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**From:** Guirguis, Ayman [REDACTED]  
**Sent:** Wednesday, 29 April 2020 10:47 AM  
**To:** Staltari, Danielle; Jones, Gavin; HANRAHAN, Kaitlin  
**Cc:** Gong, Mei  
**Subject:** Request to delay PDC and extend timeframe for Car Rental Operators / Cairns Airport authorisation matter AA1000460-1

**Importance:** High

Dear Danielle, Kaitlin and Gavin

We refer to our recent telephone conversation with you.

### **1. Request for extension of the Application for Authorisation statutory timeframe**

Under section 90 (10) and (10A) of the *Competition and Consumer Act 2010 (CCA)*, the ACCC may determine that the relevant period for the consideration of an authorisation be extended for a period of up to 6 months.

Our clients request that the ACCC exercises its power under s90(10A)(b) to determine in writing to extend the relevant period of the abovementioned Application for Authorisation by an additional 6 months.

As a part of this request for extension of the statutory timeframe, our clients also request the ACCC adjourn the Pre-Decision Conference (**PDC**) currently scheduled for 30 April 2020 to a date to be determined, and for the reasons set out below, not before early August 2020.

The Applicants' requests above are due to the following reasons:

- COVID-19 has had a very significant adverse impact on all of the Applicants' businesses, with their revenue streams (including for their on-airport operations at Cairns Airport and other airports) collapsing. All Applicants are now focusing on their business continuity and seeking to manage their operations during this difficult period, both at Cairns Airport and elsewhere.
- In light of the above circumstances, the Applicants are not in a position to adequately consider CAPL's submission in response to the Draft Determination which the Applicants received on 23 April 2020, the ACCC's information request to the Applicants of the same date, and given the relationship of the PDC to the additional submission by CAPL, are also not in a position to properly prepare for the PDC at this time.

The Applicants have devoted significant resources and time to the application for Authorisation. They are of the view that the extension referred to above and the related adjournment of the PDC is the most appropriate solution to balance the respective interests of the Applicants and CAPL, by placing the Applicants in a fair position to respond and engage with the application for Authorisation process while not causing undue prejudice to CAPL (who retains commercial latitude to decide how it would engage with the Applicants).

The Applicants will focus in the meantime on business continuity including interacting, individually, with their respective stakeholders.

The Applicants also propose to voluntarily and on a temporary basis refrain from engaging in the Proposed Conduct in the interim period and will update the ACCC in the event that they propose to recommence engaging in the conduct (notwithstanding the fact that the Applicants otherwise can do so pursuant to the ACCC's Interim Authorisation and Draft Determination).

We would be grateful if the ACCC can come to a view in respect of the above before 30 April 2020.

We would be happy to assist the ACCC with any further queries or concerns it may have regarding the above.

Kind Regards

Ayman

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