



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1316
Contact Officer: Clare McGinness
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23 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 letter of 4 September 2009, providing updated capacity share figures in relation to the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 9 July 2009.

I note that the letter included a request that it be excluded ACCC's public register. However, after further consideration and correspondence from the ACCC, you have decided to request that a single section on page 2 of the letter be excluded. I have considered your request that this part of the letter 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 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 the relevant part of the letter will not be placed on the public register.

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

I note that you provided a redacted version of the letter on 14 October 2009, which is intended for the ACCC's public register. This version of the letter will be placed on the public register in the form it was 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 'R Chadwick', written over a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch