

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)

N97348

Hayden Theatres PTY LTD

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

Six cinema Theatre complex, playing latest release films, special event screenings & live events.

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

380 Military Rd, Cremorne
NSW, 2090

2. Notified arrangement

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

Hayden Theatres is entering into an agreement with Mastercard to offer card holders a 241 ticket on Thurs nights. Buy one ticket for full price, pay as you Mastercard (mention locally famous offer) & receive a second ticket to same or lesser value free.

(b) Description of the conduct or proposed conduct:

cardholders pay using Mastercard
e mention "Locally famous" offer
to receive second ticket free

(Refer to direction 4)

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)

cardholders purchasing the Mastercard
offer will be affected as the offer
is only available if they pay using
their Mastercard.

(b) Number of those persons:

(i) At present time:

0

(ii) Estimated within the next year:

(Refer to direction 6)

Hard to say. Maybe 5,000 - 10,000

(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)

More people will attend the cinema on a Thursday night and will be able to do so at a discounted rate, saving 50% on tickets.

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

Proposal provided by Mastercard.

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)

carholders may be encouraged to attend The Orpheum (Hayden Theatres) on a Thursday night instead of competitors. Purchasing using alternative credit cards may reduce

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)

None

- (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:

Alex Temesvari
380 Military Rd
Cremorne, NSW 2090
0423 26 99 88

Dated 3/4/14

Signed by/on behalf of the applicant


(Signature)

Alex George TEMESVARI
(Full Name)

Hayden Theatres
(Organisation)

Deputy General Manager
(Position in Organisation)

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.