



7th September 2009

Ms Sarah Sheppard
Australian Competition & Consumer Commission
Level 35
360 Elizabeth Street
Melbourne
Victoria 3000
Australia

Dear Ms Sheppard,

Superintendence, sampling, weighing and supervision at load ports

This Association, Gafta, is an international body representing the trade in grain, pulses and feed materials transacted world wide. We have about 1200 members in 85 countries, and among our services is the provision of standard forms of contract, used for about 80% of the world's transboundary movement of these commodities, together with supporting rules for sampling, analysis tests and weighing methods.

It has been drawn to our attention by some of our Members in Australia that they, as shippers/sellers or their agents, have been precluded from attending the port loading operations, in particular for the purpose of drawing samples to verify that the consignments are representative of the guarantees they have given with regard to quality and condition in their individual contract terms.

This has very serious implications for the export of grain from Australia.

From a commercial view it also puts the grain exporter in breach of their contract terms when in accordance with the custom the quality specifications are certified by an independent superintendent of the parties choice, against samples they have drawn and sealed representative of the goods at the time and place of loading. This certificate is a vital contractual document. It is the document used to guarantee the quality of the goods, it becomes final and binding on the buyers and against which payment is made.

Geneva

GAFTA
3 Rue Mont-Blanc
Post Office Box 1550
1211 Geneva 1
Switzerland
Telephone: + 41 22 715 24 30
Facsimile: +41 22 731 72 79
E-mail: Geneva@gafta.com

Beijing

GAFTA
1-1-1607
Leading International Center
No.1 Guang Qu Men Nan Xiao Jie.
ChongWen District
100061. Beijing, China
Telephone: +86 10 6712 1741
Facsimile: +86 10 6712 1742
E-mail: gafta@263.net

London

GAFTA House
6 Chapel Place
Rivington Street
London EC2A 3SH
United Kingdom
Telephone: +44 20 7814 9666
Facsimile: +44 20 7814 8383
E-mail: Post@gafta.com
Website: www.gafta.com

Kiev

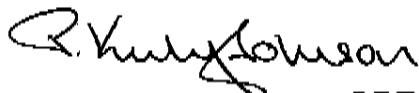
GAFTA
8, Saperno- Slobodskaya Street
Office # 1
Kiev 03039
Ukraine
Telephone: +380 44 524 0329
Facsimile: +380 44 524 0231
E-mail: golodova@gaftakiev.com

The Grain and Feed Trade Association

If the parties or their agents cannot attend these load port operations for sampling purposes, importers will not be able to rely on the certificates provided and their alternative will be to insist that all Australian Grain consignments are sampled at the ports of discharge, for two superintendents to be appointed for each of the parties and the quality guarantees to apply at discharge. This is not the custom of the trade and will add to the cost and time.

I should be pleased therefore if you would give this your consideration and let me know what steps can be taken to prevent the current bad practice of precluding parties from complying with the commercial norms for transboundary movement of goods worldwide.

Yours sincerely,

A handwritten signature in black ink, appearing to read "P. Kirby Johnson". The signature is fluid and cursive, with the first name "Pamela" and last name "Johnson" clearly distinguishable.

Pamela Kirby Johnson OBE
Director General