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C2002/1775.

**Australian Competition & Consumer Commission**

Our Ref: C2002/1774  
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7 January 2003

Dr Col Gellatly  
Director General  
NSW Premier's Department  
GPO Box 5341  
Sydney NSW 2001

Dear Dr Gellatly

***Trade Practices Act 1974***  
**Applications for authorisation lodged by**  
**Qantas Airways Limited, Air New Zealand and Air Pacific**

On 19 December 2002 I wrote to you inviting submissions in relation to applications for authorisation (A30220, A30221 and A30222) made to the Australian Competition and Consumer Commission (the Commission) by Qantas Airways Limited (Qantas) and Air New Zealand Limited (Air NZ).

Those applications sought authorisation for:

1. the acquisition by Qantas of ordinary shares comprising up to a 22.5 per cent voting equity interest in Air NZ (the Equity Proposal); and
2. collaborative arrangements between the parties (the Strategic Alliance Proposal).

The Commission has subsequently received on 20 December 2002 applications for authorisation (A90862 and A90863 as attached) in respect of a Cooperation Agreement between Qantas, Air NZ and Air Pacific which is ancillary to the above Strategic Alliance Proposal. The applications have been made pursuant to subsection 88(1) of the *Trade Practices Act 1974* (the Act) for conduct which may constitute an exclusionary provision within the meaning of the Act and conduct which may substantially lessen competition.

The Cooperation Agreement (copy attached) provides for Qantas, Air NZ and Air Pacific to cooperate in respect of aspects of their services, businesses or operations (including pricing and scheduling) they consider appropriate. The agreement also provides for Qantas, Air NZ and Air Pacific to invite other parties to become parties to the Cooperation Agreement.

In my letter of 19 December 2002 I provided details of the authorisation provisions of the Act, the criteria for assessing applications for authorisation, the processes followed by the



Commission in processing applications and the opportunity provided for interested parties to contribute to the assessment of application by making submissions.

As a potentially interested party you are invited to make a written submission to the Commission regarding the likely public benefits and effects on competition of the Cooperation Agreement between Qantas, Air NZ and Air Pacific for which authorisation has been sought.

Applications A90862 and A90863 were not accompanied by submissions specifically addressing public benefits or anti-competitive detriment arising from the Cooperation Agreement. The applicants have indicated that their claimed grounds for granting authorisation are contained in the submission lodged by Qantas and Air NZ on 9 December 2002 in support of Applications A30220, A30221 and A30222. This submission can be viewed by following the "Adjudication" and "Authorisations" links on the Commission's website at <http://www.accc.gov.au>.

The Commission asks for submissions from interested parties to be in writing so that they can be made publicly available. Submissions are placed on a public register and may also be placed on the Commission's website. The Commission may, where appropriate, supplement written submissions with discussions with relevant parties on a mutually convenient basis.

Should you lodge a submission with the Commission you may request that information included in the submission be treated as confidential and not placed on the public register or the Commission's website. In such circumstances you must justify why the Commission should treat such information as confidential, otherwise it would be expected to be made public. The Commission may take confidential information into account during its assessment of an authorisation application. Guidelines for seeking confidentiality are attached for your information.

If you wish to lodge a submission, please address it to:

The General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Submissions can also be lodged by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au), or by facsimile on 02 6243 1211.

If you intend to provide a submission in relation to the Cooperation Agreement between Qantas, Air NZ and Air Pacific please do so by cob Wednesday 5 February 2003.

Should you have any queries or if you wish to discuss any aspect of this matter further please contact Greg Outzen on 02 6243 1227 or Amanda Dadd on 02 6243 1391.

Yours sincerely



Tim Grimwade  
General Manager  
Adjudication Branch

Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
Mr	Paul	Golland	Mr Golland		Activair	PO Box 82		MAS COT		1460	
Mr	Greg	Combet	Mr Combet	Secretary	Australian Council of Trade Unions	Level 2	393 Swanston Street	MEL BOU RNE	VIC	3000	
Mr	Phil	Baker	Mr Baker	Managing Director	Adelaide Airport	1 James Schofield Drive		ADE LAI DE AIRP ORT	SA	5950	
			Sir or Madam	Manager	Aerolineas Argentinas (Australian Office)	Level 4, 189 Kent Street		SYD NEY	NSW	2000	
Mr	Kevin	Stephens	Mr Stephens		AFS Projects and Logistics	Unit 7, Terminal Drive	Eagle Farm	BRIS BAN E	QLD	4009	
Ms	Marie	Varnier	Ms Varnier	Regional Director, Australia and New Zealand	Aircalin	Level 12, HCF Building	403 George Street	SYD NEY	NSW	2000	
Mr	Niel	Belyea	Mr Belyea	Director, Aviation	Western Australia Departmen t of Transport	PO Box 7272	Cloisters Square	PER TH	WA	6850	

Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
Mrs	Jeannie	Foster	Mrs Foster	General manager - Australia	Air Canada	Level 1, 117 York Street		SYDNEY	NSW	2000	
			Sir or Madam	Manager (Australia)	Air China	Level 11, 115 Pitt Street		SYDNEY	NSW	2000	
Mr	Peter	Langdon	Mr Langdon	Executive Officer	Air Freight Council of Queensland Ltd	Box 21 Brisbane International Airport Terminal	Airport Drive	EAGLEFARM	QLD	4007	
Mr	Warren G.	Evans	Mr Evans	Executive Officer	Air Freight Export Council (WA) Inc	Aviation Policy Branch Department of Infrastructure and Planning	7 <sup>th</sup> Floor, 441 Murray Street	PERTH	WA	6000	
Mr	Malcolm	Bush	Mr Bush	Executive Officer	Air Freight Export Council of NSW Inc	GPO Box 4280		SYDNEY	NSW	2001	
			Sir or Madam	Manager	Air Nauru	Level 49, Nauru House	80 Collins Street	MELBOURNE	VIC	3000	
			Sir or Madam	Manager (Australia)	Air Niugini	PO Box 7186 Boroko	PORT MORESBY,				PAPUA NEW GUINEA

Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
Mr	Peter	Ferris	Mr Ferris	Executive Officer	Air Transport Council	227 Elizabeth Street	NATIONAL CAPITAL DISTRICT	SYDNEY	NSW	2000	
Mr	Stephen	Eyre	Mr Eyre	Manager (Australia)	Air Vanuatu	GPO Box 603		BRISBANE	QLD	4001	
Mr	William	Gottlieb	Mr Gottlieb	Chairman	Airfreight Institute	Baumackerstrasse 24	PO Box CH-8050	Zurich			SWITZERLAND
Mr	Mark	Gonsalves	Mr Gonsalves	Director	Airmark Ocean and Air Logistics	PO Box 2155		ROCKDALE DC	NSW	2216	
Mr	Ernst	Krolke	Mr Krolke	Chief Executive Officer	Airport Coordination Australia	PO Box 3047		MASCOT	NSW	2020	
Mr	Peter	O'Connor	Mr O'Connor		All Ports International Logistics Pty Ltd	PO Box 28		TULLAMARINE	VIC	3043	
			Sir or Madam	Managing Director	Ambassador Cargo Management Pty Ltd	25/566 Gardeners Road		ALEXANDRIA	NSW	2015	
Mr	Colm	Lorigan	Mr	Group	American	175		SYDNEY	NSW	2000	

Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
			Lorigan	Counsel	Express International Inc.	Liverpool Street		NEY			
Mr	Stuart	Jarvis	Mr Jarvis		Asian Express Airlines Ltd	PO Box 101		MAS COT	NSW	2020	
Mr	Young Pil Kim		Sir	Manager	Asiana Cargo	Unit B2/B2 200 Coward Street		MAS COT	NSW	2020	
Ms	Kristen	Thompson	Ms Thompson	Branch Secretary	ASU Airlines Branch	Level 2, 619 Elizabeth Street		RED FER N	NSW	2016	
Mr	Keith	Smith	Mr Smith	Managing Director	Austin Customs Agents Pty Ltd	PO Box 247		BOT ANY	NSW	1455	
Mr	Ross	Adler	Mr Adler	Chairman	Austrade	The R G Casey Building	John McEwan Crescent	BAR TON	ACT	2600	
Mr	Keith	Hardy	Mr Hardy	Chairman	Australasia Business Travel Association	PO Box 5009		NO WRA	NSW	2541	
			Sir or	Managing	Australian	Link Road		MAS	NSW	2020	

