

Designated Secondary Shipper Bodies

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Guidelines under Section 10.03 for the Exercise of the Registrar's Power in Nominating Designated Shipping Bodies for the Purposes of Sections 10.29, 10.41 and 10.52 of Part X of the Competition and Consumer Act 2010

These guidelines relate only to designated outwards or inwards secondary shipper bodies that meet, in the opinion of the Minister, the requirements of subsection 10.03 (2)(a) or subsection 10.03(2B)(a) of the Act and have been declared by the Minister under subsection 10.03(2) or subsection 10.03(2A). The Registrar may exercise his or her power to nominate one or more of these designated secondary shipper bodies for the purposes of conducting negotiations under Sections 10.29, 10.41 and 10.52 of the Act within the following guidelines.

1. In the case of a nomination pursuant to Section 10.29 of the Act for the purposes of negotiations over minimum service levels to be included in a conference agreement:
 - only in the absence of a designated outwards or inwards peak shipper body; and
 - where a designated outwards or inwards (as appropriate) secondary shipper body meets the following criteria to the greatest extent:
 - a. greatest aggregation of exporter or importer interests, in terms of the range of cargo types, of users, or those who might reasonably be expected to need to use, outwards or inwards liner cargo shipping services respectively;
 - b. greatest aggregation of exporter or importer interests, on a national basis, of users, or those who might reasonably be expected to need to use, outwards or inwards liner cargo shipping services respectively;
 - c. highest aggregate value of export or import cargo shipped, or which might reasonably be expected to be needed to be shipped, on outwards or inwards liner cargo shipping services respectively;
 - d. highest aggregate volume of export or import cargo shipped, or which might reasonably be expected to be needed to be shipped, on outwards or inwards liner cargo shipping services respectively

2. In the case of a nomination pursuant to Sections 10.41 and 10.52 of the Act for the purposes of negotiations over arrangements for, and the terms and conditions of carriage, in a particular outwards or inwards trade covered by a conference agreement or served by a non-conference ocean carrier with a substantial degree of market power:
- Where a designated outwards or inwards secondary shipper body meets any one of the following criteria:
 - a. greatest aggregation of exporter or importer interests, in terms of types of cargo, of users or those who might reasonably be expected to need to use the particular outwards or inwards service;
 - b. greatest aggregation of exporter or importer interests, in terms of geographic locality, of users, or those who might reasonably be expected to need to use, the particular outwards or inwards service;
 - c. highest aggregate value of cargo shipped, or which might reasonably be expected to be needed to be shipped, on the particular outwards or inwards service;
 - d. highest aggregate volume of cargo shipped, or which might reasonably be expected to be needed to be shipped, on the particular outwards or inwards service.