



Australian  
Competition &  
Consumer  
Commission

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Our Ref: C2006/722  
Contact Officer: Carl Toohey  
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<<Address>>

3 November 2006

<<Salutation>>

**Re: Applications for authorisation (A91001-A91003) lodged by Qantas Airways Limited and Air New Zealand Limited - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has considered applications for authorisation (A91001 – A91003) lodged by Qantas Airways Limited (Qantas) and Air New Zealand Limited (Air NZ) on 18 April 2006.

Qantas and Air NZ seek authorisation of the Tasman Networks Agreement (TNA). The TNA involves the coordination of activities between the Applicants in respect of any flight operated on their 'trans-Tasman Network' in the areas of scheduling and planning of flights (including the allocation of capacity), pricing of passenger services, code sharing, frequent flyer programs, processing of passengers and baggage, and coordinating of minimum inflight offering and cargo services (as determined from time to time).

The ACCC has issued a draft determination (attached). Having considered the application and submissions from Qantas and Air NZ and interested parties, the ACCC proposes to deny authorisation.

A copy of the draft determination is also available on the ACCC's website at [www.accc.gov.au](http://www.accc.gov.au) (follow the public registers link to the authorisations public register).

**The next steps**

*Conference*

In accordance with section 90A of the *Trade Practices Act 1974* (the Act), you may notify the ACCC in writing by close of business on **17 November 2006** if you wish the ACCC to hold a conference in relation to the draft determination. The Act does not allow the ACCC to extend this deadline.



A conference provides the opportunity for interested parties, particularly in the event they are dissatisfied with the ACCC's draft determination, to make an oral submission in response to the ACCC's draft determination.

*Further submissions*

Alternatively, you may wish to lodge a written submission to the ACCC in response to the draft determination. We request that any submission be provided to the ACCC by, **1 December 2006** at the following address:

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

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

Submissions will be placed on the Public Register kept by the ACCC.

However, persons lodging a submission with the ACCC may request that information included in the submission be treated as confidential and not placed on the public register. If confidentiality is granted in respect of information the ACCC may take it into account, even though it is not publicly available. Guidelines for seeking confidentiality are attached.

The ACCC will consider any submissions it receives, including any oral submissions made should a conference be called, and will then release a final determination in relation to these applications.

If you require further information please contact Carl Toohey on (03) 9290 1480 or Isabelle Arnaud on (02) 6243 1049.

A copy of this letter will be placed on the Public Register kept by the ACCC.

Yours sincerely



Scott Gregson  
General Manager  
Adjudication Branch

| No  | Organisation   |
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| 1.  | Aerolineas Argentinas  |
| 2.  | Aircalin   |
| 3.  | Air Pacific Ltd  |
| 4.  | American Express International Inc.                            |
| 5.  | Australasian Business Travel Association                       |
| 6.  | Australian Consumers Association                               |
| 7.  | Australian Council of Trade Unions                             |
| 8.  | Australian and International Pilots Association                |
| 9.  | Australian Federation of Air Pilots                            |
| 10. | Australian Federation of Travel Agents                         |
| 11. | Australian Tourism Export Council                              |
| 12. | Black Diamond Holdings   |
| 13. | Board of Airline Representatives of Australia                  |
| 14. | Brisbane Airport Corporation*                                  |
| 15. | British Airways  |
| 16. | Bureau of Transport and Regional Economics                     |
| 17. | Business Hutt Valley   |
| 18. | Cathay Pacific Airways   |
| 19. | Chapman Tripp Solicitors                                       |
| 20. | China Southern Airlines  |
| 21. | Department of Innovation, Industry & Regional Development, VIC |
| 22. | Department of Industry, Tourism and Resources, ACT             |
| 23. | Department for Planning and Infrastructure, WA                 |

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| 24. | Department of Prime Minister & Cabinet                   |
| 25. | Department of Transport, Energy and Infrastructure<br>SA |
| 26. | Department of Transport and Regional Services            |
| 27. | DHL Danzas Air & Ocean                                   |
| 28. | Emirates   |
| 29. | Flight Centre  |
| 30. | Garuda Indonesia   |
| 31. | Gisborne Chamber of Commerce, NZ                         |
| 32. | Gullivers Travel Group                                   |
| 33. | International Air Services Commission                    |
| 34. | International Air Transport Association                  |
| 35. | Japan Airlines Ltd                                       |
| 36. | LAN Airlines   |
| 37. | Melbourne Airport  |
| 38. | Minister for Transport, SA                               |
| 39. | NZHC Wellington Region                                   |
| 40. | NT Department of Planning and Infrastructure             |
| 41. | Positively Wellington Tourism                            |
| 42. | Professor Tim Hazeldine                                  |
| 43. | Property Council of New Zealand                          |
| 44. | Reed Business Information*                               |
| 45. | Royal Brunei Airlines                                    |
| 46. | Singapore Airlines Ltd                                   |

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| 47. | South Australian Tourist Commission       |
| 48. | Sydney Airports Corporation Limited       |
| 49. | Thai Airways International                |
| 50. | TTF Australia Ltd                         |
| 51. | Tourism Australia                         |
| 52. | Tourism New South Wales                   |
| 53. | Tourism Queensland                        |
| 54. | Tourism Tasmania                          |
| 55. | Tourism Victoria                          |
| 56. | Tourism NT                                |
| 57. | Travelforce                               |
| 58. | United Airlines                           |
| 59. | Virgin Blue Airlines Pty Limited          |
| 60. | Wellington City Council                   |
| 61. | Wellington International Airport Limited  |
| 62. | Wellington Regional Chamber of Commerce   |
| 63. | Western Australia Department of Transport |