



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

Thursday 27 January 2011

[Archive](#)

WA AND SA PARLIAMENTARY INQUIRIES INTO REGULATION OF FRANCHISING

The national uniform regulation of franchising in Australia, through the [Franchising Code of Conduct](#) made with the authority of the *Competition and Consumer Act*, is under threat in Western Australia and South Australia. In both States, parliamentary inquiries are presently examining state regulation of franchising. Also the South Australian Government has [announced](#) it is preparing a draft Bill which will be "the most comprehensive set of franchising laws in the country." It would be a disastrous step to adopt state-based franchising legislation. If these proceed it is not unrealistic to envisage that franchising will one day suffer the same costly inefficiencies as the retail leasing industry because of separate, and different, legislation around Australia. The SCCA submission to the WA inquiry is [here](#) and the submission to the SA inquiry is [here](#).

EXPOSURE DRAFT OF NSW RETAIL LEASES AMENDMENT BILL 2011 RELEASED

The NSW Government has [released](#) for public comment an exposure draft of a [Bill](#) to amend the [Retail Leases Act](#), with comments due by 11 February. This is despite major amendments to the Act in 2006 (amounting to 67 pages) following a thorough and consultative review of the Act in 2004-05. This Bill appears to be the product of the idiosyncratic and one-sided Discussion Paper released in April 2008 ([Shop Talk 18/4/08](#) & [30/5/08](#)). We say "appears" since many of the amendments in the Bill did not appear in this Discussion Paper and have not been discussed with any of the parties in the retail leasing industry. It is puzzling why the draft Bill has been released now since Parliament has already been prorogued for the election on 26 March and nobody in the present Government believes they will be in a position to present the Bill to Parliament after the election.

TASMANIAN FAIR TRADING CODE FOR RETAIL TENANCIES HAS BEEN RENEWED

The Tasmanian *Fair Trading (Code of Practice for Retail Tenancies) Regulations*, which was renewed for two years in 2008 ([Shop Talk 12/12/08](#) & [21/11/08](#)), lapsed again on 4 December 2010 but has been reinstated by the new [Australian Consumer Law \(Tasmania\) Act](#).

PROPERTY COUNCIL OF NEW ZEALAND SHOPPING CENTRE DIRECTORY 2010-11

The latest edition of the Property Council of New Zealand's annual Shopping Centre Directory is now available. The directory includes vital details on ownership, management, key tenants, car parking spaces etc. for 164 individual shopping centres throughout New Zealand. Click [here](#) for details of the directory or to order by mail or by fax and [here](#) to purchase the directory online.

SHOPPING CENTRE COUNCIL MEMBERS DONATE TO QLD FLOOD RELIEF APPEAL

In addition to donations by our member companies, the Shopping Centre Council of Australia has also donated to the Queensland Premier's Flood Relief Appeal. Those also wishing to donate to assist Queensland recover from the devastating floods can do so [here](#). The Property Council, Queensland, is organising in February a property industry [appeal function](#). Savills has also prepared these useful guides for [landlords](#) and [tenants](#) in dealing with flood-affected buildings and tenancies.

LATEST ISSUE OF INSIDE RETAILING MAGAZINE IS NOW AVAILABLE

The latest issue of *Inside Retailing Magazine* is now available. Subscriptions can be obtained at: subs@octomedia.com.au, or phone (02) 8224 8300.