


From: [Andrew Ng](#)
To: 
Cc: [Tess Macrae](#); [Surina Sood](#)
Bcc: [AA1000682 Board of Airline Representatives of Australia Inc Applicant](#)
Subject: AA1000682 - BARA - ACCC information request [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID4022008]
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Attachments: [image001.gif](#)
[image002.jpg](#)

OFFICIAL

Dear Stephen,

We have some follow up questions about BARA's application for authorisation set out below, which we are seeking your response to by **10 January 2025**.

1. Based on the information provided by BARA to date, we have set out an updated description of the Conduct for which we understand BARA to be seeking authorisation. Can you please confirm that the following is an accurate description of the Conduct (noting in particular the text in **bold**). If this is not accurate or there are other aspects of the arrangements in respect of which authorisation is sought that are not captured, please provide those details.

*BARA is seeking authorisation on behalf of itself and its current and future members, to collectively negotiate, **make** and give effect to arrangements for the acquisition of Essential Aviation Services (**defined below**) from:*

- (a) the operators of all Designated International Airports as defined **below** and updated by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts, or its successor Government Department*
- (b) Airservices Australia*
- (c) Bureau of Meteorology*
- (d) Unisys Australia or other providers of IT services required to meet mandatory regulatory or security operational requirements*
- (e) any other supplier that is the sole provider of those services at the relevant Designated International Airport, and*
- (f) suppliers or potential suppliers of Australian Government-mandated security services that exhibit natural monopoly characteristics, where:*
 - a. the supplier or potential supplier requests or consents in writing to negotiate collectively with BARA members through BARA; and*
 - b. prior to commencing negotiations, BARA provides the ACCC with:*
 - i. a description of the Australian Government mandated security requirement service to be negotiated; and*
 - ii. a copy of the supplier's written request or consent to negotiate collectively with BARA pursuant to the terms of this authorisation, including making and giving effect to arrangements or understandings in relation to the terms and conditions (including price) for the acquisition of those services.*

BARA submits that:

(a) no party shall be compelled to engage in collective negotiations, and

(b) BARA shall not bind any members to any terms or conditions negotiated by BARA – each member must make its own decision whether to accept the terms and conditions offered by a supplier as a result of BARA's negotiations.

(altogether, the Conduct).

“Designated International Airports” in this application means the international airports as currently listed by the Department of Infrastructure, Transport, Regional Development, Communication and the Arts, and future updates by the Departments on this list – <https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/international-aviation/multilateralforums/icao/international-airports>.

“Essential Aviation Services” in this application means:

- **Aeronautical services has the meaning set out in Part 7.02A of the Airports Regulations 1997.**
- **Essential office and operational accommodation - Accommodation at airports for operational and clerical/customer service staff.**
- **Airline communications systems - Access to on-airport radio communication systems in order to facilitate the operational activities of customer service staff involved with ensuring the on-time movement of passengers and aircraft.**
- **Common user terminal equipment (CUTE) - Information and telecommunications services that link common user check-in desks to individual airline booking systems and airport baggage handling control systems.**
- **Air traffic control services - These services include: Terminal navigation services; En-route navigation services.**
- **Aviation rescue and firefighting services.**
- **Aviation weather services.**

2. Please provide examples (over the past 20 years) where the Conduct has facilitated new market entry in the supply of (a) Essential Aviation Services/Australian Government-mandated security services and (b) international air services. We note the Application uses the supply of AAA BRS services (and the upcoming 2026 expiry) as an example, however we would like to understand if there have been any other examples of market entry in the aforementioned markets since the authorisation was granted in 2005.

I note your response will be placed on the public register, subject to any request for exclusion you may make.

I also note that my colleague, Surina Sood (cc'd), will be the primary contact for this matter moving forward. The team working on this matter will be on leave from 24 December, returning in mid-January. Should you have any questions in relation to this matter in the meantime, please contact exemptions@accc.gov.au.

Kind regards,
Andrew

Andrew Ng *(he/him)*

Senior Analyst | Competition Exemptions | Mergers Exemptions and Digital Division

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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.
