



Our ref: AA1000475  
Contact officer: Kobi Maybury  
Contact phone: 02 6243 1222

23 Marcus Clarke Street  
Canberra ACT 2601  
GPO Box 3131  
Canberra ACT 2601  
tel: (02) 6243 1111

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adjudication@accc.gov.au  
www.accc.gov.au

Dear Interested Party

### **Australian Banking Association's application for authorisation AA1000475—small business relief package – interested party consultation**

On 20 March 2020 the Australian Competition and Consumer Commission (the **ACCC**) granted interim authorisation to the Australian Banking Association (**ABA**) to enable member banks to agree and implement a relief package for small business customers experiencing financial difficulties as a result of COVID-19 (**the conduct**). The ABA is seeking authorisation to engage in the conduct for a period of 12 months from the date final authorisation is granted.

The ACCC is seeking submissions on the conduct authorised in the interim authorisation and the subject of the ABA's substantive application for authorisation. In particular, the ACCC is interested in your views on two main issues:

- Firstly, if you have been directly impacted by the conduct authorised under the interim authorisation granted by the ACCC on 20 March, what is your experience to date.
- Secondly, do you have any comments in relation to the likely public benefits and detriments should the ACCC authorise the conduct for a further 12 months, and whether any conditions should be placed on the authorisation.

Details on how to make a submission to the ACCC are provided below.

You are welcome to pass this letter on to others who may wish to make submissions. A full copy of the application for authorisation is available on the [ACCC's Public Register](#).

### **The application for authorisation**

On 19 March 2020, the ABA lodged an application for authorisation to allow banks to agree and implement a small business relief package. The ABA also requested urgent interim authorisation so that it could commence making the package available as soon as possible. The ACCC granted interim authorisation on 20 March 2020.

The ACCC did not conduct a public consultation process in respect of the request for interim authorisation in light of the urgent need for the banks to have a relief package in place in the context of the unprecedented circumstances impacting the economy and the compelling nature of the public benefits likely to result from the request for interim authorisation.

A copy of the ACCC's interim authorisation decision is available on the [ACCC's Public Register](#).

## Request for submissions

If you intend to provide a submission please do so by **Friday 1 May 2020**. Submissions should be emailed to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) with the subject 'Australian Banking Association - AA1000475 - Submission'. In addition, should you wish to make a submission beyond 1 May 2020 in relation to your experience with the impact of the conduct, please contact the ACCC at [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) or on the number below.

We recognise that the COVID-19 situation may be causing disruptions to your normal operations. For this reason we are taking a flexible approach to receiving feedback on the conduct. You may wish to contact us by phone to discuss your views or submission before the deadline.

If you would like to provide comments orally, please contact Kobi Maybury on 02 6243 1222 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the [ACCC's public register](#) subject to any request for exclusion (see the [ACCC guidelines](#) for more information).

## Timetable

An indicative timetable is below. This timetable is subject to change. The most up to date indicative timetable is available on the [ACCC's public register](#).

<b>19 March 2020</b>	Lodgement of application and supporting submission, including request for interim authorisation.
<b>20 March 2020</b>	Interim decision.
<b>3 April 2020</b>	Public consultation process begins.
<b>1 May 2020</b>	Closing date for submissions on the substantive application for authorisation from interested parties.
<b>June 2020</b>	Applicant responds to issues raised in the public consultation process.
<b>July 2020</b>	Draft determination
<b>July 2020</b>	Public consultation on draft determination including any conference if called.
<b>September 2020</b>	Final determination.

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 Kobi Maybury on 02 6243 1222 or [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au).

Yours sincerely



Susie Black  
Director  
Adjudication

**List of parties contacted by the ACCC**

Australian Securities and Investments Commission

Australian Prudential Regulation Authority

Department of Treasury

Reserve Bank of Australia

Australian Unions

Australian Financial Complaints Authority

Customer Owned Banking Association

Consumer Action Law Centre

Financial Counselling Australia

Indigenous Consumer Assistance Network

SA Small Business Commissioner

WA Small Business Commissioner

Australian Small Business and Family Enterprise Ombudsman

Australian Retailers Association

Council of Small Business Organisations of Australia

Australian Industry Group

NSW Business Chamber

Australian Chamber of Commerce and Industry

Business Council of Australia