



12 August 2016

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

[adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)

Dear Sir/Madam

**Notification of Exclusive Dealing**

Please find the following documents **enclosed**:

1. Form G –Notification of Exclusive Dealing in relation to Tigerair;
2. Receipt confirmation for the lodgement fee.

Please feel free to contact me should you have any queries.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Rebecca Walker". The signature is fluid and cursive, with a large loop at the end.

Rebecca Walker  
**Senior Legal Counsel**

## Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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:

N99250 Tiger Airways Australia Pty Ltd (“Tigerair”)

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

Operator of domestic and international airline services and provider of travel related products and services, and associated with the Virgin Australia group of airlines, comprising Virgin Australia Holdings Limited ACN 100 686 226 and its subsidiaries and associated companies.

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

Legal Department  
Tiger Airways Australia Pty Ltd  
56 Edmondstone Road  
Bowen Hills, Qld 4006

### 2. Notified arrangement

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

Discounted domestic and international flights and travel related goods and/or services.

(b) Description of the conduct or proposed conduct:

Offering discounted domestic and international flights and other travel related goods and/or services to customers of Tigerair on the basis that they acquire goods and/or services from Paypal, specifically by using the online payment processing system. The discounted flights and other travel related goods and/or services will be offered for a limited promotional period, being 17 August 2016 to 20 August 2016 (“Promotion Period”).

### 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:

Customers and potential customers of Tigerair

- (b) Number of those persons:
  - (i) At present time:  
Approximately 13,400
  - (ii) Estimated within the next year:  
Not applicable
- (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:

There is no obligation on any customer or potential customer of Tigerair, or persons with whom they are associated, to acquire any goods or services from or through Paypal, but those who do may be eligible to receive discounted flights and travel related goods and/or services during the Promotion Period.

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

Tigerair considers that the allocation of discounted flights and travel related goods and/or services in respect of the acquisition of goods and/or services from Paypal will increase competition in both the the online payment systems markets and the airline market by making the relevant goods and services provided by Paypal and Tigerair more attractive to potential customers.

**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 market for airlines in Australia is highly competitive. There are a large number of competitive offers available to the public in respect of the provision of flights and travel related goods and services at any given time.

Similarly, the market for online payment system providers is also highly competitive with multiple providers.

**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:

It is Tigerair's submission that there is no likely detriment to the public resulting from the proposed conduct, and that the proposed conduct would have a negligible effect on competition in the markets noted above in section 5.

(b) Facts and evidence relevant to these detriments:

Tigerair considers that the allocation of discounted flights and travel related goods and/or services in respect of the acquisition of goods and/or services from Paypal will increase competition in both the the online payment systems markets and the airline market by making the relevant goods and services provided by Paypal and Tigerair more attractive to potential customers.

The proposed conduct:

- In no way limits the genuine choice of customers in choosing a provider of the products and services described in 2 (b); and
- Will not lessen competition as customers will be under no obligation to acquire goods and services from Paypal that provide the products or services described in 2(b) simply because they are a Tigerair customer.

**7. Further information**

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

Rebecca Walker  
Senior Legal Counsel  
Tiger Airways Australia Pty Ltd  
56 Edmondstone Road  
Bowen Hills QLD 4006

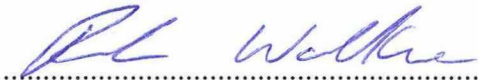
Tel: (07) 3333 6621

Fax: (07) 3295 3996

Email: [rebecca.walker@virginaustralia.com](mailto:rebecca.walker@virginaustralia.com)

Dated this 12 August 2016

Signed by/on behalf of the applicant



.....  
(Signature)

Rebecca Walker  
Virgin Australia Airlines Pty Ltd  
Senior Legal Counsel

## DIRECTIONS

1. 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 *Competition and Consumer Act 2010* 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.
7. 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.