



**Australian  
Competition &  
Consumer  
Commission**

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14 December 2012

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By email: [sar.katdare@jws.com.au](mailto:sar.katdare@jws.com.au); [annapritchard@qantas.com.au](mailto:annapritchard@qantas.com.au);

Dear Mr Katdare and Ms Prichard

**Authorisation applications A91314 & A91315 submitted by  
Qantas Airways Limited and Jetstar Airways Pty Ltd – draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Qantas Airways Limited (Qantas) and Jetstar Airways Pty Ltd (Jetstar) on 28 June 2012.

**Draft determination**

A copy of the ACCC’s draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for five years.

**Next steps**

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a ‘pre-decision conference’.

If you wish to make a submission in response to the ACCC’s draft determination, please lodge your submission by **18 January 2012**.

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.

Section 90A(2) of the Competition and Consumer Act 2010 (the Act) provides that an applicant, or any other interested party, must request a conference within 14 days after a

date fixed by the ACCC. Due to the Christmas period, the ACCC fixes 4 January 2012 as the date this period commences.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing between 4 January 2012 and **18 January 2012**.

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 these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

### **Timing**

The statutory timeframe for the ACCC to release a final determination on this authorisation is 28 December 2012. We note that Qantas has given the ACCC a written assurance that it will agree to extend the statutory timeframe for the final determination for such additional period required by the Commission, up to an additional six months. This assurance was given in order for the ACCC to consider, and take into account, additional information provided by Qantas before the release of the draft determination.

Accordingly, under s 90(10A) of the Act, the ACCC seeks conformation from Qantas that it agrees to extend the statutory timeframe for release of the final determination by four months, until 28 April 2013, in writing.

The timeline below is based on Qantas agreeing to an extension.

### **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>Indicative date</b> | <b>Stage in assessment process</b>   |
|------------------------|--|
| 28 June 2012           | Lodgement of application and supporting submission.                                    |
| 5 July 2012            | Public consultation process begins.  |
| 14 December 2012       | Draft determination.   |
| 18 January 2012        | Closing date for submissions on draft determination and for a conference to be called. |
| March/April 2012       | 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 Mark Basile on (03) 9290 1855.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick  
General Manager  
Adjudication Branch