

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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VALUE-CAPTURE FUNDING TO BE CONSIDERED BY PARLIAMENTARY TRANSPORT COMMITTEE

The concept of 'value-capture' funding ([Shop Talk 3/12/15](#)) (aka possibly just another tax on shopping centres and their retailers) will be [considered](#) by the House of Representatives Standing Committee on Infrastructure, Transport and Cities. The inquiry's terms of reference seek to, among other things, examine "options for the application of value-capture mechanisms to sustainably fund transport infrastructure" and identify "the likely impact on property values and property-related tax revenues as a result of transport connectivity". The Shopping Centre Council recently provided a policy paper on value-capture funding to the Government which outlines 10 critical issues we believe need to be properly considered in progressing any new scheme, including caution with overseas models that have different markets, different taxation policies and different regulatory regimes, which are being spruiked by some parties. We have also explained that a shopping centre's value is already 'captured' and taxed multiple times by Australia's governments and in our view there is no credible method of isolating and quantifying the impact on value of new infrastructure.

KEY APPOINTMENTS MADE TO THE GREATER SYDNEY COMMISSION

Late last year the NSW Government [appointed](#) Lucy Turnbull AO as the Chief Commissioner of the recently established Greater Sydney Commission. Ms Sarah Hill was also [appointed](#) as the CEO. The Greater Sydney Commission has a strategic planning mandate, with its principle objectives including leading metropolitan planning for the Greater Sydney Region and promoting the alignment of Government infrastructure delivery with land use planning. We hope the Commission will reinvigorate the NSW Government's focus on retail planning policy, which has been the most outstanding example of floundering policy in recent years. Nearly six years has passed since the former Government issued a draft policy, with no progress since.

KATE CARNELL AO APPOINTED SMALL BUSINESS AND FAMILY ENTERPRISE OMBUDSMAN

The Federal Minister for Small Business (and Assistant Treasurer), Kelly O'Dwyer, this week [announced](#) Ms Kate Carnell AO as the inaugural Australian Small Business and Family Enterprise Ombudsman. Ms Carnell is currently the CEO of the Australian Chamber of Commerce and Industry (ACCI) and a former ACT Chief Minister and National Vice-President of the Pharmacy Guild. The creation of an Ombudsman was a 2013 election commitment, noting that the position would have "real power". Legislation to create the position, tabled by the former Minister, Bruce Billson, was passed in August 2015. The role has an advocacy and assistance function in the federal sphere, including broad inquiry powers about which we raised concern during the public consultation on the establishment of the position ([Shop Talk 27/8/15](#)). COSBOA welcomed Ms Carnell's appointment with the [headline](#): "An advocate on the inside - nice very nice!" (along with, surprise surprise, some familiar commentary about big business and their "bullying business models"). The exact parameters of Ms Carnell's role will become clearer after she assumes the position on 11 March 2016.

FEDERAL GOVERNMENT DISCUSSION PAPER ON MISUSE OF MARKET POWER LAW

The Federal Government, when it released in November its response to the Harper Panel's Competition Policy Review ([Shop Talk 26/11/15](#)), did not accept the Panel's recommendation on widening the 'misuse of market power' provisions of the *Competition and Consumer Act*. The Harper Panel recommended changes to section 46 which would have included broadening the 'purpose test' in the law to a 'purpose, effect or likely effect' of substantially lessening competition. The Government, just before Christmas, [released](#) an Options Paper on section 46 with six options, ranging from 'no change' through to 'full Harper'. Submissions close on 12 February and the Government has pledged to announce its final position by 31 March.

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