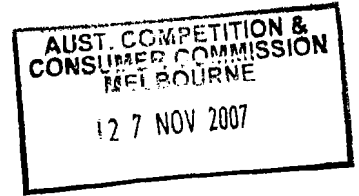


MALLESONS STEPHEN JAQUES



Australian Competition & Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne VIC 3000

27 November 2007

Dear Sir

FILE No:	
DOC:	
MARS/PRISM:	

Moonlight Cinema - Third line forcing notification

We enclose:

- a completed Form G notification in respect of conduct which may fall within the scope of the third line forcing provisions of the *Trade Practices Act 1974 (Cth)* ("TPA"); and
- a cheque for \$100.00 being the relevant fee for lodgement of the notification.

Because the notification includes confidential information, we have provided a confidential and non-confidential version of the notification. The non-confidential version may be placed on the Commission's public notifications register, but we ask that the confidential version not be included on that register.

Confidentiality is claimed on the grounds that the Form G contains commercially confidential information relating to customer numbers.

Please contact me if you wish to discuss this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Caroline Coops", with a long horizontal line extending to the right.

Caroline Coops
Partner
Direct line +61 3 9643 4097
Email caroline.coops@malleasons.com

Form G
Commonwealth of Australia
Trade Practices Act 1974 - 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 *Trade Practices Act 1974*, 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:

N93227

Moonlight Cinema Management Pty Ltd (ACN 106 485 705) of Level 1,
11 Waltham Street, Artarmon, New South Wales ("**Moonlight Cinema**").

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

Moonlight Cinema is a media and entertainment company which provides
outdoor cinema and outdoor cinema advertising services.

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

C/- Caroline Coops
Mallesons Stephen Jaques
Level 50, Bourke Place
600 Bourke Street
Melbourne VIC 3000

2 Notified arrangement

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

This notification relates to:

(i) products and services supplied by Moonlight Cinema, including
cinema screenings, tickets and associated services ("**Moonlight
Cinema Services**").

(ii) credit and debit card services provided by National Australia
Bank Limited (ABN 12 004 044 937) of Level 24, 500 Bourke
Street, Melbourne, Victoria ("**nab**").

(b) Description of the conduct or proposed conduct:

Moonlight Cinema proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to Moonlight Cinema Services to customers on the condition that the customer holds a personal or corporate nab credit or debit card;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to Moonlight Cinema Services to customers for the reason that the customer does not hold a personal or corporate nab credit or debit card.

For example, customers will be provided with a discount on pre sale tickets for Moonlight Cinema screenings on condition that the customer purchases the tickets using a nab personal or corporate nab credit or debit card.

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:

Nab customers and potential customers who acquire a personal or corporate nab credit or debit card.

- (b) Number of those persons:

- (i) At present time:

[Confidential]

**EXCLUDED FROM
PUBLIC REGISTER**

- (ii) Estimated within the next year:

[Confidential]

- (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 notified conduct will benefit customers by:

- providing them with Moonlight Cinema Services at a reduced cost;
- promoting innovation in the relevant markets by exerting pressure on competitors to develop and provide services for their customers which provide equivalent value.

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

Not applicable.

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 relevant markets are:

- credit card and consumer banking markets; and
- entertainment, cinema and cinema ticketing services markets.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- competition in credit card and consumer banking markets is vigorous;
- consumers may obtain credit card and consumer banking services from other sources; and
- consumers may obtain Moonlight Cinema Services and equivalent services from other sources.

(b) Facts and evidence relevant to these detriments:

Not applicable.


7 Further information

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

C/- Caroline Coops
Mallesons Stephen Jaques
Level 50, Bourke Place
600 Bourke Street
Melbourne VIC 3000

Dated: 27 November 2007

Signed by/on behalf of the applicant


(Signature)

Caroline Coops

Partner, Mallesons Stephen Jaques

