

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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SENATE AMENDS UNFAIR CONTRACT TERMS BILL TO MASSIVELY INCREASE INDUSTRY COVERAGE

Largely unnoticed amid the political ructions in Canberra on Monday, the Senate passed the Bill extending unfair contract term protections to small business contracts (*Shop Talk* [25/6/15](#), [20/8/15](#) & [10/9/15](#)). However non-Government Senators successfully supported a Greens' amendment, which has dramatically increased the monetary thresholds for contracts covered by the Bill. The four-fold increase in the thresholds, if allowed to stand, would massively increase the coverage of the Bill to encompass nearly all commercial transactions and would substantially increase regulatory costs for all Australian businesses. The Bill's original thresholds were the product of extensive consultation by the Federal Government and the outcome of a Regulatory Impact Statement process. The thresholds were approved by State and Territory Governments. They were also [endorsed](#) by the Senate Economics Legislation Committee, which included Labor Senators (who later voted to increase the thresholds). Not all small business organisations support higher thresholds. The Australian Chamber of Commerce and Industry (ACCI), the largest representative of small business organisations, has stated that it "supports the limitation of the proposed legislation to low value transactions". The National Retail Association, in its submission to the Senate Committee, stated: "*For larger contracts, the NRA supports the Federal Government's view that it is reasonable for individual business owners to undertake their own due diligence, which includes seeking (and acting on) independent legal advice*". We will have to wait until the political dust settles in Canberra to find out the Government's reaction to the Senate's actions. However it is encouraging that when the Greens amendment was moved the Minister for Finance, Senator Mathias Cormann, warned: "*if the [monetary threshold] amendment was carried, we would not be able to support the amended bill in that form in the House of Representatives*". It would be economically reckless to accept this amendment, which is not the result of considered public policy analysis but simply the outcome of back-room machinations.

NEXT PHASE OF PLANNING REFORM CONSULTATION IN QUEENSLAND

The Queensland Government has released a consultation draft [Planning Bill 2015](#), and [related materials](#). It is anticipated that the Bill will replace the existing *Sustainable Planning Act 2009* and, subject to its successful passage through the Parliament, come into force in late 2016. On coming into Government, the Deputy Premier and Planning Minister, Jackie Trad, was presented with a close to complete consultation and reform process run by the former Government. This had culminated in the then Liberal National Government tabling the *Planning and Development Bill 2014* in the Parliament before their January 2015 election defeat. Since the change of Government, the Department of Infrastructure, Local Government and Planning have reengaged with stakeholders to affirm and communicate the Labor Government's planning reform objectives.

VICTORIAN INFRASTRUCTURE CONTRIBUTIONS BILL THROUGH PARLIAMENT

The Victorian Parliament has passed the [Planning and Environment Amendment \(Infrastructure Contributions\) Bill 2015](#). This Bill, introduced by Planning Minister, Richard Wynne, in June largely reflects the outcomes of a comprehensive consultation process run by the former Government ([Shop Talk](#) [11/6/15](#)). The Bill establishes a regime for the application of Standard Levies and, in particular circumstances where "appropriate and justified", Supplementary Levies. The Shopping Centre Council is on the Government's *Implementation Reference Group* which is providing feedback on the types of infrastructure which should be able to be funded under the new Infrastructure Contribution Plans (ICPs), the level of justification which is necessary to see the implementation of a Supplementary Levy and a range of other implementation details. It is expected that the new regime will be rolled out in greenfield growth areas from early 2016, with further work required on the implementation of the new system in established areas.

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