

“New SUPER MARIO BROS.™ Wii” COIN HUNT Conditions of Participation

1. Information on how to participate and prizes form part of these Terms and Conditions. Participation in the “New SUPER MARIO BROS.™ Wii” COIN HUNT (**Coin Hunt**) indicates your acceptance of the terms and conditions of participation set out below. Participation which does not comply with these terms and conditions will be deemed invalid.
2. The Coin Hunt is conducted by Nintendo Australia Pty Ltd (ABN 43 060 566 083) of 804 Stud Road, Scoresby, Victoria, 3179 (**Promoter**).
3. Participation in the Coin Hunt is open to residents of Australia. It is not open to employees of the Promoter and members of their immediate families. By participating in the Coin Hunt you represent that you are eligible to participate.
4. The Coin Hunts will take place in the Central Business Districts of Melbourne, Sydney and Brisbane on the 1st, 2nd, 3rd and 4th of December 2009 commencing at 12:30 p.m. on each day. To take part in the Coin Hunt, participants have to locate Mario prize coins hidden in secret locations.
5. Clues as to the secret locations of Mario prize coins will appear in the MX editions on the 30th of November and the 1st, 2nd and 3rd of December 2009 in Melbourne, Sydney and Brisbane.
6. The Mario prize coins will not be made available to be found prior to 12:30 p.m. on each day.
7. For persons under the age of sixteen to become eligible to participate in the Coin Hunt, you must attend the Coin Hunt with a parent or guardian.
8. Finders of the Mario prize coins will have to register their name, address and date of birth with representatives of the Promoter at each location. Proof of identity will be required.
9. Finders must bring the applicable clue from the MX and present it when providing the information referred to in Clause 8 hereof.
10. Finders of the Mario prize coins will only be eligible for one prize during the duration of the Coin Hunt.
11. Joint participants in the Coin Hunt will be eligible for only one prize.
12. Participants in the Coin Hunt must not interfere with the rights of other participants in the Coin hunt.
13. The declaration of the finders of the coins by the Promoter will be final and no correspondence will be entered into regarding this declaration.
14. The first ten successful participants who locate the Mario prize coins in each city on each day of the Coin Hunt will receive a New SUPER MARIO BROS.™ Wii game (SRP \$99.95).

The next ten successful participants who locate the Mario prize coins in each city on each day of the Coin Hunt will receive \$50.00.

The total prizes being offered are valued at a maximum of (SRP) A\$17,994.00 (inc. GST); Total games SRP – A\$11,994.00, total cash prizes A\$6,000.00.

The game prizes cannot be exchanged, transferred or redeemed for cash.

15. The value of the prizes are given in Australian dollars. The value of the game prize is the suggested retail price. The value of the game prize may be subject to variation and the successful participant will not be entitled to receive from the Promoter compensation for any variation in game prize value. If a game prize is unavailable for any reason, the Promoter may provide to the winner another item of equal or greater value.
16. Games Prizes will be provided to the Mario prize coin finders on the day. Winners of the \$50, will have a cheque sent out to their home address.
17. Participants in the Coin Hunt may be photographed and/or filmed by or for the Promoter and the participants agree to assign all their rights in such photographs and/or footage to the Promoter and agree that such photographs and/or footage may be posted on the Promoter's website and other public forums.
18. Neither the Promoter nor its officers, agents, employees or associated companies will be liable for any loss (including any indirect or consequential loss) or damage suffered or incurred by any person participating in the Coin Hunt unless such liability may not be lawfully excluded in which case their liability will be limited to the greatest extent permitted by law.
19. If there is a dispute as to the identity of participant, the Promoter reserves the right, in its sole discretion, to determine the identity of the participant.
20. The personal information provided by participants to the Promoter may be used by the Promoter for the purpose of conducting the Coin Hunt. Participants' personal information may be distributed by the Promoter to persons engaged by the Promoter to conduct the Coin Hunt. The Promoter is bound by the provisions of the Privacy Act 1988. Participants may access the personal information held by the Promoter by contacting the Privacy Compliance Officer, Nintendo Australia Pty Limited, 804 Stud Road, Scoresby, Victoria, 3179.
21. If this Coin Hunt is interfered with in any way or is not capable of being conducted as reasonably anticipated due to any reason beyond the reasonable control of the Promoter, the Promoter reserves the right, in its sole discretion, to the fullest extent permitted by law (a) to disqualify any entrant; or (b) subject to any written directions from a regulatory authority, to modify, suspend, terminate or cancel the Treasure Hunt, as appropriate.
22. Authorised under NSW Permit LTPS/09/10939.