

Commonwealth of Australia
Trade Practices Act 1974 — subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N94271 Jetstar Airways Pty Limited ABN 33 069 720 243

- (b) Short description of business carried on by that person:
(Refer to direction 3)

Operation of international and domestic air travel and related services

- (c) Address in Australia for service of documents on that person:

Jill Henderson
Deputy General Counsel - Competition
Qantas Airways Limited
203 Coward Street
Mascot NSW 2020

2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

The sale of airfares and other travel content and the provision of credit, debit and/or charge cards and other non-cash payment facilities.

- (b) Description of the conduct or proposed conduct:
(Refer to direction 4)

Jetstar Airways Pty Limited ('Jetstar') giving or offering to give a discount in relation to the supply or offer to supply of airfares and/or other travel content via www.jetstar.com or the Jetstar call centre on condition that the customer pays for the Jetstar-merchanted transaction using a particular credit card issued by Macquarie Bank Limited ('Macquarie').

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) Class or classes of persons to which the conduct relates:
(Refer to direction 5)

Customers who hold a particular credit card issued by Macquarie and who purchase airfares and/or certain other travel services at jetstar.com or via the Jetstar call centre.

- (b) Number of those persons:

- (i) At present time:

None.

- (ii) Estimated within the next year:
(Refer to direction 6)

Approximately 50,000.

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable.

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

The notified conduct will benefit the public as it will:

- provide customers with a discounted card payment fee option when booking and paying for airfares and/or certain other travel services on jetstar.com or via the Jetstar call centre and therefore allow them access to lower-priced airfares and/or other travel services; and
- encourage other sellers to provide similar benefits and reduced prices for consumers.

- (b) Facts and evidence relied upon in support of these claims:

See 2(b) above.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):
(Refer to direction 8)

The markets likely to be relevant to the notified conduct are the markets in Australia for:

- the sale of airfares and other travel content through direct and indirect channels; and
- the provision of credit, debit and/or charge cards and other non-cash payment facilities.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:
(Refer to direction 9)

We submit that there is no public detriment associated with the conduct. The notified conduct enables customers to book and pay for airfares and/or certain other travel services from jetstar.com and via the Jetstar call centre at any time with a discounted card payment fee if they pay for the Jetstar-merchanted transaction using particular credit card issued by Macquarie.

Customers will continue to be able to book and pay for airfares and other travel services through jetstar.com and the Jetstar call centre without acquiring particular card services of Macquarie. Similarly, customers of Macquarie remain free to pay for airfares and other travel services from any vendor.

- (b) Facts and evidence relevant to these detriments:

See 6(a) above.

7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Jill Henderson
Deputy General Counsel - Competition
Qantas Airways Limited
203 Coward Street
Mascot NSW 2020
Ph 02 9691 5799

Dated 14 October 2009

Signed by/on behalf of the applicant



Jill C Henderson
Qantas Airways Limited.
Deputy General Counsel – Competition