Hydro-Electric Corporation business that trades as Hydro Tasmania.
- 7.4. **market conduct** means conduct in a market as either a supplier or acquirer of goods or services in that market.
- 7.5. **Momentum Energy** means the energy retail business owned by the Hydro-Electric Corporation.
- 7.6. **other clients** means any clients of Entura, which may include Hydro Tasmania.
- 7.7. **other parts of the Hydro-Electric Corporation** means any business of the Hydro-Electric Corporation other than the Entura consulting business, including Hydro Tasmania and Momentum Energy.
- 7.8. **Services** means the services identified in clause 2.1.

For further information regarding this Protocol please contact:

General Counsel and Corporation Secretary

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