



Our Ref: AA1000501
Contact officer: Alex Reed
Contact phone: 02 6243 1364

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111
www.accc.gov.au

19 November 2020

Paul Zahra
Chief Executive Officer
Australian Retailers Association

By email: [REDACTED]
Cc: [REDACTED]

Dear Mr Zahra

Re: Australian Retailers Association – AA1000501

On 6 August 2020, the Australian Competition and Consumer Commission (**ACCC**) issued a final determination granting conditional authorisation to the Australian Retailers Association (**ARA**) and its current and future members to enable collective bargaining and information sharing in relation to rent relief negotiations with landlords as a result of the COVID-19 pandemic.

The purpose of this letter is to request information from the ARA in accordance with the authorisation conditions. As indicated in the final determination, the conditions are intended to minimise the likelihood that the Conduct will result in public detriment by enabling the ACCC to monitor rent relief negotiations during the period of authorisation.

In particular, the conditions (set out at 4.9 of the ACCC's [Final Determination](#)), require that:

- (a) The ARA must collect from its members and maintain records of all material meetings or communications engaged in by its members in relation to the Conduct, including the participants in the meeting or communication, the topics discussed, any written information or data exchanged, and material decisions made, and
- (b) The ARA provide to the ACCC, within a reasonable period following a request, the records maintained under paragraph (a) above, and any other information and documents related to the authorisation that is reasonably requested by the ACCC.

In accordance with these conditions, the ACCC requests that the ARA provide records of all material meetings or communications in relation to the Conduct since the final determination was issued.

We would also appreciate the ARA's views about how the authorisation is working and whether there have been rent relief measures agreed as a result of the Conduct. We note that at the time of the ACCC's final determination there had been no material meetings or communications under the interim authorisation, and all rent relief measures at that time had occurred on an individual basis.

The ACCC requests that the ARA respond to this request by COB 4 December 2020.

This letter will be placed on the ACCC's public register. Can you please clearly indicate if any parts of your response should be excluded from the public register and provide reasons.

Should you wish to discuss this request please contact Alex Reed on 02 6243 1364,

Yours sincerely

A handwritten signature in blue ink that reads "Joanne Palisi". The signature is written in a cursive style with a light blue shadow effect behind the text.

Joanne Palisi
Director
Competition Exemptions