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Our ref: AA1000482  
Contact officer: Yak Wang  
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3 April 2020

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www.acc.gov.au

Dear Interested Party

## **Australian Banking Association's application for authorisation AA1000482— financial relief programs – interested party consultation**

On 30 March 2020 the Australian Competition and Consumer Commission (the **ACCC**) granted interim authorisation to the Australian Banking Association (**ABA**) to enable current and future retail member banks (**Member Banks**) (including third party suppliers and/or agents, where relevant) and their subsidiary banks to discuss, agree, and give effect to any contract, arrangement or understanding between them with the broad purpose of providing financial relief and assistance to customers as a result of COVID-19, and supporting government initiatives (**the conduct**). The ABA is seeking authorisation to engage in the conduct for a period of 12 months from the date the 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 30 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**

The ACCC granted interim authorisation to the ABA on 20 March 2020 to allow Member Banks to implement a small business relief package. On 30 March 2020, the ABA lodged a separate application for authorisation to implement this *broader* financial relief package.

The ABA requested urgent interim authorisation so that it could commence making the broader package available as soon as possible. The ACCC granted interim authorisation on 30 March 2020 subject to conditions which broadly require that:

- the ABA seek the approval of the ACCC where the coordination by Member Banks involves agents or suppliers that Member Banks compete with, and
- the ABA notify the ACCC of any financial relief program or other arrangement arising from the Proposed Conduct, prior to its implementation.

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@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject 'Australian Banking Association (financial relief programs) - AA1000482 - 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@acc.gov.au](mailto:adjudication@acc.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 Yak Wang on 03 9290 6978 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>30 March 2020</b>	Lodgement of application and supporting submission, including request for interim authorisation.
<b>30 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 Yak Wang on 03 9290 6978 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Susie Black  
Director  
Adjudication

**List of parties contacted by the ACCC**

Consumer Action Law Centre  
Council of the Ageing  
Department of Human Services  
Department of Health  
Mortgage and Finance Association of Australia  
Australian Industry Group  
NSW Business Chamber  
Australian Chamber of Commerce and Industry  
Business Council of Australia  
Australian Retailers Association  
National Retailers Association  
Department of Treasury  
Reserve Bank of Australia  
Australian Unions  
Australian Financial Complaints Authority  
Customer Owned Banking Association  
Financial Counselling Australia  
Indigenous Consumer Assistance Network  
Australian Prudential Regulation Authority  
Australian Securities and Investments Commission  
GPT  
Westfield  
Vicinity Centres  
Shopping Centre Council of Australia