



23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111
exemptions@accc.gov.au

www.accc.gov.au

Our ref: AA1000653
Contact officer: Anthony Hilton
Contact phone: (08) 9325 0620

7 May 2024

By email

Louise Klamka
Partner
Gilbert + Tobin

By email: [REDACTED]

Dear Louise

**Virgin Australia Pty Ltd & Ors – application for authorisation AA1000653 –
Request for extension to be granted under section 90(10A)**

I refer to the Australian Competition and Consumer Commission's (the **ACCC**) draft determination released on 1 May 2024 in relation to the above listed application for authorisation lodged by Virgin Australia Airlines Pty Ltd on behalf of itself and its related bodies corporate, Virgin Australia International Airlines Pty Ltd and its related bodies corporate (collectively, **Virgin Australia**) and Air New Zealand Limited (**Air New Zealand**) (together, the **Applicants**).

The *Competition and Consumer Act 2010* (the **Act**) provides that if the ACCC does not determine an application for authorisation (other than a merger authorisation) within the relevant period, then it is taken to have granted the application at the end of that period. The relevant period is 6 months beginning on the day the ACCC received the application. Accordingly, the ACCC would have until 17 May 2024 to determine the application lodged by the Applicants.

Section 90(10A) of the Act provides that, if before the end of that 6-month period:

- the ACCC has prepared a draft determination under subsection 90A(1) in relation to the application, and
- the ACCC determines in writing that the period is extended by a specified period of not more than 6 months, and
- the applicant agrees to the period being so extended

the relevant period is that period as so extended.

The purpose of this letter is to advise you that in accordance with subsection 90(10A)(b) of the Act, the ACCC has determined that the relevant period for consideration of the application has been extended until 30 June 2024. The ACCC seeks agreement from the Applicants to the relevant period being so extended.

The ACCC considers that an extension is appropriate to provide sufficient time for the ACCC to consult with interested parties, receive submissions from interested parties, allow the Applicants to respond to interested party submissions and for the ACCC to prepare a final determination. The extension is necessary as the Draft Determination could not be issued until the ACCC and the Applicants had clarified the extent of the proposed conduct sought to be authorised.

We ask that you please confirm in writing, in response to this letter, that the Applicants agree to the relevant period in relation to application for authorisation AA1000653 being extended to 30 June 2024. I would appreciate receiving the response by no later than **8 May 2024**.

A copy of this letter will be placed on the ACCC's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact me on (03) 9290 1973 or at lyn.camilleri@acc.gov.au or Anthony Hilton on (08) 9325 0620 or at anthony.hilton@acc.gov.au.

Yours sincerely



Lyn Camilleri
General Manager
Competition Exemptions