



Australian
Competition &
Consumer
Commission

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Our Ref: C2009/1316
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21 November 2009

Simon Snow
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Luke Woodward
Partner
Gilbert + Tobin
Level 37, 2 Park Street
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sent via email: SSnow@gtlaw.com.au; LWoodward.gtlaw.com.au

Dear Mr Snow and Mr Woodward

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 16 November 2009 and email of 23 November 2009 in relation to the ACCC's draft determination in respect of the above applications for authorisation.

I have considered your request that the attachments to your letter of 16 November 2009 as well as certain parts 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 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 the attachments and relevant parts of the letter will not be placed on the public register.

I note that you provided a public version of your clients' submission on 23 November 2009. This version will be placed on the public register in the form it was provided to the ACCC.

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

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', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch