

**VARIATION TO UNDERTAKING TO THE AUSTRALIAN COMPETITION AND  
CONSUMER COMMISSION GIVEN FOR THE PURPOSES OF SECTION 87B**

**BY**

Jetstar Airways Pty Ltd

**1) Background**

- a) On 14 December 2018, the Australian Competition and Consumer Commission (**ACCC**) accepted an Undertaking given by Jetstar Airways Pty Ltd ABN 33 069 720 243 of 10 Bourke Road, Mascot, 2020, in the State of New South Wales (**Jetstar**), pursuant to section 87B of the Competition and Consumer Act 2010 (the Act) (**the Undertaking**).
- b) The purpose of this Variation to the Undertaking is to ensure that:
  - i) A suitably qualified legal practitioner will be involved in Jetstar's review of its policies, including its Conditions of Carriage and Fare Rules; and
  - ii) In relation to the Past Complaints Review (now, 'Complaint Review'), the period for a consumer to make a relevant complaint and have it reviewed by a suitably qualified legal practitioner is extended to include the period between 10 April 2017 and 30 June 2019.
- c) The ACCC is satisfied that the variation sought is appropriate in the circumstances.

**2) Commencement of this Variation to the Undertaking**

- a) This Variation comes into effect when:
  - a. The Variation is executed by Jetstar, and
  - b. The ACCC accepts the Variation so executed.

**3) Variation to the Undertaking**

The Undertaking is amended by deleting the words struck through below and adding the underlined words as follows in Attachment A:

**2A** Jetstar will ensure that any changes to its Fare Rules and Conditions of Carriage will be approved by a suitably qualified legal practitioner before publication on its Website.

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~~Past complaint~~Complaint review

- 9 Jetstar will, within 12 months of the Commencement Date of this Undertaking, appoint a suitably qualified legal practitioner with appropriate expertise in the ACL, to commence a review of ~~past~~ complaints by:
  - (a) identifying any Relevant Complaints; and
  - (b) reassessing each identified Relevant Complaint to determine whether the consumer was entitled to a remedy, or a more extensive remedy, under the ACL.

10 A Relevant Complaint means any complaint recorded in Jetstar's customer relationship management system:

(a) ~~means any complaint recorded in Jetstar's customer relationship management system~~ during the period 10 April 2017 and 13 March 2018, where following a delay or cancellation to a Flight Service:

(i) the complainant was refused a remedy by Jetstar; or

(ii) the complainant was dissatisfied with the remedy they received; ~~and/or~~

(b) during the period 14 March 2018 and 30 June 2019 where, following a delay or cancellation to a Flight Service during the period between 10 April 2017 and 13 March 2018:

(i) the complainant was refused a remedy by Jetstar; or

(ii) the complainant was dissatisfied with the remedy they received; and

~~(b)(c)~~ does not include those consumers whose complaints were resolved in a Court or Tribunal.

...

12 Jetstar will, within 90 days of completion of the ~~Past~~ Complaint Review, provide a report to the ACCC that includes the following information:

(a) an explanation of the process used to identify Relevant Complaints and Relevant Complainants;

(b) the number of Relevant Complaints and Relevant Complainants identified; and

(c) a list of Relevant Complainants, and for each Relevant Complainant, a summary of the issue complained of and any Revised Remedy offered.

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#### *Future compliance with this Undertaking*

15 Jetstar will, within 6 months of the Commencement Date of this Undertaking, implement a program to monitor compliance with this Undertaking ~~whereby Jetstar~~ where a suitably qualified legal practitioner will review a sample of 20 consumer complaints received and resolved every month in relation to consumer guarantee issues and/or consumers who were seeking a remedy following a delay or cancellation to their Flight Services (in so far as 20 or more such complaints are received by Jetstar in any given month).

#### **4) Acknowledgements**

a) Jetstar acknowledges that:

i) The ACCC will make this Variation available for public inspection, and

ii) The ACCC may from time to time, refer to this variation including in news media statements and in ACCC publications.

Executed by

Jetstar Airways Pty Ltd pursuant to section 127(1) of the *Corporations Act 2001*

  
.....  
Secretary/Director

  
.....  
Director

This 15 day of May 2019

Accepted by the Australian Competition and Consumer Commission pursuant to s87B of the  
*Competition and Consumer Act 2010*

  
.....  
Michael John Keogh

Acting Chair

This 15<sup>th</sup> day of May 2019

