

# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 19 MAY 2017

[SUBSCRIBE HERE](#)

## ACCC TAKES FIRST FORMAL ACTION UNDER UNFAIR CONTRACT TERMS LEGISLATION

The Australian Competition and Consumer Commission has taken its first formal action under the extension of the unfair contract terms legislation to business to business contracts (*Shop Talk*, 11/11/16). The ACCC confirmed earlier this year that the legislation is a 2017 enforcement priority (*Shop Talk*, 3/3/17). Sensis, owner of the White and Yellow pages, has [entered an enforceable undertaking with the ACCC](#), in relation to issues relating to automatic renewal provisions in their contracts. Sensis has agreed to actions such as reviewing relevant complaints, improving its contracting processes and publishing a corrective notice on the home-page of its website (for a period not less than 45 days). The ACCC has also commented about 'wide-ranging termination clauses', with Deputy Chair, Dr Michael Schaper, noting: "The ACCC has serious concerns about the use of wide-ranging termination clauses that unilaterally terminate a contract without reasonable cause".

## QLD PARLIAMENTARY COMMITTEE COMMENDS PASSAGE OF RETAIL LEASE AMENDMENTS

The Queensland Parliament's Legal and Community Safety Committee this week [recommended](#) the passage of a number of amendments to the *Retail Shop Leases Act*. The Committee's recommendation comes following its review of the [Court and Civil Legislation Amendment Bill](#) which contains amendments to a number of pieces of legislation within the justice portfolio (*Shop Talk* 24/3/17). The Bill seeks to address an inadvertent omission from the 2016 *Retail Shop Leases Amendment Act* (*Shop Talk* 8/9/16) relating to an existing lessor safeguard tied to its disclosure obligations, specifically the circumstances under which a lessee can terminate a lease in the event a 'defective' statement has been provided (former section 22(5)). The Bill also proposes to make permanent what is currently a transitional regulation which confirms that the Act continues to apply to leases covering a tenancy greater than 1,000m<sup>2</sup> entered into prior to the commencement of the Amendment Act in November 2016.

## VICTORIAN STATUTORY VALUATION SERVICES TO BE CENTRALISED WITH THE VALUER GENERAL

We recently reported that the Victorian Government announced that, from 2019, it would be requiring statutory land valuations to be undertaken annually, shifting from the current biennial valuation structure ([Shop Talk 5/5/16](#)). This announcement was made in the context of the Victorian Budget and was followed by the tabling of the [State Taxation Act Amendment Bill 2017](#) in the Parliament to implement the change. Also detailed in the Budget papers, and the Bill, is the Government's plan to centralise valuation functions with the Valuer-General. As a consequence, councils will no longer be valuation authorities in Victoria. The proposed centralised valuation model will more closely align Victoria with most other jurisdictions. In his speech to the Parliament on the Bill, the Victorian Treasurer, Tim Pallas, noted that these reforms "will enhance Victoria's valuation and rating system and improve the efficiency, robustness and cost effectiveness of rating authority valuations in Victoria". As valuations are the basis of Land Tax, council rates and the Fire Services Property Levy, we are routinely cautious about valuation reforms, and are alert to risks of increased liabilities for shopping centre owners and their retailers. We have made representations to the Treasurer and are seeking further information.

## DEBATE HEATS UP ON QUEENSLAND TRADING HOUR REFORM

With debate set to resume shortly on the *Trading (Allowable Hours) Amendment Bill* ([Shop Talk 5/5/17](#)), the Queensland Government has lashed out at the Opposition and urged them to support the Bill. In a [media statement](#), Queensland Employment and Industrial Relations Minister, Grace Grace, has stated that "the LNP has indicated it won't support trading hours reform, but it's about time they stopped playing politics and put jobs and the economy first". The Bill comes following the independent review of Queensland's current out-dated trading hour regime. The Shopping Centre has actively participated in this review, and recently provided evidence to a Parliamentary Committee on the Bill ([Shop Talk 13/4/17](#)).

[PREVIOUS ISSUES](#)