

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 12 MAY 2016

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FRANK LOWY FELLOWSHIP TO ACKNOWLEDGE THE LEGACY OF AN INDUSTRY LEADER

It was announced last week that Scentre Group intends to institute a yearly fellowship in recognition of the vital role Mr Frank Lowy AC has played in leading the growth and sophistication of the shopping centre industry in Australia and abroad. The announcement was made on the occasion of Mr Lowy stepping down as Scentre Group Chairman. Incoming Chairman, Mr Brian Schwartz AM, announced that the fellowship would be awarded to a talented Australian, currently working in the shopping centre industry who has already demonstrated ability, initiative, leadership and commitment. It was explained that the fellowship will be open to people working throughout the industry and will not be confined to Scentre Group employees. The fellowship is intended to be flexible in operation and combine the pursuit of academic study, where relevant; wider industry experience; and practical learning from industry leaders. The details of the fellowship, including entry criteria, will be developed in collaboration with the Shopping Centre Council of Australia and further information will be announced at a shopping centre industry function later this year.

NSW GOVERNMENT TO EMBARK ON ANOTHER ROUND OF PLANNING REFORM

The NSW Minister for Planning, Rob Stokes, last week [announced](#) that the NSW Government is embarking on another round of planning reform, with a exposure draft amendment Bill to be released for consultation in the second half of the year. The Government's previous effort to deliver broad legislative change stalled in the Parliament in 2013 in the wake of considerable 'grassroots' opposition to a range of proposed changes, including introducing a code assessment track for development. This round of reform will borrow from the areas which faced little opposition in 2013, including improved community engagement and bringing clarity to the hierarchy of state, regional and local plans. Additional areas where the Government is considering reform include "strengthening the focus on good design" and "more regular reviews of planning controls".

RETAIL SHOP LEASES AMENDMENT BILL HAS PASSED THE QUEENSLAND PARLIAMENT

The [Retail Shop Leases Amendment Bill](#) has finally passed the Queensland Parliament ([Shop Talk 15/10/15](#)). Several amendments to the Bill were successfully moved by the Government in Parliament, arising out of the review of the Bill by the relevant parliamentary committee ([Shop Talk 11/2/16](#)). The amendments contained in the Bill will begin six months after the date of assent, which means a likely operative date in November 2016. The Bill takes some small steps towards removing unnecessary regulation. Leases of more than 1,000 m² will now be excluded from the Act, whereas these are presently only excluded if the tenant is a listed public company. Also non-retail premises will now be excluded from the Act if located on a level in a multi-story building, or in a standalone building, where 25% or less of the total area of the level or building is retail area.

DECISION ON UNFAIR CONTRACT TERMS HAS SMALL BUSINESS CONTRACTS IMPLICATIONS

The Federal Court recently declared several terms in a standard car rental agreement to be 'unfair' under the Australian Consumer Law. Although the decision relates to a 'consumer contract', this [analysis by Allens](#) suggests the decision could also have implications for 'small business contracts' when the new law begins on 12 November 2016 ([Shop Talk 19/11/15](#)). Allens suggest broad indemnity clauses "that are not strictly limited by the extent of the fault or not reflective of the resulting loss" are problematic.

SCCA MARKETING AWARDS EVENT UPDATE AND IMPORTANT DATES

Nominations for the 2016 awards will open on 1 July at 9am and close at 5pm on 8 August. Please see the [Call for Entries Booklet](#) or the SCCA Marketing Awards [website](#) for more details. The 2016 Awards Gala Dinner will be held at the Westin Ballroom, 1 Martin Place, Sydney on the evening of 27 October 2016. Tickets go on sale 9 August. The Sabina Rust Memorial Prize Runner Up (which is the entry with the next highest overall score in a different marketing category) will now receive a prize to the value of \$5,000.

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