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			Madam	Director	Air Express			COT			
Mr	Ross	Pollock	Mr Pollock	Managing Director	Australian Airline Marketing Pty Ltd	GPO Box 1112		SYDNEY	NSW	2001	
Mr	Kevin	Smith	Mr Smith	Sales and Marketing	Asiana Airlines	Level 5, 17 Bridge Street		SYDNEY	NSW	2000	
Mr	Rod	Cork	Mr Cork	Chairman of Regulatory Affairs Committee	Australian and International Pilots Association	Locked Bag 747 PO		BOTANY	NSW	2019	
Mr	Phillip	Holt	Mr Holt	Managing Director	Australian Business Limited	ABL Locked Bag 938		NORTH SYDNEY	NSW	2059	
Mr	Peter	Hendy	Mr Hendy	Chief Executive	Australian Chamber of Commerce and Industry	PO Box E14		KINGSTON	ACT	2604	
Ms	Louise	Sylvan	Ms Sylvan	Chief Executive Officer	Australian Consumers Association	57 Carrington Road		MARRICKVILLE	NSW	2204	



Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
Mr	James	Galloway	Mr Galloway	Director Technical Policy, Regulatory	Australian Electrical and Electronic Manufacturers' Association Limited	GPO Box 1966		CANBERRA	ACT	2601	
Mr	Stephen	Swift	Mr Swift	Secretary	Australian Exporters and Importers Association	<a href="mailto:swift@eits.com.au">swift@eits.com.au</a>					
Mr	Terry	O'Connell	Mr O'Connell	Executive Director	Australian Federation of Air Pilots	6 <sup>th</sup> Floor	132 Albert Road	SOUTH MELBOURNE	VIC	3205	
Mr	Brian	Lovell	Mr Lovell	Chief Executive Officer	Australian Federation of International Forwarders Ltd	Suite 403, Level 4 The Office Tower	152 Bunnerang Road	EAST GARDENS	NSW	2036	
Mr	Mike	Hatton	Mr Hatton	Chief Executive	Australian Federation of Travel Agents	3 <sup>rd</sup> Floor, 309 Pitt Street		SYDNEY	NSW	2000	

Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
Mr	Dick	Wells	Mr Wells	Chief Executive	Australian Food and Grocery Council	Locked Bag 1		KIN GST ON	ACT	2604	
Mr	Bob	Herbert	Mr Herbert	Chief Executive	Australian Industry Group	PO Box 289		NOR TH SYD NEY	NSW	2059	
Mr	Rob	Durie	Mr Durie	Executive Director	Australian Information Industry Association	PO Box 246		DEA KIN WEST	ACT	2600	
Mr	Ken	Bundy	Mr Bundy	Managing Director	Australian Tourism Commission	GPO Box 2721		SYD NEY	NSW	1006	
Mr	Peter	Shelley	Mr Shelley	Managing Director	Australian Tourism Export Council	Level 2	80 William Street	WO OLL OO MO OLO O	NSW	2011	
Mr	Koen	Roosjijmans	Mr Roosjijmans	Managing Director and Chief Executive Officer	Brisbane Airport Corporation Ltd	PO Box 61		HA MIL TON CEN TRA L	QLD	4007	
			Sir or	General	British	Level 19	259	SYD	NSW	2000	

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			Madam	Manager Investments and Joint Ventures, Australia	Airways	AAP Centre	George Street	NEY			
Mr	Fred	Parakh	Mr Parakh	Chief Executive Officer	Bti Logistics	PO Box 798		TUL LAM ARI NE	VIC	3043	
Mr	Tony	Slatyer	Mr Slatyer	Executive Director	Bureau of Transport Economics	GPO Box 501		CAN BER RA	ACT	2601	
Dr	John	Schubert	Dr Schubert	President	Business Council of Australia	GPO Box 1472N		MEL BOU RNE	VIC	3001	
Mr	Stephen	Byron	Mr Byron	Managing Director	Canberra International Airport	2 Brindabell a Circuit	Brindabell a Business Park	CAN BER RA AIRP ORT	ACT	2609	
Mr	Peter	Harbison	Mr Harbison	Managing Director	Centre for Asia Pacific Aviation	PO Box N777		SYD NEY	NSW	2000	
			Sir or Madam	Manager (Australia )	Cargolux Airlines International SA	Units 615-616, Concordia Plaza, North	1 Science Museum Road	TSI MSH ATS UI EAS	KOW LOO N		HONG KONG

