

19 April 2024

Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Attn: Andrew Ng / Tanya Hobbs

By email: exemptions@accg.gov.au

Application for Authorisation AA1000661 – Australasian Performing Right Association

I write in relation to the application for revocation of authorisation AA1000433 and substitution of new authorisation AA1000661 by the Australasian Performing Right Association (APRA).

Thank you for your correspondence of 19 February 2024 and 3 April 2024. As the Australian Competition and Consumer Commission (ACCC) is aware, the Shopping Centre Council of Australia (SCCA) engaged on APRA's current authorisation. We appreciate the opportunity to submit our industry's perspective once more.

To be clear, we do not object to APRA continuing to operate under an ACCC authorisation on account of its role, position, and effective monopoly. Noting the following comments, which are consistent with what we have raised previously, we are keen to ensure that relevant protections are maintained.

On review, APRA's application for a new/amended authorisation appears to remain within the bounds of its current authorisation. The issues highlighted by the SCCA that were of concern in 2019 were largely addressed by the conditions applied by the ACCC to authorisation AA1000433 and / or are less pertinent now as these arrangements have matured.

We note APRA's assertion that the ACCC's conditions of authorisation have been embedded into its operations and in terms of how it is obliged to continually demonstrate transparency. Further, that APRA anticipate that some of these conditions will be reinserted in a prospective new authorisation and variously could or should be amended / streamlined or removed.

The SCCA views the *transparency of licensing fees* as being critically importance. In practical terms, the *retail and service providers* information guide is essential in this regard. We submit that the form and all of the information contained in this information guide should be retained, as with notification of any fee increases above CPI and an indication of year-to-year fee increases.

We would be concerned if, in seeking to streamline and simplify its operations, the utility of this information guide and APRA's transparency in this regard was diminished or made less user friendly. Our concern applies equally to shopping centre owners and managers as it does our small business tenants.

For instance, paragraphs 177 to 188 of APRA's application intimate that information guides might be paired back (including fee tables) and that some information can be found in licensing documents. This could result in information guides that introduce less transparency, are of less utility, and licensing conditions that are only able to be determined by cross referencing a number of documents. Whilst APRA are looking to streamline their operating conditions, we would not want the reporting that exists to be diminished / made less user friendly.

We are confident that the ACCC will assess the merits of APRA's arguments and the form and utility of what is proposed to substitute existing arrangements.

Thank you in advance for your consideration. Please do not hesitate to contact me on [REDACTED] or at [REDACTED] if / as required.

Kind regards,

James Newton
Head of Policy and Regulatory Affairs
Shopping Centre Council of Australia