



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

Thursday 28 July 2011

[Archive](#)

FURTHER PARLIAMENTARY REPORT ON FRANCHISING IN SOUTH AUSTRALIA

The Economics and Finance Committee of the South Australian Parliament, which has been inquiring into whether recent changes to the national *Franchising Code of Conduct* had addressed recommendations made by the Committee in 2008, has now released its report. The Shopping Centre Council made a [submission](#) to this inquiry. While the Committee found many of the earlier recommendations had not been addressed, that's not surprising since those recommendations went way beyond what is necessary to effectively regulate the franchising industry. There has been no further advice from the SA Government on whether it intends to proceed with a draft Bill to regulate franchising in that State ([Shop Talk 27/1/11](#)). The Federal Minister for Small Business, Senator Nick Sherry, recently [urged](#) both South Australia and Western Australia "to refrain from passing their own legislation and instead join the rest of their state and territory colleagues in getting behind the national system and provide certainty for the industry". Senator Sherry noted Australia already has an effective national regulatory system for franchising. A Parliamentary Committee in WA has now recommended against the introduction of state-based franchising legislation in that State ([Shop Talk 30/6/11](#)).

ANNUAL CONFERENCE OF MALL CHINA IN BEIJING ON 2-4 SEPTEMBER 2011

The Ninth Annual Conference of Mall China will be held from 2-4 September at the InterContinental Hotel in Beijing. A preliminary program and registration details are posted [here](#).

PROPERTY COUNCIL OF WA TENANCY DISPUTE RESOLUTION COURSE IN AUGUST

The PCA WA will host a seminar and workshop on tenancy dispute resolution in Perth on 30 August. Click [here](#) for details and to register.

QUEENSLAND COUNCILS BREACHING LAW ON DIFFERENTIAL AND MINIMUM RATING

The Shopping Centre Council has written to all Queensland councils where our members have centres to outline our concerns with 'differential' and 'minimum' rating, as we believe some councils are breaching the law. Under the *Local Government Act*, councils must rate in accordance with relevant principles, linked with the impact on council resources and the level of services provided. We are of the strong view that some local councils are departing from these requirements, by incorrectly using the 'minimum rating' approach, and using the 'differential rating' approach based on 'capacity to pay' principles. Councils have been setting 'minimum' rates to overcome the uncertainty with land valuations, however with increased certainty under the new legislation and methodology, there can be no justification for continuing the current approach. The 'capacity to pay' approach was tested last year in Queensland's Court of Appeal, where Xstrata successfully argued that the council had considered its 'capacity to pay' in setting rates, as opposed to legitimate criteria relating to land use characteristics. We are closely monitoring this practice.

NRA YOUNG RETAILER OF THE YEAR ANNOUNCED AT LUNCHEON IN SYDNEY

Congratulations to Jennifer Skeahan-Heugh, General Merchandise Manager, at Kmart in Tamworth, for winning the NRA 2011 *Young Retailer of the Year Award*. Jennifer won the award ahead of 22 other impressive finalists from across Australia. In winning the award, 23 year-old Jennifer has won herself a place on Westfield's next World Retail Study Tour in May 2012. Congratulations also to Award runner-up, Tim Burdon, Retail Business Manager for Caltex Australia. The Shopping Centre Council of Australia is a sponsor of these awards.