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16 April 2020

Peter Speed
Speed and Stracey Lawyers

By email: [REDACTED]

Dear Mr Speed

Scentre Group and Shopping Centre Council of Australia Limited – AA1000489

We refer to the Australian Competition and Consumer Commission's (**ACCC**) decision on 3 April 2020 to grant interim authorisation to Scentre Group, the Shopping Centre Council of Australia (**SCCA**), and its members (**Interim Authorisation**).

We are about to commence a public consultation process as part of our assessment of the application for authorisation and, in particular, consideration of how the Interim Authorisation is working in practice.

Your letter of 8 April indicated that as at that date, the Applicants and SCCA Members had yet to agree any relief packages for tenants under the Interim Authorisation. Could you please describe the conduct, if any, the Applicants and SCCA Members have engaged in as part of the Interim Authorisation, and provide an expected timeframe for the Applicants to notify relief package(s) agreed under the Interim Authorisation.

Secondly, since Interim Authorisation was granted, a Mandatory Code of Conduct, entitled "*SME Commercial Leasing Principles During COVID-19*", was approved by the National Cabinet and announced by the Australian Government on 7 April 2020 (the **Code**). State governments have begun announcing details of their implementations of the Code, including the NSW and Queensland governments on 13 April and the Victorian government on 15 April. I note that your letter of 8 April states that any agreement reached under the Interim Authorisation will not supersede or diminish the Code, but rather is expected to supplement and complement the Code.

As the Code addresses similar issues as the conduct the subject of the application for authorisation and the Interim Authorisation, could you please advise whether these developments change the scope of the discussions and packages that the Applicants and SCCA Members are likely to agree under the Interim Authorisation.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Theo Kelly on (02) 6243 1179.

This letter will be placed on the ACCC's public register.

Yours sincerely,

Kai Fu
Director
Adjudication Branch