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Mr	Richard	Cater	Mr Cater	Regional Manager, SW Pacific	Cathay Pacific Airways	Tower Level 8	8 Spring Street	SYD NEY	NSW	2000	
Mr	Jon	Stanhope	Mr Stanhope	Chief Minister	Chief Ministers Department	Canberra Nara Centre	1 Constitution Avenue	CAN BER RA	ACT	2600	
			Sir or Madam	Managing Director	China Airlines Cargo	PO Box 585		MAS COT	NSW	2020	
Mr	Wu	Yan	Sir	Manager (Australia)	China Eastern Airlines	Level 19, 39-41 York Street		SYD NEY	NSW	2000	
Mr	Marc	Van de Perre	Mr Van de Perre	Policy Adviser	CLECAT European Organisation for Forwarding and Logistics	Rue Montoyer 31	8-100 Bruxelles				BELGIUM
Mr	Eddy	Baldacchino	Mr Baldacchino	Chairman	Concorde International Travel	403 George Street		SYD NEY	NSW	2000	
Mr	Dennis	Alysandros	Mr Alysandros	Deputy Group General	Consolidated Travel (VIC) Pty	209 Swanston Street		MEL BOU RNE	VIC	3000	

Title	FirstName	LastName	Salut	JobTitle	Company	Address1	Address2	City	State	PostalCode	Country
				Manager	Ltd						
			Sir or Madam	The Director	Consumer Affairs and Fair Trading	GPO Box 1244J		HOBART	TAS	7001	
Ms	Cindy	Bakewell	Ms Bakewell	Manager, Airport Services	Continental Micronesia	PO Box 40 AAC Building	Cairns International Airport	CAIRNS	QLD	4870	
Mr	Tony	Boll	Mr Boll	Chief Executive - South Pacific	Danzas	Locked Mail Bag 10		TULLAHINN	VIC	3043	
Mr	Mark	Paterson	Mr Paterson	Secretary	Department of Industry, Tourism and Resources	GPO Box 9839		CANBERRA	ACT	2601	
Mr	Sean	Walsh	Mr Walsh	Chief of Staff	Department of Premier and Cabinet	197 St Georges Terrace		PERTH	WA	6805	
Mr	Warren	McCann	Mr McCann	Chief Executive	Department of Premier and Cabinet	GPO Box 2343		ADELAIDE	SA	5001	
Mr	Terry	Moran	Mr	Secretary	Department	1 Treasury		MELBOURNE	VIC	3002	

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			Moran		t of the Premier and Cabinet	Place		BOURNE			
Ms	Linda	Hornsey	Ms Hornsey		Department of the Premier and Cabinet	GPO Box 123B		HOBART	TAS	7001	
Ms	Maree	McLavnn	Ms McLavnn	Economic Policy	Department of the Premier and Cabinet	PO Box 185		BRISBANE ALBERT STREET	QLD	4002	
Dr	Ken	Henry	Dr Henry	Secretary	Department of the Treasury	Treasury Building	Parkes Place	PARAKEES	ACT	260	
Mr	Ken	Matthews	Mr Matthews	Secretary	Department of Transport and Regional Services	GPO Box 594		CANBERRA	ACT	2601	
Mr	Paul	Crowley	Mr Crowley		EGL Eagle Global Logistics	Unit 10B, Discovery Cove	1081 Botany Road	BANKSWELL	NSW	2019	
Mr	Mark	Thompson	Mr	General	EGR	PO Box		SALISBURY	QLD	4107	

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			Thompson	Manager Purchasing		171		SBU RY			
			Sir or Madam	Manager (Australia)	EgyptAir	Suite 1053, Level 3	Terminal C	MAS COT	NSW	2020	
Mr	Edward	Lim	Mr Lim	Area Manager	Emirates	Level 2, 257 Collins Street		MEL BOU RNE	VIC	3000	
Mr	Peter	Kwoh	Mr Kwoh	Manager (Australia)	EVA Air	Level 3, Atanaskonic Hartwell House	75-85 Elizabeth Street	SYD NEY	NSW	2000	
Mr	David	Johnson	Mr Johnson	Vice President of Sales, South Pacific	Evergreen International Airlines	david.johnson@evergreenairlines.com					
Mr	Terry	Ryan	Mr Ryan	Exel		PO Box 248		BEA CON SFIE LD	NSW	2014	
			Sir or Madam	Managing Director	Federal Express Corporation	PO Box 656		MAS COT	NSW	1460	
Mr	John	Walker	Mr Walker	Federal Secretary	Flight Attendants	4 <sup>th</sup> Floor, 388		SYD NEY	NSW	2000	