

Our Ref: 46261  
Contact Officer: (02) 6243 1266  
Contact Phone: David Hatfield



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 520  
Melbourne Vic 3001

Level 35, The Tower  
360 Elizabeth Street  
Melbourne Vic 3000

tel: (03) 9290 1800  
fax: (03) 9663 3699

[www.accc.gov.au](http://www.accc.gov.au)

26 August 2011

Victorian Container Management Pty Ltd  
Ms Cheryl Valneris  
Director  
Mailbox 7, 433 Somerville Road,  
Tottenham VIC 3012

By email: [cheryl@viccm.com.au](mailto:cheryl@viccm.com.au)

Dear Ms Valneris

### **Empty Container Parks Exclusive Dealing Notification N95450**

I refer to the above Exclusive Dealing Notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 June 2011.

Victorian Container Management Pty Ltd proposes to individually enter into an arrangement with Containerchain Pty Ltd under which container transport operators who wish to drop a container off or pick up a container from the Applicant's park will be required to use an online booking system provided by Containerchain Pty Ltd. The container transport operator will pay a booking fee to Containerchain Pty Ltd for this service.

As you are aware, the ACCC has written to interested parties seeking submissions in relation to the application. Copies of all submissions received by the ACCC are available on the public register at [www.accc.gov.au/exclusivedealingregister](http://www.accc.gov.au/exclusivedealingregister).

Having regard to the claims by the empty container parks, and the issues raised by interested parties; the ACCC is satisfied that the likely benefit to the public from the notified conduct will outweigh the likely detriment to the public.

Please find attached the ACCC's public decision document released on 26 August 2011, outlining the ACCC's analysis in reaching its decision.

Accordingly, the ACCC does not intend to take any further action in this matter at this time.

Please note that this notification provides immunity for the specified third line forcing conduct only and does not provide immunity for any agreements between empty

container parks that may raise concerns under section 45 of the *Competition and Consumer Act 2010*.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct. This letter has been placed on the ACCC's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact David Hatfield on (02) 6243 1266 or by email at [david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)

Yours sincerely



Richard Chadwick  
General Manager  
Adjudication Branch