



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: A91227 & A91228  
Contact Officer: Jessica Buik  
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October 2010

Mr Luke Woodward  
Partner  
Gilbert + Tobin  
GPO Box 3810  
SYDNEY NSW 2001

*Via e-mail: [lklamka@gtlaw.com.au](mailto:lklamka@gtlaw.com.au)*

Dear Mr Woodward

**Virgin Blue Airlines Pty Ltd & Ors applications for authorisation A91227 & A91228  
- PRE-DECISION CONFERENCE**

Wellington International Airport has requested that the Australian Competition & Consumer Commission (the ACCC) convene a conference in relation to the draft determination issued by the ACCC on 10 September 2010 proposing to deny applications for authorisation A91227 and A91228.

As you are aware, the draft determination follows an application by Virgin Blue Airlines Pty Ltd, Pacific Blue Airlines (Aus) Pty Ltd, Pacific Blue Airlines (NZ) Limited (together Virgin Blue) and Air New Zealand Limited (Air New Zealand) for authorisation. The ACCC concluded in its draft determination that it was not satisfied that the public benefit flowing from the proposed arrangements was likely to outweigh any anti-competitive detriment and proposed to deny authorisation to the application.

A pre-decision conference provides a valuable opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference on **18 October 2010**, at The Grace Hotel, 77 York Street Sydney NSW Australia. The conference will commence at 11:00am. Mr Peter Kell, Deputy Chair, will chair the conference.

Under the *Trade Practices Act 1974* (the Act), the conference may be attended by the applicant and other interested parties. Please advise the ACCC of the names of Virgin Blue and Air New Zealand's representatives who will be attending and their position titles, and indicate who will be the applicants' chief spokesperson. Please provide this information by **cob Tuesday, 12 October 2010**. You may address this information to:

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2602

You can also notify the ACCC by e-mail to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) or by facsimile on 02 6243 1211.

I would also note that, while conference participants may bring outside legal or other professional advisers to assist them, the Act prohibits these advisers from participating in conference discussions.

Attached for your information are procedures usually followed at pre-decision conferences.

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference, please do not hesitate to contact Jessica Buik on 02 6243 4940.

Yours sincerely



Darrell Channing  
Director  
Adjudication Branch