

005 / ~~66388~~
66395



**Australian
Competition &
Consumer
Commission**

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1123
fax (02) 6243 1122
www.accc.gov.au

28 October 2005

The Hon Warren Truss MP
Minister for Transport and Regional Services
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister,

I am writing to inform you of the ACCC's decision to hold an investigation pursuant to Part X s. 10.48(2) of the *Trade Practices Act 1974* (the Act).

Part X of the Act, among other things, regulates negotiations between international cargo shipping lines and exporter groups.

Pursuant to Part X s. 10.41(b), when liner shipping associations negotiate with peak exporter bodies on "registered conference agreements" they are required to make available, upon request from the peak exporter body, information reasonably necessary for the purposes of the negotiations.

On 11 August 2005, a peak exporter body, the Australian Peak Shippers Association (APSA), lodged a complaint with the ACCC alleging that an association of international liner shipping companies, the Australia to Europe Liner Association (AELA), had refused to provide information in contravention of Part X, s. 10.41 of the Act.

On the basis of preliminary inquiries into the matter, the ACCC has decided that the complaint warrants that an investigation be held pursuant to s. 10.48 of the Act.

The investigation will consider whether grounds exist for the Minister for Transport and Regional Services to be satisfied that s. 10.45(1)(a)(ii) applies.

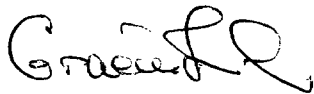
Section 10.48 of the Act requires the ACCC to inform the Minister for Transport and Regional Services of its decision to hold an investigation and to report to the Minister on the findings of its investigation.

EXECUTIVE OFFICE



If you have any questions in relation to this matter, please do not hesitate to contact Mrs Margaret Arblaster, General Manager of the Transport and Prices Oversight Branch, on (03) 9290 1862.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Graeme Samuel', with a stylized flourish at the end.

Graeme Samuel
Chairman