

1989

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

TRADE PRACTICES (INTERNATIONAL LINER CARGO SHIPPING)

AMENDMENT BILL 1989

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be Moved on Behalf of the Government.

Amendment (1)

This amendment broadens the definition of "association" in Clause 4 of the Bill. The definition of an "association" is extended to include a body corporate.

Amendment (2)

This amendment adds a definition of a "conference" in Clause 4 of the Bill. A "conference" is an unincorporated association of two or more ocean carriers carrying on two or more businesses each of which includes, or is proposed to include, the provision of liner cargo shipping services.

Amendment (3)

Section 46 of the Trade Practices Act prohibits the misuse of market power by corporations where they have a substantial degree of power in a market. This amendment makes the application of section 46 to conferences more consistent with its application to corporations. Where parties to a conference agreement collectively are found to have substantial market power consistent with the test for corporations then Section 46 can apply. If the parties to a conference agreement meet this collective test then each member of the conference is deemed to have a substantial degree of power in a market by virtue of its membership of that conference.

Amendment (4)

Regulations may prescribe fees for the purposes of the Part. These shall not exceed the maximum levels set out in the Bill.

(Circulated by authority of the Minister for Transport and Communications, the Honourable Ralph Willis, MP)

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