



Our ref: 63110  
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9 January 2018

Anna Pritchard  
Head of Legal  
Qantas Airways Ltd

**Sent by email:** [annapritchard@qantas.com.au](mailto:annapritchard@qantas.com.au)

Dear Ms Pritchard

**Authorisation AA1000400 submitted by Qantas Airways Ltd and Emirates  
– request for material to be excluded from the public register**

I refer to Qantas' response to the information request from the Australian Competition and Consumer Commission (the **ACCC**) provided on 1 December 2017.

I have considered your request that parts of Qantas' submission in response to the ACCC's information request and all documents accompanying Qantas' submission be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Competition and Consumer Act 2010* (the **Act**) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the relevant sections of the submission from Qantas and all accompanying documents will be excluded from the public register. This information will be treated as confidential by the ACCC, subject to our terms for accepting confidential information on the basis that:

- There is no restriction on the internal use, including future use, the ACCC may make of the information consistent with its statutory functions.
- Information provided to the ACCC on a confidential basis may be viewed by the ACCC's external consultants (for example, legal, economic and industry advisers) on the condition that each consultant will be informed of the obligation to treat the information as confidential.
- The ACCC will not disclose confidential information to any third parties (other than its external consultants) without first obtaining written consent from the party who provided the confidential information, unless it is otherwise compelled to do so by law or in accordance with section 155AAA of the Act.<sup>1</sup>

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<sup>1</sup> Under s 155AAA of the Act, the ACCC is permitted to disclose confidential information relating to certain ACCC functions under the Act to certain ministers, government departments, royal commissions and other government agencies (including international competition and consumer agencies).

This letter has been placed on the ACCC's public register. I note that you also provided a public version of Qantas' submission in response to the ACCC's information request, which will be placed on the public register in the form it was provided to the ACCC. A public version of the ACCC's information request to Qantas dated 16 November 2017 will also be placed on the public register, in the form approved by you on 12 December 2017.

Should you have any queries in relation to this matter, please do not hesitate to contact Fei Wu on (03) 9290 1987.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Jones', is positioned above the typed name.

David Jones  
General Manager  
Adjudication