



Your ref: 49545
Contact officer: Anna Giannakos

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Dr Chadwick,

**Shopping Centre Council of Australia Ltd – Draft determination of Casual Mall
Licensing Code of Practice (Authorisation numbers A91329 and A91330)**

Thank you for the opportunity to make a submission on the Australian Competition and Consumer Commission (ACCC) draft determination on this matter dated 13 December 2012.

As the NSW Small Business Commissioner, I have been appointed to support small businesses in NSW by:

- providing dispute resolution services;
- delivering quality business advice through Small Biz Connect; and
- speaking up for small business within government.

The Dispute Resolution Unit incorporates Retail Lease Disputes and sits within the Office of the NSW Small Business Commissioner which administers the *Retail Leases Act 1994* (NSW). One of the roles of the Unit is to provide:

- information and assistance on retail leasing matters to retail landlords and tenants; and
- mediation services when retail lease disputes arise to facilitate their prompt resolution.

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I have reviewed the ACCC draft determination and support the ACCC's decision to authorise the Casual Mall Licensing Code of Practice for five years. My view is that this voluntary code of practice provides an appropriate and reasonable balance between the interests of permanent retail tenants and casual mall licensees within a shopping centre because both parties are interested in making it work well.

In particular, given the scope and boundaries of the *Retail Leases Act 1994 (NSW)*, the voluntary code provides certainty and transparency for permanent retail tenants and provides shopping centres with flexibility to introduce casual mall licenses within a shopping centre.

If you wish to discuss any of the issues raised in this submission further please contact John Hin, Principal Advisor, Advocacy on (02) 8222 4835 or email john.hin@smallbusiness.nsw.gov.au.

Yours sincerely



Yasmin King
NSW Small Business Commissioner
9 January 2013