



**Australian
Competition &
Consumer
Commission**

Our Ref: 57520
Contact Officer: Jaime Martin
Contact Phone: 03 9290 1477

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

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Jo Daniels
Baker & McKenzie
Partner
Jo.daniels@bakermckenzie.com

cc: Peter De Jonge
Senior Associate
Baker & McKenzie
Peter.dejonge@bakermckenzie.com

Dear Ms Daniels

ihail Pty Ltd application for authorisation A91501 – request for extension to be granted under section 90(10A)

I refer to the Australian Competition and Consumer Commission's (the ACCC) draft determination in relation to the above listed application for authorisation, released on 12 October 2015.

The ACCC requested that submissions in response to the draft determination be provided by 26 October 2015. On 28 October 2015 ihail Pty Ltd (ihail) requested an extension until 6 November 2015 to provide a submission to the ACCC and foreshadowed that it is considering substantial changes to the proposed arrangements for which authorisation is sought. At this time, you also advised that ihail would be agreeable to extending the relevant period for consideration of the application for authorisation.

As you are aware the *Competition and Consumer Act 2010* (the Act) provides that if the ACCC does not determine an application for authorisation within the relevant period, then it is taken to have granted the application at the end of that period. The relevant period is 6 months, beginning on the day the ACCC received the authorisation application and in relation to the application lodged by ihail, ends on 25 November 2015.

Section 90(10A) of the Act provides that the relevant period may be extended where:

- (a) the ACCC has prepared a draft determination under subsection 90A(1) in relation to the application; and
- (b) the ACCC determines in writing that the period is extended by a specified period of not more than six months; and
- (c) the applicant agrees to the period being so extended.

The purpose of this letter is to advise you that in accordance with subsection 90(10A)(b) of the Act, the ACCC has determined that the relevant period for consideration of ihail's application for authorisation has been extended until 25 March 2016 and to seek your agreement that the relevant period is so extended.

The ACCC considers that an extension is appropriate to provide sufficient time for the ACCC to consider ihail's submission which it expects to receive on 6 November 2015, as well as to consult interested parties in relation to any changes to the proposed arrangements.

To enable this issue to be dealt with expeditiously, I would appreciate receiving your written response to this request by 6 November 2015.

A copy of this letter will be placed on the ACCC's public register.

If you wish to discuss any aspect of this matter please do not hesitate to contact Gavin Jones on 03 9290 1475 (gavin.jones@accc.gov.au) or Jaime Martin on (03) 9290 1477 (jaime.martin@accc.gov.au).

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch