

22<sup>nd</sup> of April 2020

Mr Rod Sims  
Chairman - Australian Competition and Consumer Commission  
PO Box 3131  
Canberra City ACT 2601

By email: [REDACTED];  
Cc: [REDACTED]

**RE: Scentre Group and Shopping Centre Council of Australia Limited Authorisation Application**

Dear Sir,

The Australian Lottery and Newsagents Association (ALNA), is a not-for-profit organisation and is the peak industry body that provides advocacy and support services to our members nationally. There are over 4000+ Newsagents and Lottery agents nationally.

As you will be aware, On 2 April 2020, Scentre Group and the Shopping Centre Council of Australia (SCCA) (the Applicants) applied for authorisation on behalf of themselves and SCCA members to take urgent industry wide action to assist small and medium enterprise (SME) tenants adversely financially impacted by the outbreak of COVID-19.

On 3 April 2020, the ACCC granted conditional interim authorisation to enable the Applicants to discuss, share information, and agree and give effect to contracts, arrangements or understandings to benefit their SME tenants, which have the purpose of providing rent relief to SME tenants, including through the deferment or amelioration of the payments or rent and other payments which tenants might otherwise be obliged to pay to SCCA members. The condition requires the Applicants to notify the ACCC of any proposed rent relief measures not less than 24 hours before the measure is implemented.

Since the ACCC granted conditional interim authorisation, the National Cabinet have announced a Mandatory Code for Commercial Tenancies. It has been becoming clear from many examples we have seen over the last few weeks since this announcement, that landlords seem to be sharing a lot of information and they are appearing to often take a similar approach to each other when communicating with tenants seeking rent relief. Language is similar, as are some of the increasingly unrealistic and unnecessary requests for information from tenants before they will look at rent relief, including in some instances confidentiality requests before negotiations can begin. These are often not consistent with the code or with the transparency requirements of the current authorisation.

These developments could be interpreted as ways to obfuscate and delay outcomes. While the code is yet to be legislated by all states, we now have a code and so the whole landscape has changed. As a result, we feel that the authorisation landlords have been given by the ACCC allowing them to share information should now clearly be withdrawn or revoked immediately or a new application should be lodged.

We appreciate the ACCC taking on board our concerns in relation to this issue.

Kind regards  
Ben

Ben Kearney  
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