



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/452
Contact Officer: Clare McGinness
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9 December 2010

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

sent via e-mail: lklamka@gtlaw.com.au

Dear Mr Woodward

**Authorisation Applications A91227 & A91228 submitted by Virgin Blue Airlines Pty Ltd
& Ors – request for material to be excluded from the public register**

I refer to the above applications for authorisation and the following related submissions from your clients:

1. Covering letter dated 12 November 2010 and attached Supplementary Report by Dr Trethaway in response to the Draft Regression Analysis undertaken by Dr Woodbridge on behalf of the ACCC;
2. Covering letter dated 22 November 2010 and attached response to the ACCC's request for further information from Seabury APG Airline Planning (SAPG) in relation to its peer review of InterVISTAS' QSI analysis;
3. Email dated 29 November 2010 responding to the ACCC's request for further information regarding Air New Zealand's lounge facilities and frequent flyer program; and
4. Letter dated 29 November 2010 addressing the key issues raised by the ACCC in regards to the proposed capacity conditions and the attached revised capacity conditions.

I have considered your clients' request that these documents itemised above, or parts thereof, 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 relevant documents, or parts of documents, will not be placed on the public register.

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

I note that on 1 and 2 December 2010 you provided public versions of the documents detailed in items 1, 2 and 4. 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 blue ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch