



Our ref: AA1000615
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2 November 2022

Caroline Coops
Partner
King & Wood Mallesons

Louise Klamka
Partner
Gilbert and Tobin

By email

Dear Ms Coops and Ms Klamka

Virgin Australia & Alliance Airlines application for authorisation AA1000615 – request for extension to be granted under section 90(10A)

I refer to the Australian Competition and Consumer Commission's (the ACCC) draft determination in relation to the above listed application for authorisation lodged by Virgin Australia Regional Airlines Pty Ltd (**VARA**), Virgin Australia Airlines Pty Ltd (**Virgin Australia**), Alliance Airlines Pty Ltd and Alliance Aviation Services Ltd (together, **Alliance Airlines**) (the **Applicants**), released on 21 October 2022.

As you are aware 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 28 November 2022 to determine the application lodged by the Applicants.

Section 90(10A) of the Act provides that, if before the end of that six-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 six 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 Applicants' application has been extended until 24 May 2023, and to seek agreement from each of the Applicants to the relevant period being so extended.

The ACCC considers that an extension is appropriate to provide additional time for the ACCC to conduct consultations with market participants, to provide the Applicants with sufficient time to respond to the draft determination and any information the ACCC receives from interested parties, and to provide the ACCC with sufficient time to consider submissions and prepare a final determination.

We ask that each Applicant confirm in writing, in response to this letter, that it agrees to the relevant period in relation to application for authorisation AA1000615 being extended to 24 May 2023.

To enable this issue to be dealt with expeditiously, I would appreciate receiving your response to this request ASAP, ideally by COB today (2 November 2022).

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 lyn.camilleri@acc.gov.au or David Hatfield on (02) 6243 1266 or at david.hatfield@acc.gov.au.

Yours sincerely



Lyn Camilleri
General Manager
Competition Exemptions