



Australian Competition & Consumer Commission

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Our Ref: C2005/93
Your Ref: CBR3_399590_1
Contact Officer: Ursula Everett
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8 February 2005

Mr Russell Miller
Partner
Minter Ellison
GPO Box 369
CANBERRA ACT 2601

cc: Ms Constance O'Keefe
Acting General Counsel
IATA
Fax: 0015 1514 874 1789

Dear Mr Miller

**International Air Transport Association – Passenger Agency Program
Further application for minor variation to Authorisation A90791 – request for Interim
Authorisation**

I refer to the above-mentioned application for minor variation and associated request for interim authorisation, lodged with the Australian Competition and Consumer Commission (ACCC) by the International Air Transport Association (IATA) on 23 December 2004.

I also refer to the letter from Commissioner John Martin to IATA dated 25 January 2005 in which significant concerns were raised with IATA's failure to comply with a condition of Authorisation A90791 and requesting IATA's compliance.

As you would be aware, the *Trade Practices Act 1974* (the Act) provides that the ACCC may grant an interim authorisation for an application for minor variation of an authorisation, where it considers it appropriate to do so. The ACCC considers it difficult to assess the request for interim authorisation at present, while discussions are ongoing concerning compliance with a condition of Authorisation A90791 and where there is uncertainty with the authorisation which IATA seeks to vary.


Therefore, the ACCC considers that in the present circumstances it is not appropriate to grant interim authorisation to IATA for the request for minor variation. However, when the



position concerning compliance with the condition of authorisation has been clarified the ACCC may reconsider the request for interim authorisation should IATA wish the ACCC to do so. The ACCC is otherwise keen to progress these matters as soon as possible.

If you have any query in relation to this matter, please do not hesitate to contact me on 02 6243 1132 or Ursula Everett on 02 6243 1271.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
Acting General Manager
Adjudication Branch