

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:
(Refer to direction 2)

N96681

The Greater Union Organisation Pty Ltd (ABN 99 000 024 439) (“GUO”).

- (b) Short description of business carried on by that person:
(Refer to direction 3)

GUO and its related bodies corporate operate cinemas in Australia. These cinemas primarily trade under the names Event Cinemas, Greater Union and Birch Carroll & Coyle.

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

The Greater Union Organisation Pty Ltd

Level 20, 227 Elizabeth Street

SYDNEY NSW 2000

Attention: Ben Arnall

Legal Counsel

2. Notified arrangement

(Refer to direction 4)

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

An Event Cinemas gift card supplied by GUO to ANZ Rewards cardholders who meet the minimum spend target at GUO outlined in section 2(b).

- (b) Description of the conduct or proposed conduct:

ANZ issues “ANZ Rewards”, a consumer credit card with loyalty rewards benefits.

ANZ Rewards No 2 manages the consumer cards loyalty rewards program for ANZ and ANZ Rewards cardholders.

ANZ Rewards No 2 proposes to offer ANZ Rewards cardholders a new, additional, loyalty program called “ANZ Gift with Purchase” from 14 November 2012 – 1 January 2014.

It is proposed that the ANZ Gift with Purchase program will offer ANZ Rewards cardholders who register for the ANZ Gift with Purchase program the ability to receive gift cards from merchant retailers participating in the ANZ Gift with Purchase program, on top of their existing ANZ Rewards program benefits, when they meet certain spend targets at the merchant retailers.

GUO is a merchant retailer participating in the ANZ Gift with Purchase program.

For example, a customer of GUO who is also registered with the ANZ Gift with Purchase program must spend at least \$200 at GUO (either on one purchase or on collective total purchases) on their ANZ Rewards or ANZ Rewards Platinum credit card to receive from GUO an Event Cinemas gift card to the value of \$20. A registered customer can continue to earn an Event Cinemas gift card to the value of \$20 each time they reach the \$200 threshold spend amount.

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:
(Refer to direction 5)

ANZ Rewards cardholders who are registered with the ANZ Gift with Purchase program.

- (b) Number of those persons:

- (i) At present time:

20,000 ANZ Rewards cardholders are estimated to join the ANZ Gift with Purchase program by early December 2012.

- (ii) Estimated within the next year:
(Refer to direction 6)
30,000 - 50,000 ANZ Rewards cardholders by April 2013.
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

N/A

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

ANZ Rewards credit card customers who are registered with the ANZ Gift with Purchase program, and spend a threshold amount of \$200 will receive an Event Cinemas gift card to the value of \$20 in addition to the existing reward benefits with the ANZ Rewards program. The customer is rewarded for shopping with GUO, and the program operates to the customer's benefit.

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

When the ANZ Rewards credit customer who is registered with the ANZ Gift with Purchase program spends \$200 with GUO they will automatically receive an Event Cinemas gift card to the value of \$20.

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):
(Refer to direction 8)

Australian credit card and prepaid card market and the retailer market in so far as it applies to the merchants participating in the ANZ Gift with Purchase program

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:
(Refer to direction 9)

No detriment is identified.

- (b) Facts and evidence relevant to these detriments:

N/A

7. Further information

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

Attention: Ben Arnall
Legal Counsel
The Greater Union Organisation Pty Ltd
Level 20
227 Elizabeth Street
SYDNEY NSW 2000

Dated... 21 March 2013

Signed by/on behalf of the applicant

Ben Arnall

(Signature)

Benjamin Paul Arnall

(Full Name)

The Greater Union Organisation Pty Ltd

(Organisation)

Legal Counsel

(Position in Organisation)