

SCENTRE GROUP

18 August 2017

Mr Darrell Channing
Director
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

By Email: adjudication@accc.gov.au

Dear Mr Channing

Shopping Centre Council of Australia (SCCA) – Application for Re-authorisation A91591 & A91592
(Application)
Interested Party Consultation – Scentre Group Submission

We refer to the Application and thank you for giving us the opportunity to make this submission.

Casual Mall Licensing

Scentre Group shares the SCCA's views on casual mall licensing, in particular:

- casual mall licensing is important to the success of our shopping centres;
- casual mall licensing facilitates a great range of goods and services to, and competition for the benefit of, the consumer; and
- the Casual Mall Licensing Code provides a longstanding and appropriate framework to manage casual mall licensing, and as a national Code also enables efficiency / harmonisation across jurisdictions.

Scentre Group regards casual mall licensing as a vital incubator for new Australian retailers. It allows new retailers to test their product, and enhance their skills, in a low cost and flexible environment. As such, it provides an innovation pathway for new entrants.

Casual mall licensing adds to the vibrancy of our shopping centres and has been a success story for not only the Australian shopping centre industry, but also for many retailers and the consumer.

One measure of the Code's success is the de minimis level of disputes that have arisen under the Code over the last decade. Where they do arise, the Dispute Resolution provisions (Clauses 9 to 13 of the Code) provide an efficient, informal and low cost method of dealing with them.

Owner and Operator of  In Australia and New Zealand

SCENTRE GROUP LIMITED ABN 66 001 671 496

SCENTRE MANAGEMENT LIMITED ABN 41 001 670 579 AFS Licence No: 230329 as responsible entity of Scentre Group Trust 1 ABN 55 191 750 378 ARSN 090 849 746
RE1 LIMITED ABN 80 145 743 682 AFS Licence No: 380202 as responsible entity of Scentre Group Trust 2 ABN 66 744 282 872 ARSN 146 934 536
RE2 LIMITED ABN 41 145 744 065 AFS Licence No: 380203 as responsible entity of Scentre Group Trust 3 ABN 11 517 229 138 ARSN 146 934 652
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SCENTRE GROUP

Public Benefit v Public Detriment Test

Scentre Group believes that the Public Benefits of the Code (detailed in Application) outweigh any Public Detriment. We note that this position has been accepted by the ACCC in its Determinations of 29 August 2007 and 6 February 2013.

However, we are concerned that the recent attempt by one retailer organisation to amend the Code appears to be aimed at making the Code more restrictive to competition, and would result in a negative shift in the Public Benefit/Public Detriments equation. Accordingly, we believe that such amendments are undesirable.

Support of the Application

Scentre Group supports the Application and requests the ACCC to re-authorise the Code.

If you would like to discuss our submission further, please do not hesitate to contact me on (02) 9358 7730.

Yours sincerely
Scentre Group Limited



Paul Giugni
General Counsel

Owner and Operator of **Westfield** in Australia and New Zealand

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