



Our ref: AA1000489  
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Peter Speed  
Speed and Stracey Lawyers

**By email:** [REDACTED]

Dear Mr Speed

**Scentre Group and Shopping Centre Council of Australia - application authorisation AA1000489– scope of interim authorisation**

I refer to the Australian Competition and Consumer Commission's (**ACCC**) decision on 3 April 2020 to grant conditional urgent interim authorisation to Scentre Group, the Shopping Centre Council of Australia (**SCCA**), and its members (**Interim Authorisation**). The Interim Authorisation allows SCCA members to discuss, share information, and agree and give effect to contracts, arrangements or understandings to facilitate providing rent relief to their small and medium enterprise (**SME**) tenants adversely affected by the COVID-19 crisis.

The purpose of this letter is to notify you of concerns the ACCC has received about the types of financial information that SCCA members have been requesting from SME tenants in order to be considered for rental assistance, and to request the SCCA's urgent response. The concerns relate to:

- SCCA members requiring SME tenants to provide information regarding their financial circumstances that SCCA members would not ordinarily have access to and that does not appear directly relevant to developing rent relief packages and then providing them to SME tenants, and
- SCCA members sharing tenants' confidential information with other SCCA members when this does not appear necessary in order for SCCA members to develop and provide rent relief packages.

I note that Interim Authorisation enables SCCA members to 'discuss and share information regarding the financial difficulties their tenants are facing and which tenants or classes of tenants would benefit most from relief and the nature of the relief that might be offered.' The ACCC would be concerned if SCCA members were requesting information beyond what is reasonably necessary to understand a tenant's eligibility for a relief package. Further, the ACCC would be concerned if SCCA members were sharing a tenant's confidential information.

Therefore, in order to assist the ACCC in its consideration of the concerns raised and whether the ACCC should clarify the terms of the interim authorisation, we request that the SCCA:

1. Provide the ACCC with details of the information that SCCA members have requested, or expect or are likely to request, from SME tenants as part of developing and providing rent relief to SME tenants, and explain why this information is required.
2. Identify the information, or types of information, including confidential information, that SCCA members have shared, or expect or are likely to share, with other SCCA members under the interim authorisation, and explain why it is necessary to share this information.

Your prompt response will assist the ACCC in deciding whether the Interim Authorisation provides sufficient protections for SME tenants against inappropriate disclosure or use of confidential information.

We request your urgent response this letter by no later than **5pm Wednesday 8 April 2020**.

This letter has been placed on the ACCC's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Louisa Wilson on (03) 9290 1474.

Yours sincerely



Daniel McCracken-Hewson  
Ag General Manager  
Adjudication