

FILE No:  
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**Form G**

Commonwealth of Australia  
*Trade Practices Act 1974 --- Sub-section 93(1)*  
**EXCLUSIVE DEALING  
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 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 READ DIRECTIONS AND NOTICES ON BACK OF FORM)

**1. Applicant**

(a) Name of person giving notice:

*Adventure World Travel Pty Ltd ACN 122 505 631 (AWT)*

(b) Short description of business carried on by that person:

*AWT sells travel packages to wholesale and retail customers. AWT is an Official Travel Agent for the Rugby World Cup 2011 in New Zealand. AWT is part of the NRMA group of companies.*

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

*Adventure World Travel Pty Ltd  
Level 20, 141 Walker Street  
North Sydney, NSW, 2060  
Attention: Mr David Toh*

**2. Notified arrangement**

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

*Travel services, specifically berths on a cruise ship sailing around New Zealand during the Rugby World Cup 2011.*

*Credit card services, specifically those offered by as the selected card issuer and MasterCard (as card scheme provider).*

(b) Description of the conduct or proposed conduct:

*AWT, in its capacity as an official travel agent for the Rugby World Cup 2011, is operating a cruise around New Zealand from 4 October 2010 until 24 October 2010 on the ms Volendam. There are seven different packages of varying durations that customers may purchase on the ms Volendam. Travel packages are already on sale.*

*AWT proposes to offer to MasterCard cardholders of the selected card issuer who have (a) purchased berths on the official AWT Rugby World Cup 2011 cruise on the ms Volendam; and (b) referenced a promotional code advertised by the selected card issuer, the choice of either a \$100 beautician voucher to use on the cruise or a dinner for two at a rugby legends dinner (the dinner is subject to availability) for each total booking made (**Benefit**).*

*MasterCard and AWT have entered into an arrangement regarding the marketing of the AWT Rugby World Cup 2011 cruise packages and to provide the Benefit to relevant customers. MasterCard is in the process of selecting a card issuer bank for this promotion. The selected card issuer will promote the AWT Rugby World Cup 2011 cruise and the Benefit to its customers and provide them with the relevant promotional code and a phone number to call to book.*

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*When customers call this phone number they will be forwarded by the MasterCard call centre to the AWT call centre where they must book and pay in full for their holiday to be eligible for the Benefit.*

**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:

*MasterCard cardholders of the selected card issuer; holders of other credit cards who book on the AWT Rugby World Cup 2011 cruise.*

(b) Number of those persons:

(i) At present time:

*Substantially more than 50*

(ii) Estimated within the next year:

*Substantially more than 50*

(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:

*The proposed conduct lacks the elements of compulsion and futurity usually associated with third line forcing conduct. The offer applies to existing card holders as well as new ones. The offer promotes competition amongst banks, credit card providers and tour operators by encouraging them to offer value-add benefits to their customers. The offer comprising the conduct is very specific (in time and to a particular event) and is unlikely to have any discernible effect on competition in any relevant market in Australia.*

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

*The proposed conduct represents a value-add for MasterCard cardholders of the selected card issuer who choose to purchase tickets on the AWT Rugby World Cup 2011 cruise. It does not compel members of the general public to use a MasterCard of the selected card issuer or to purchase tickets on the Rugby World Cup cruise. It relates only to the AWT Rugby World Cup 2011 cruise and the Benefit is relatively minor.*

**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):

*The markets for (a) the credit card products and services; and (b) retail tour operators. Both of these markets are highly competitive.*

**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:

*The proposed conduct will not lessen competition in the markets for the relevant products and services as:*

- *the offer comprising the conduct is very specific (in time and to a particular event);*
- *competition in the relevant markets is vigorous and there are many competitors;*
- *such arrangements are already commonplace in the relevant markets; and*
- *the Benefit is minor.*

*The applicant believes that the benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.*

(b) Facts and evidence relevant to these detriments:

*See above.*

**7. Further information**

Name, postal address and contract telephone details of the person authorised to provide additional information in relation to this notification:

*Adventure World Travel Pty Ltd  
Level 20, 141 Walker Street  
North Sydney, NSW, 2060  
Attention: Mr David Toh  
Phone: 02 8081 0187*

Dated ..8 October....., 2010

Signed by /on behalf of the applicant giving notice

*N Adams*

(Signature)

*NIGEL TERRY ADAMS*

(Full Name)

*ADVENTURE WORLD*

(Organisation)

*GENERAL MANAGER*

(Position in Organisation)

## DIRECTIONS

In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.  
Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.