



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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PRODUCTIVITY COMMISSION SHOULD INTERROGATE SPECIAL PLEADINGS

The Shopping Centre Council of Australia has lodged a [submission](#) in response to the Productivity Commission's [Draft Report](#) on its [Inquiry into Planning, Zoning and Development Assessment](#) ([Shop Talk 3/3/11](#) & [10/9/10](#)). Our submission focuses on the competition aspects (Chapter 7) of the report. While we believe the Commission has delivered a reasonably balanced report, it has failed to bring a common sense analysis to the blatant anti-competitive claims and practices of some retail formats, such as ongoing pleading for special treatment under the planning system on the basis that they are 'new', 'innovative' and 'different' to other retail formats. In particular, we have pointed out that such special pleadings do not confer any strategic planning benefits or respond to the commonly identified major urban challenges such as infrastructure efficiency, labour productivity, reduced vehicle kilometres traveled and community cohesion. We have continued to reiterate that the activity centres policy approach to planning serves both optimal competition and planning outcomes. We have also pointed out that any perceived failure, in relation to competition issues, is not the fault of activity centres policies per se, but the result of poor implementation by state and local governments by not enabling existing centres to grow and bona fide new centres to be identified. The final report is due by the end of April 2011.

KATRINA HODGKINSON IS THE NEW SMALL BUSINESS MINISTER IN NSW

[Katrina Hodgkinson](#) has been appointed Minister for Primary Industries and Minister for Small Business (with responsibility for the [Retail Leases Act](#)) in the new NSW Government [announced](#) this week. As expected, Brad Hazzard becomes Minister for Planning and Infrastructure, Mike Baird is Treasurer and Greg Pearce, Minister for Finance and Services.

ISSUES PAPER FOR PRODUCTIVITY COMMISSION RETAIL INDUSTRY INQUIRY

The Productivity Commission has released the [Issues Paper](#) for its Inquiry into the Economic Structure and Performance of the Australian Retail Industry ([Shop Talk 23/12/10](#)). Submissions are due on 20 May 2011. Incidentally, the Issues Paper quotes an estimate by the Federal Treasury that the amount of revenue lost this year by the GST exemption on imported goods valued at less than \$1,000 is \$460 million and this is expected to grow to \$610 million in 2013-14.

AMENDMENTS TO THE QUEENSLAND RETAIL SHOP LEASES ACT

The Queensland Parliament has now passed [amendments](#) to the [Retail Shop Leases Act](#), which were introduced last year ([Shop Talk 2/12/10](#)). The amendments confirmed that 'ratchet rent' clauses in a retail lease are void. This followed a court decision in 2009 ([Shop Talk 17/7/09](#)), which raised the possibility such clauses could be legal. The amendments also extend protections to assignees. These amendments are not retrospective.

TRADING ON EASTER TUESDAY PERMITTED IN QUEENSLAND SIX-DAY TRADING AREAS

The Queensland Industrial Relations Commission has approved trading on Easter Tuesday (26 April) in all areas of Queensland where permanent Sunday trading is not permitted. In its [decision](#) the QIRC has specified that work to be performed by any employee on that day is to be purely voluntary in nature and that no employee is to be disadvantaged because they choose not to volunteer to work on that day. Unfortunately the President of the QIRC has rejected an application by the National Retail Association to allow trading this year on Easter Sunday in South East Queensland, arguing the QIRC does not have the power to do so.