



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1316
Contact Officer: Clare McGinness
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29 October 2009

Simon Snow
Partner
Gilbert + Tobin
Level 37, 2 Park Street
SYDNEY NSW 2000

Dear Mr Snow

Authorisation A91151-A91152 and A91172-A91173 lodged by Virgin Blue Airlines Pty Ltd & Ors - request for material to be excluded from the public register

I refer to your letters of 30 September 2009, 7 October 2009 and 16 October 2009 (**Your Letters**) responding to the ACCC's requests for additional information and clarification in relation to the above applications for authorisation lodged with the ACCC on 9 July 2009. I also refer to correspondence from the ACCC on 23 October 2009, informing you that your request to exclude all of these documents had not been granted.

On 27 October 2009, you provided the ACCC with a revised request for exclusion in respect of Your Letters. The ACCC has considered your revised request that certain parts of these documents be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that your revised request of 27 October 2009 to exclude certain parts of Your Letters from the ACCC's public register has been granted.

This letter has been placed on the ACCC's public register.

I note that on 27 October 2009 you provided the ACCC with redacted versions of Your Letters that are suitable for the public register. These versions will be placed on the public register in the form they were provided to the ACCC.

Should you have any queries in relation to this matter, please do not hesitate to contact Clare McGinness on (02) 6243 1049.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Richard Chadwick', written over a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch