



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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GREENS' SMALL BUSINESS COMMISSIONER BILL REFERRED TO SENATE COMMITTEE

The Greens have introduced in the Senate a [Small Business Commissioner Bill 2013](#) to give statutory backing to the recently appointed Australian Small Business Commissioner, Mark Brennan ([Shop Talk 18/10/12](#)). The Bill sets out the proposed functions and powers of a statutory SBC, including the extraordinary power to "undertake any action that is appropriate for the purpose of facilitating the fair treatment of small business in their commercial dealings with other businesses". The Senate has referred the Bill to the Senate Economics Legislation Committee for [examination](#). The Committee must report by 15 May. Submissions close on 22 March.

FIRST V-CAT, THEN Q-CAT, NOW GET READY FOR N-CAT

The NSW Parliament has passed the [Civil and Administrative Tribunal Bill 2013](#) to establish the NSW Civil and Administrative Tribunal, known as NCAT, to begin operation in January 2014. The Bill has now received Royal Assent. NCAT will replace various existing tribunals, including the [Administrative Decisions Tribunal of NSW](#), which (through its Retail Leases Division) has since 1999 had responsibility for the arbitration of retail tenancy disputes.

ACT GOVT BILL TO ENABLE REGISTRATION OF LEASES INVOLVING TRUSTEES

After lobbying by the Shopping Centre Council and the ACT Law Society, the ACT Government has introduced a [Bill](#), which includes fixing a problem that has prevented the ACT Office of Regulatory Services registering leases which name a trustee and implies a trustee has a proprietary right to title ([Shop Talk 1/11/12](#)). We have also included a copy of the [Explanatory Statement](#) and the [Second Reading Speech](#).

USA CONGRESS SEEKING TO COLLECT SALES TAX FROM ONLINE RETAILERS

Bipartisan legislation, the *Marketplace Fairness Act*, has been introduced in the US Congress to give American states the ability to collect sales tax on online purchases made by people within a particular state. Previously states have been precluded by a US Supreme Court ruling from collecting sales tax on such purchases unless the online retailer has a physical presence (such as a warehouse) in that state ([Shop Talk 18/8/11](#) & [6/10/11](#)). This gives online retailers a competitive advantage. The CEO of the International Council of Shopping Centers, Mike Kercheval, has said: "Closing the online sales-tax loophole so that all retailers can compete on a level playing field is sound public policy." Interestingly the website [Politico](#) reported recently that there is likely to be little opposition from internet retailers to the legislation. Perhaps the US move, particularly the apparent acceptance by internet retailers, will prompt the Australian Government to at last take similar action to close the GST loophole, which operates as a reverse tariff by making overseas imported goods cheaper than similar goods sold in Australia. The [GST Distribution Review Panel](#) has proposed imposing GST liability directly on overseas suppliers of goods and services to Australians, instead of the present inefficient approach of collecting the GST at the border ([Shop Talk 6/12/12](#)). This avoids the problem of border processing which the Government has used as an excuse for inaction.

ICSC RECON 2013 WILL BE HELD IN LAS VEGAS FROM 19-22 MAY

The International Council of Shopping Centers' [RECon](#) is on in Las Vegas from 19-22 May 2013. Keynote speakers include economist, Steven Levett (*Freakonomics*); retailer Ron Johnson (J.C.Penney); marketer Randi Zuckerberg (formerly Facebook). Click [here](#) for the program and [here](#) to register.