



Our ref: AA1000460
Contact officer: Danielle Staltari
Contact phone: 02 6243 1185

8 May 2020

Ayman Guirguis
Partner
K&L Gates

By email

**Car rental operators at Cairns Airport application for authorisation AA1000460
– request for extension to be granted under section 90(10A)**

Dear Ayman

I refer to the Australian Competition and Consumer Commission's (the **ACCC**) draft determination in relation to the above listed application for authorisation, released on 26 March 2020.

As you are aware the *Competition and Consumer Act 2010* (the Act) provides that if the ACCC does not determine an application for 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.

Section 90(10A) of the Act provides that the relevant period may be extended where:

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

The ACCC notes your request for the ACCC to extend the relevant period by an additional six months, on the basis that, due to the significant impact of COVID-19 on their respective businesses, the Applicants are not in a position engage with the authorisation process, including responding to a submission provide by Cairns Airport in response to the Draft Determination dated 15 April 2020, and the ACCC's information request dated 23 April 2020.

In accordance with subsection 90(10A)(b) of the Act, the ACCC has determined that the relevant period for consideration of the abovementioned applications for authorisation has been extended for a period of six months for this application for authorisation, subject to your agreement that the relevant period be so extended.

We seek confirmation of your agreement that the relevant period be extended. We would appreciate receiving your confirmation in writing as soon as possible and by no later than cob Monday 11 May 2020. Your response may be emailed to adjudication@acc.gov.au.

Given the exceptional circumstances relating to the current COVID-19 pandemic crisis, the ACCC will provide an updated timeframe for this application for authorisation by the end of June 2020. The ACCC will seek an update from the Applicants and Cairns Airport in mid-June before providing an updated timeframe.

The updated timeframe will include when the ACCC will reconvene the pre-decision conference adjourned on 30 April 2020 following a request from the Applicant's and expected timing for the final determination.

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

Regards,

A handwritten signature in blue ink, appearing to read 'D. Staltari'.

Danielle Staltari
Director
Adjudication