

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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WA PREMIER COMMITS TO NO TAX INCREASES AND POSSIBLE LAND TAX AGGREGATION REVIEW

The Western Australian Premier, Colin Barnett, was recently reported as saying that the 2016-17 State Budget will not include any increases to state taxes, and that the Government may also review the current 'land tax aggregation' rule. Given the debacle of the current Federal tax review, a clear rule out of state tax increases by the WA Premier is welcome, particularly given that in recent years the growth of WA land tax for shopping centres has outstripped both land valuation and retail sales growth. Under the current 'land tax aggregation' framework, properties under common ownership are aggregated for the purpose of land tax incidence (along with the Metropolitan Region Improvement Fund for properties in Perth). While a review of land tax aggregation is welcome – and its abolition could lead to modest land tax reductions – we are concerned that any reduction could simply be consumed by increases to land valuation issued by the Valuer-General. We have written to the WA Government seeking to be consulted on any review or changes, and urging the Government to pursue broader land tax reform to reduce the growing burden on shopping centres and their retailers.

Q'LAND PLANNING REFORM: SUBMISSION LODGED ON DRAFT REGULATION

A submission has been lodged in response to the draft *Planning Regulation 2016* which, when finalised, will underpin Queensland's new planning framework. The *Planning Bill 2015* was tabled in the Parliament in November last year and is currently the subject of Committee review. The Committee is due to report toward the end of March. Our comments are limited to concerns about the proposed translation of existing 'rules' in the Queensland Planning Provisions (QPP) into the draft Regulation which relate to the definitions and designation of 'centre zones'. This translation has seen some definitions, inexplicably, changed and their hierarchy 'swapped'. In our view, this may create uncertainty in their application at the local government level.

SUBMISSION LODGED ON NORTHERN TERRITORY LEASE ACT REVIEW

The Northern Territory Government in December last year released a [Discussion Paper](#) on the reform of the [Building Tenancies \(Fair Dealings\) Act](#). The release of this Paper followed various points of consultation over the last five years, including the release of an Issues Paper in 2011 ([Shop Talk 9/2/12](#)) and a Draft Consultation Report in 2013 ([Shop Talk 26/9/13](#)). The Paper sensibly proposes the repeal of the Act and the introduction of a mandatory (and slimmed down) *Retail Shop Lease Code of Practice* under Part 13 of the Northern Territory [Consumer Affairs and Fair Trading Act](#). The Paper is a frank assessment of the areas of unnecessary regulation with regard to retail leasing in the Northern Territory and gives appropriate regard to common commercial practice, prevailing common law principles and remedies, and requirements embodied in other pieces of prevailing legislation. This background supports proposed the introduction of a Code of Practice. The Shopping Centre Council has provided a submission which is currently being considered by Government. There is no timeframe for the completion of the review or the implementation of the proposed Code of Practice.

ACCC RELEASES ITS 2016 COMPLIANCE AND ENFORCEMENT POLICY

The Australian Competition and Consumer Commission has released its [2016 Compliance and Enforcement Policy](#). This policy embraces the introduction (from 12 November 2016) of the new small business unfair contract terms law in the *Competition and Consumer Act*, although this needs to be considered alongside the existing document [Compliance and enforcement: How regulators enforce the Australian Consumer Law](#). Strangely the state and territory regulators of the new small business unfair contract terms law will be the relevant consumer affairs bodies (such as NSW Fair Trading and Consumer Affairs Victoria), none of which has much experience or expertise in resolving business-to-business disputes.

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