



**Australian
Competition &
Consumer
Commission**

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Chris Jose
Partner
Herbert Smith Freehills

Via email: chris.jose@hsf.com

Dear Mr Jose

ihail Pty Ltd application for authorisation A91501 – final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by ihail Pty Ltd (ihail) on 26 May 2015.

Determination

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

For the reasons set out in its determination, the ACCC grants conditional authorisation to ihail to make and give effect to the joint venture arrangements to launch and operate the proposed ihail app (as amended since the draft determination) for three years.

In particular, the ACCC is granting authorisation on condition that:

- C1** ihail or the relevant shareholder taxi network to which a driver is affiliated (if any) must obtain an express confirmation (either in writing or in electronic form) from each driver who opts-in to participate in ihail acknowledging that the driver has been informed that they remain free to use any other booking services, including any other booking app.
- If requested by the ACCC, ihail or the relevant shareholder taxi network will provide the ACCC access to the records revealing these driver acknowledgments.
- C2** ihail and the relevant shareholder taxi networks must not do anything to:
- a) prevent or attempt to prevent drivers or operators who opt in to the ihail app from using other booking services (including any other booking app) or
 - b) disadvantage drivers or operators who choose to use any other booking services (including any other booking app) in preference to or in addition to the ihail app.
- C3** ihail must ensure that the default payment setting in the ihail app is not set as 'Via App' payment or equivalent unless the user of the app manually sets the preferred default option to 'Via App' payment or equivalent.

C4 ihail must ensure that the ihail payment method selection screen clearly and prominently discloses that a relevant credit card service fee will apply if the passenger chooses the 'Via App' payment option. Details about the cost of the relevant credit card processing fee for 'Via-App' payment must be available to the passenger:

- a) before the 'Via App' payment option is confirmed and
- b) before any user of the app manually selects 'Via App' or equivalent as their default payment option.

Application for review

Pursuant to section 101 of the Act, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 12 April 2016. If no application to review is lodged by this date, the ACCC's determination will come into force on 13 April 2016.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please contact Jaime Martin on (03) 9290 1477 (or jaime.martin@accc.gov.au) or Gavin Jones on (03) 9290 1475 (or gavin.jones@accc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a stylized flourish at the end.

Gavin Jones
Director
Adjudication