

SHOPPING CENTRE

COUNCIL OF AUSTRALIA

19 February 2014

Ms Susan Philp
Director, Adjudication Branch
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

Dear Ms Philp,

Application for authorisation lodged by Australian Newsagents Federation

Members of the Shopping Centre Council of Australia have been receiving the **attached** letter from the ACCC regarding the application by the Australian Newsagents Federation for revocation of authorisation A91134 and A91174 and substitution of new authorisation A91407. I note that members of the SCCA are listed as 'Shopping Centre Landlords' targets of the application and this list appears to have been taken from the SCCA website. I assume, therefore, that all SCCA members will be receiving this letter.

Our members are puzzled as to why they are listed as 'targets' of the collective bargaining application. The application lists specific matters (on page 6) on which the ANF wishes to bargain collectively with 'Newspaper publisher targets' and 'Magazine distributor targets'. There is no such list of specific matters on which the ANF wishes to collectively bargain with shopping centre landlords. We think it is unlikely that the ANF would wish to bargain on shopping centre leases, given that such leases would involve hundreds of separate lessors, spread over hundreds of separate shopping centres around Australia and given that these leases all have different rental arrangements, lease terms and expiry dates. (In addition, of course, there are thousands of newsagents outside shopping centres and, no doubt, just as many landlords.) This is unlike the common or standardised arrangements which newsagents have with newspaper and magazine publishers and lottery companies. We further note that there is no mention of shopping centre landlords in the application (other than the list of 'targets' and a reference to 'commercial landlords' in a list of suppliers on page 2). Our members therefore have no indication of why they have been 'roped in' to the new application, given that the existing applications (which are to be revoked) do not include 'commercial landlords' or 'shopping centre landlords'.

Given the lack of information contained in the application, our members find it impossible to comment on the ANF's application, particularly in making a judgment about "likely public benefits"; the "effect on competition" or "any other public detriment" which might result from the proposed arrangements. We would therefore seek from the ACCC further details of the sorts of arrangements the ANF has in mind and the matters on which the ANF proposes to bargain collectively with "commercial landlords" or "shopping centre landlords", so that they are able to substantively respond to the ACCC's request for comment. Given the short time available for responses (4 March), we would be grateful if you could supply me with the relevant information so that I can advise our members.

Yours sincerely,



Milton Cockburn
Executive Director

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11 February 2014

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Dear Sir / Madam

www.accc.gov.au

Australian Newsagents Federation Application for revocation of authorisation A91134 and A91174 and substitution of new authorisation A91407- interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for re-authorisation (application for revocation and substitution) received from the Australian Newsagents Federation (ANF) on 3 February 2014.

The ANF is seeking authorisation in its own right and on behalf of its Member State Branches, the Newsagents Association of NSW and the ACT, and the Victorian Newsagents Association to engage in collective bargaining with a range of suppliers. The ANF has proposed that participation in the collective bargaining process will be voluntary for all parties.

The ANF has identified your business as one with whom they would like to collectively bargain with on behalf of their members. The purpose of this letter is to invite you to comment on the ANF's application.

Request for submission

The ACCC invites you to comment on the ANF's application, including on the likely public benefits and effect on competition, or any other public detriment, which might result from the proposed arrangements.

A full copy of the application for authorisation is available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>. Alternatively, you can contact the writer on 02 6243 1351 to obtain a hard copy of the application and submission.

If you intend to provide a submission in relation to the ANF's application for authorisation, please do so by **4 March 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91407 – Australian Newsagents Federation – submission".

Alternatively, if you would like to provide comments orally, please contact the writer on 02 6243 1351 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.

3 February 2014	Lodgement of application and supporting submission.
6 February 2014	Public consultation process begins.
4 March 2014	Closing date for submissions from interested parties.
March 2014	Applicant responds to issues raised in the public consultation process.
April 2014	Draft determination.
April/May 2014	Public consultation on draft determination including any conference if called.
June 2014	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 the writer on 02 6243 1351 or adjudication@acc.gov.au.

Yours sincerely



Susan Philp
Director
Adjudication Branch