



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2009/1966  
Contact Officer: Jessica Buik  
Contact Phone: 02 6243 4940

24 March 2010

Dear Sir/Madam

**Board of Airline Representatives of Australia Inc application for revocation and substitution of an authorisation A91200 - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for re-authorisation (revocation and substitution) lodged by the Board of Airline Representatives of Australia Inc (BARA) on 26 November 2009. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

BARA and its members are seeking re-authorisation to negotiate and bargain collectively with airport operators and providers of other essential airport services at international airports, and agree on terms and conditions of acquisitions of such services, including prices, on an airport by airport basis.

**Draft determination**

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant re-authorisation for BARA to collectively negotiate with specified providers of essential airport services, for a period of five years. The ACCC's assessment is set out in Chapter 4 of the draft determination.

**Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **Wednesday 7 April 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **Wednesday 7 April 2010**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>26 November 2009</b>	Lodgement of application and supporting submission.
<b>11 December 2009</b>	Public consultation process begins.
<b>24 March 2010</b>	Draft determination.
<b>7 April 2010</b>	Deadline to request a conference and for providing further written submissions.
<b>May 2010</b>	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Jessica Buik on 02 6243 4940.

Yours sincerely



Teresa Nowak  
Director  
Adjudication Branch

**Board of Airline Representatives of Australia Inc – application for revocation and substitution – A91200**

**Draft determination – interested parties consulted – 24 March 2010**

1	Adelaide Airport Limited
2	Brisbane Airport Corporation Pty Limited (Brisbane Airport)
3	Cairns Airport
4	Darwin International Airport
5	Australia Pacific Airports (Melbourne) Pty Ltd (Melbourne Airport)
6	Westralia Airports Corporation Pty Ltd (Perth Airport)
7	Sydney Airport Corporation Limited
8	Bureau of Meteorology
9	Australian Airports Association Ltd
10	United Airlines Inc
11	Queensland Airports Limited
12	South African Airways (Proprietary) Limited
13	Etihad Airways
14	Air Pacific Limited
15	Airservices Australia
16	Department of Infrastructure, Transport, Regional Development and Local Government