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3 November 2022

Dear Interested Party

Virgin Australia & Alliance Airlines application for authorisation AA1000615 – extension of time for submissions and final decision

The purpose of this letter is to advise that the ACCC has updated the timeline to make a final determination on the application for authorisation AA1000615 lodged by Virgin Australia and Alliance Airlines, and extended the period to make a submission following the release of its draft determination on 21 October 2022.

The ACCC has determined, and the Applicants have agreed, to extend the period for the ACCC to make a final determination in this matter until 24 May 2023.

While the period has been so extended, the ACCC is progressing its assessment and aiming to make a final determination in this matter in **March 2023**.

This extension has also enabled the ACCC to allow until **25 November 2022** for interested parties to make submissions following the ACCC's draft determination.

An updated indicative timetable is set out below:

Indicative date	Stage in assessment process
27 May 2022	Lodgement of application and supporting submission.
8 June 2022	ACCC decision regarding interim authorisation and public consultation process begins.
29 June 2022	Closing date for submissions from interested parties on the substantive application and interim authorisation decision.
21 October 2022	Draft determination.
October/November 2022	Public consultation on draft determination.
25 November 2022	Closing date for submissions from interested parties on the draft determination. (Previously 4 November 2022)
9 December 2022	Closing date for Applicants to respond to submissions from interested parties.
March 2023	Final determination.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **25 November 2022**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000615 – Virgin Australia & Alliance Airlines – submission'. If you prefer to make an oral submission, please contact Andrew Ng via the details at the end of this letter.

The ACCC will consider any submissions it receives and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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 Andrew Ng on (03) 9290 1414 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions

Attachment A

General:

Broadly, the ACCC is seeking submissions from interested parties on the following issues:

- The current state of competition in the supply of FIFO services nationally, including whether and the extent to which:
 - the Charter Alliance has promoted and is likely to promote competition by imposing an additional competitive constraint on Qantas by providing an integrated service offering, particularly on the East Coast and in Central Australia,
 - other FIFO operators such as Qantas and the smaller FIFO operators are able to impose an effective competitive constraint on the Charter Alliance for opportunities in Western Australia.
- The likelihood of any efficiencies or cost savings realised from the Proposed Conduct being passed through to acquirers of flight services.
- The likelihood of new entry or expansion of smaller FIFO operators on the scale necessary to compete with FIFO operators such as the Charter Alliance and Qantas.
- The extent to which the loss of competition between the Applicants is likely to materially enhance the ability and incentive of the Applicants to unilaterally raise prices or reduce services.
- Any other issues you consider relevant to the ACCC's assessment of this matter.

FIFO customers:

The ACCC is also seeking submissions from FIFO customers on the following issues:

- The main factors that customers consider when awarding a tender contract.
- The significance of each of the following public benefit claims made by the Applicants in deciding whether to award a contract for the provision of FIFO services:
 - the availability for an integrated offering of charter and/or RPT services with a single provider (or alliance)
 - improved connections between Terminal 1 and Terminal 2 at Perth Airport, reducing connection time for FIFO passengers
 - access to a Frequent Flyer program and airport lounges
 - access to a complementary fleet of aircraft, with diverse seating capacity, and a national footprint.