



**Australian
Competition &
Consumer
Commission**

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29 August 2012

Dear Sir/Madam

Shopping Centre Council of Australia Ltd application for revocation of authorisations A91049 and A91050 and substitution of new authorisations A91329 and A91330 – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process in relation to the above mentioned application received from the Shopping Centre Council of Australia (the SCCA) on 21 August 2012.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the issues raised in this letter and the SCCA's application.

Application for 'reauthorisation'

Attached is a summary of the authorisation process, including how to make a submission to the ACCC.

The SCCA is seeking reauthorisation for its Casual Mall Licensing Code of Practice (the Code) until 31 December 2017. Please find enclosed a copy of the SCCA's application.

A full copy of the application for 'reauthorisation' is also available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Background

The Code relates to casual mall licensing, which involves the granting of a right to occupy part of the common area of a shopping centre for a short period of time (normally less than one month) – usually for product launches and demonstrations, stock clearance sales and brand awareness campaigns.

The ACCC previously authorised the Code for five years on 29 August 2007, and varied this authorisation on 30 January 2008 so that it would expire on 31 December 2012.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the Code during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and anti-competitive detriments you consider have actually resulted from the Code during the previous authorisation period.

If you intend to provide a submission in relation to the SCCA's application for authorisation, please do so by **21 September 2012**.

Alternatively, if you would like to provide comments orally, please contact Shane Chisholm using the details provided below to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

21 August 2012	Lodgement of application and supporting submission.
29 August 2012	Public consultation process begins.
21 September 2012	Closing date for submissions from interested parties.
September 2012	Applicant responds to issues raised in the public consultation process.
November 2012	Draft determination.
November/December 2012	Public consultation on draft determination including any conference if called.
January 2013	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Shane Chisholm on (02) 6243 1036 or shane.chisholm@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch

The above letter was sent to the following interested parties for comment:

	Organisation
1.	Westfield Group
2.	Property Council of Australia
3.	Retail First
4.	Jones Lang LaSalle
5.	Jen Retail Properties
6.	The GPT Group
7.	Centro Properties Group
8.	McConaghy Group
9.	Perron Group
10.	Brookfield Australia
11.	Charter Hall Australia
12.	Mirvac
13.	Dexus Property Group
14.	Eureka Funds Management
15.	Precision Group
16.	QIC
17.	IPOH
18.	Savills
19.	ISPT Super Property
20.	Colonial First State Retail Property Trust
21.	Stockland
22.	AMP Capital
23.	Lend Lease
24.	Australian Retailers Association
25.	National Retail Association
26.	National Association of Retail Grocers of Australia
27.	National Independent Retailers Association
28.	Australian National Retail Association
29.	Retail Traders Association of WA
30.	United Retail Federation
31.	Retail Traders Association of the ACT & Region
32.	WA Retailers Association Inc
33.	Council of Small Business Organisations of Australia
34.	Small Business Association of Australia
35.	Australian Small Business Centre Pty Ltd
36.	Office of Fair Trading (Queensland Government)
37.	Consumer Affairs Victoria
38.	Consumer and Business Services (South Australian Government)
39.	Department of Commerce (Western Australian Government)
40.	Department of Justice (Queensland Government)
41.	Office of Regulatory Services (Australian Capital Territory Government)
42.	Office of the Small Business Commissioner (NSW Government)
43.	Small Business Development Corporation
44.	Office of the Victorian Small Business Commission
45.	Department of Justice (Northern Territory Government)

46.	Department of Justice (Tasmanian Government)
47.	Small Business Commissioner (South Australian Government)
48.	Department of Industry, Innovation, Science, Research and Tertiary Education (Australian Government)
49.	Choice
50.	Consumers' Federation of Australia