



6TH September 2017

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

And by email: adjudication@acc.gov.au

Dear Mr Channing

**Shopping Centre Council of Australia– application for re-authorisation A91591 & A91592 –
interested party consultation**

Thank you for the opportunity to provide comment on the joint-application made by the National Retail Association (NRA) and the Shopping Centre Council of Australia (SCCA) to the Australian Competition and Consumer Commission (ACCC) seeking reauthorisation of the *Casual Mall Licensing Code of Practice*.

The National Online Retailers Association (NORA) is a key retail industry stakeholder and provides a forward thinking, optimistic and balanced view of New Retail in Australia. NORA represents small to large pure-play and multi-channel retailers. The NORA Board includes members from a wide range of organisations, including Microsoft, Telstra, and Myer

NORA strongly supports the reauthorisation of the Code in the form submitted by the NRA and SCCA. No concerns have been raised with NORA about the current and, we understand, longstanding, operation of the Code.

We would urge caution against any moves which would make fewer, or make more challenging for a shopping centre owner to manage and deliver, opportunities for short term, 'pop-up' sites in Australia's shopping centres.

Customers are increasingly demanding multi-touch points with their brands of choice. As such, online retailers increasingly moving toward a 'phygital' connection with their customers. This can take a range of forms, key to which is short-term, 'pop-up' retailing.

Curbing the capacity for retailers to meet this customer demand would be counter to the interests of customers, counter to the concept of innovation and counter to healthy competition in the retail sector.

At NORA, we are of the view that change in the retail landscape is being driven by tech-savvy and informed shoppers. Retail should not stand still in the face of this change, but embrace new and different opportunities to reach their customers. Competition is healthy and the collective goal should be to 'grow the pie' in a positive, dynamic and increasingly interesting way.

NORA is pleased to join with the NRA and the SCCA in their effort to continue the existing, positive and balanced framework for the provision of short-term, 'pop-up' retail sites in Australia's shopping centres. The Code plays an important part of this framework and, appropriately, balances the treatment of longer-term tenants in shopping centres.

We are particularly pleased to partner with groups which recognise the importance of this 'pop-up' framework, which is underpinned by the Code, to New Retail brands in Australia. The NRA and SCCA understand the importance of providing opportunities, particularly relatively low cost and low commitment opportunities, for New Retail brands to test innovation and ideas, engage and delight their customers and, increasingly, grow their brand recognition.

The 'pop-up' framework is just as important for more established, high profile New Retail brands which utilise opportunities to drive sales, loyalty and enthusiasm by enticing their customers with exclusive 'bricks and mortar' opportunities.

New Retail does not stand still. It recognises and embraces the role that a deliberate and clever short term 'bricks and mortar' opportunity can play in its various business models. NORA seeks to ensure that these opportunities continue to be available in the future.

Subject to the reauthorisation of the Code at hand, we would be pleased to work with the SCCA and NRA, and any other interested parties, to discuss how New Retail thinks about and utilises 'pop-up' opportunities, how this may change into the future and how our organisations should collectively be preparing for, and welcoming, this change.

Please contact me on 0419 979 474 to discuss this letter as needed.

Yours sincerely



Paul Greenberg
Executive Director