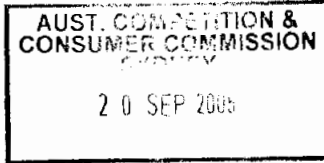


N31461



FUJIFILM Australia Pty Ltd
ABN 80 000 064 433
114 Old Pittwater Road
PO Box 57
Brookvale NSW 2100 Australia
Telephone: +61 (2) 9466 2600
Facsimile: +61 (2) 9938 1975
www.fujifilm.com.au

September 16, 2005

Australian Competition & Consumer Commission
Level 7, Angel Place
123 Pitt Street
Sydney NSW 2000

FILE No:
DOC:
MARS/PRISM:

Dear Sir/Madam,

Re: FUJIFILM Australia Pty Ltd – Third Line Forcing Notification

We enclose for lodgement a notification in relation to conduct which may constitute third line forcing. The notification relates to promotional arrangements involving FUJIFILM Australia Pty Ltd and Kmart Australia Ltd.

We enclose a cheque for \$100.00 being the lodgement fee.

If the Commission has any questions or wishes to discuss the notification, please contact the writer.

Yours faithfully
FUJIFILM Australia Pty Ltd

ERICA MOORHOUSE
Legal Counsel

Encl.

FORM G

Regulation 9

[Front of Form]

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) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) **Name of person giving notice**
FUJIFILM Australia Pty Ltd (ABN 80 000 064 433) (**Fujifilm**)
(See Direction 2 on the back of this Form)
- (b) **Short description of business carried on by that person**
Fujifilm distributes a wide range of camera and film products to retailers and provides related services including photo imaging, film processing, digital memory cards, etc.
- (c) **Address in Australia for service of documents on that person**
c/o Erica Moorhouse, FUJIFILM Australia Pty Ltd, 114 Old Pittwater Road, Brookvale NSW 2100
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates**
 - (i) Fujifilm branded goods or services, including digital cameras, supplied to consumers by Kmart Australia Ltd (**Kmart**).
 - (ii) Promotional products and services supplied by Fujifilm from time to time including camera and film products and accessories and/or photo imaging services (**Fujifilm Promotional Goods and Services**)
- (b) **Description of the conduct or proposed conduct**
For limited promotional periods, Fujifilm proposes to:
 - (iii) supply Fujifilm Promotional Goods and Services; supply Fujifilm Promotional Goods and Services at a particular price; or give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to Fujifilm Promotional Goods and Services on the condition that the customer acquire or agree to acquire a Fujifilm branded good or service from Kmart; and
 - (iv) refuse to supply Fujifilm Promotional Goods and Services; refuse to supply Fujifilm Promotional Goods and Services at a particular price; or refuse to give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to Fujifilm Promotional Goods and Services for the reason that the customer has not acquired or has not agreed to acquire a Fujifilm branded good or service from Kmart.

By way of example, the following promotional activity is proposed:

Fujifilm will offer, for a limited promotional period, consumers with a 64mb Fujifilm xD-PictureCard at no cost to customers who have acquired a Fujifilm FinePix A345 or A350 digital camera from Kmart. A promotional sticker will be affixed to these cameras. Upon receipt by Fujifilm of the promotional sticker along with proof of purchase and subject to certain terms and conditions Fujifilm will provide the promotional good (e.g. the 64mb Fujifilm xD-PictureCard).

The proposed conduct will be of benefit to the public as it will:

- promote competition in relevant markets by encouraging competitors of Fujifilm and Kmart to offer similar benefits; and
- provide customers with the opportunity to obtain additional goods or services upon the purchase of a Fujifilm branded good or service.

The proposed conduct will not substantially lessen competition because:

- customers will be able to acquire Fujifilm branded goods and services at Kmart at the usual retail price without any obligation to obtain goods or services from Fujifilm;
- customers may acquire equivalent products and services from a range of other suppliers; and
- competition in markets for camera, film and related accessory products and services is vigorous and there are many suppliers in these markets.

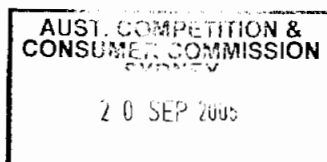
Fujifilm believes that the benefits and proposed conduct outlined above outweigh any possible detriment considered to arise from the conduct.

(See Direction 4 on the back of this Form)

3. (a) **Class or classes of persons to which the conduct relates**
Members of the general public
- (b) **Number of those persons**
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. **Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice**
Erica Moorhouse
Legal Counsel
FUJIFILM Australia Pty Ltd
114 Old Pittwater Road
Brookvale NSW 2100

Dated..... SEPTEMBER 16, 2005

Signed by/on behalf of the applicant giving notice



Erica Moorhouse

.....
(Signature)

Erica Moorhouse

Solicitor

[Back of Form]

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice
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. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) 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. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of sub-section 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under sub-section 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in sub-section 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.