



Our ref: AA1000489  
Contact officer: Theo Kelly  
Contact phone: (02) 6243 1179

13 May 2020

Ana Simurina  
Senior Legal Counsel  
Mirvac

Deanna Chan  
Senior Legal Counsel  
Mirvac

***By email only***

Dear Ms Simurina and Ms Chan

**Scentre Group and Shopping Centre Council of Australia Limited – AA1000489 – Request for information from SCCA members**

We refer to our letter of 1 May and your response of 12 May, stating that the SCCA has responded or would be responding to our letter on your behalf.

The letter we received from the SCCA on 8 May does not purport to respond to our separate letter to you. It does not answer several of the questions we put to you, including the extent to which your organisation has engaged in the Proposed Conduct, and your organisation's view of any particular public benefits or detriments resulting from the Proposed Conduct. In any case, we do not expect the SCCA to be able to respond to those queries on your behalf as your views or knowledge may differ. We request a separate response from your organisation.

We also write to request further information in relation to COVID-19 related rental relief granted unilaterally by your organisation. We understand from the SCCA's letters to us that this information has not been shared amongst members of the SCCA. Please let us know if you have shared this information with the SCCA and it is able to respond on your behalf.

**Background**

As you would be aware, the interim authorisation was granted to allow SCCA members to immediately engage in the Proposed Conduct due to the urgent need for rental relief.

The ACCC has written to the SCCA to seek regular updates on the provision of rental relief by its members. The SCCA has informed us that, to date, no rent relief packages have been delivered pursuant to the interim authorisation. It advises that, pending a meeting scheduled for tomorrow 14 May, it is not presently known what conduct, if any, its members are likely to engage in under the interim authorisation over the next month and when (if at all) the SCCA is likely to announce a relief package pursuant to the interim authorisation.

As a collective relief package appears to still be some time away, we wish to understand the extent of rent relief that SCCA members have so far independently delivered. This will assist us to assess the likelihood that the interim authorisation will deliver its claimed public benefits.

### Information Request

The ACCC requests information from Mirvac about rent relief which you have granted to your SME tenants (as defined in the interim authorisation) in relation to the COVID-19 pandemic. Please advise:

- The number of leases or licences in relation to which Mirvac has provided any form of COVID-19 related rent relief to SMEs (both terms as defined in the interim authorisation):
  - As an absolute number; and
  - As a percentage of Mirvac's SME tenancies / licences.
- The value of the rent relief provided to SMEs across Mirvac's portfolio:
  - As absolute total value;
  - As an estimated monthly value; and
  - As an average estimated percentage of the relevant tenants/licensees' monthly rent, outgoings and other payables to Mirvac.
- The nature of the relief granted, ie whether it is a deferral of payments, amelioration of payments, renegotiation of rental terms, etc. If it is a mixture, an estimate of the relative mix of relief granted.

We require your response by **15 May 2020** to [theo.kelly@accc.gov.au](mailto:theo.kelly@accc.gov.au).

This letter will be placed on the public register.

Your response will be placed on the ACCC's public register subject to any request for exclusion. Given the likelihood that it will contain information confidential to you, we invite you to review the ACCC's Guidelines for excluding confidential information from the public register for authorisation and notification processes.<sup>1</sup>

Yours faithfully



Kai Fu  
Director  
Adjudication

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<sup>1</sup> <https://www.accc.gov.au/publications/guidelines-for-excluding-confidential-information-from-the-public-register-for-authorisation-and-notification-processes>