



Australian Competition & Consumer Commission

D01/17637



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Our Ref: C2001/ 502
Your Ref: Canberra Cabs - N90860
Contact Officer: Brenton Philp
Contact Phone: (02) 6243 1220

7 June 2001

Mr Terry Chamberlain
Chamberlains Law Firm
PO Box 252
DEAKINS WEST ACT 2600

By facsimile: (02) 6285 4233

Dear Mr Chamberlain

**Re: Third line forcing notification N90860 lodged by Aerial
Cabs Co-Operative Society Ltd (Aerial)**

I refer to your conversation with Brenton Philp of this Branch and your earlier facsimile in which you indicated that you had been instructed to request withdrawal of the above notification.

Specifically, your facsimile requested that the above notification be withdrawn as of 7 June 2001. I hereby confirm the withdrawal of the above notification as of 7 June 2001 and any immunity provided therein.

I would also like to take this opportunity to confirm our understanding of the current position with the installation of security cameras in taxi cabs affiliated with the Aerial network. I note from your telephone discussion with Mr Philp that the installation of security cameras in operator vehicles is no longer compulsory. However, you stated should an operator install a camera into their vehicle they will be required to meet certain specifications (eg. relating to indestructibility). The effect of this requirement, you say, would be to limit the choice of operators to a choice from the three major cameras; the Sigtec Verifeye, Raywood and Cabcam Cabcam 2000. If the above does not represent the revised arrangements, your urgent advice would be appreciated.

We have some concerns that the advice provided to operators, as supplied to the Commission, does not reflect the above arrangements. The advice makes it clear that the installation of a camera is optional, but does not indicate there is a choice of camera. A copy of further advice provided to operators should be forwarded to the Commission as soon as possible.

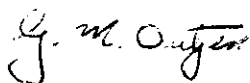



With regard to the new arrangements I can advise that the Commission recognises there are public benefits likely to accrue from a requirement for the compulsory installation of security cameras in taxi cabs *per se*. The Commission also appreciates that any cameras which are installed should meet certain specifications, particularly as to indestructibility. Please note, however, that the current position of Aerial as you have described, regarding the installation of security cameras, may still be at risk of contravening the third line forcing provisions of section 47 of the Act. While the Commission is unlikely to pursue the revised conduct that you have described, without notification third parties are still free to seek their own legal remedies in regard to the conduct. You may therefore wish to give some consideration to notifying the Commission of this conduct pursuant to section 93 of the Act.

I would reiterate again that the Commission is appreciative of the benefits of security cameras in taxi cabs and of technical specifications relating to destructibility, etc. The Commission's concerns are with limitations in the choice of camera and how they impact on the free operation of the taxi services market.

Should you have any queries in relation to the forgoing please contact Brenton Philp on (02) 6243 1220. A copy of this letter will be placed on the Commission's public register.

Yours sincerely



 Tim Grimwade
A/g General Manager
Adjudication Branch