

RISSB Competition Policy

Policy Statement

RISSB's products shall actively avoid, so far as is practical in the course of assuring public safety, conferring any avoidable unfair commercial advantage or benefit. Where content within a RISSB document (including content contained within referenced standards not belonging to RISSB) risks conferring the opportunity for an owner or controller of a technology to derive an unfair commercial advantage or benefit, then RISSB's Products shall not include such content where:

1. RISSB has assessed pricing and availability of the technology as being unreasonable;
2. RISSB has assessed that suitable alternative standards permit other technologies to deliver substantively the same overall level of safety; or, and in each case,
3. the interests of public safety do not require that standard to be referenced for the time being.

Context

RISSB's products and services are intended to support innovation, fair trading, competition and continuous improvement in the rail sector through harmonized performance requirements rather than specification of technical requirements. Additionally, RISSB products should be "technology agnostic" RISSB and its members are subject to Australian competition law¹ which is aimed at preventing cartels, collusion, anti-competitive agreements, exclusionary provisions, dual listed company arrangements and price-signalling conduct. RISSB is also subject to international treaties which are aimed preventing technical barriers to trade.

Policy Focus

This policy seeks to promote open systems, standards and technologies as these present the best and fairest opportunity for harmonization within the rail industry.

Policy Commitments

- 1 In the first instance, RISSB authors and project managers shall, so far as reasonably practicable, actively avoid content within RISSB products that confers unfair commercial advantage or benefit.
- 2 RISSB will at its meetings (e.g. Standing Committees and Development Groups) be cognisant and mindful of Competition and Consumer laws, and seek to the degree practicable to ensure these forums neither breach nor could be perceived as breaching these laws.
- 3 IRISSB members participating in RISSB Standing Committees and Development Groups shall commit (through the Standing Committee Charter and the signing the Development Group Member Responsibilities document) to upholding this policy and to ensuring that all content provided for use in RISSB standards for use by the Australasian Rail Industry (specifically RISSB members and their agents) including content contained within referenced standards not belonging to RISSB) does not risk conferring the opportunity for an owner or controller of a technology to derive an unfair commercial advantage or benefit, except where:
 - a) RISSB Standing Committees shall be tasked with resolving any known intellectual property issues relating to content (or referenced content) within RISSB products.
 - b) alternative standards that permit other technologies to deliver substantively the same overall level of safety have been assessed and found unsuitable; or, and in both cases,
 - c) the interests of public safety require that content to be included for the time being.