



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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DEVELOPMENT CONTRIBUTIONS BEING REVIEWED IN THREE STATES

The development contributions (or infrastructure charges) framework is currently being reviewed in Queensland, NSW and Victoria, with each jurisdiction at a different stage of the review process. The Queensland Government is scheduled to release a discussion paper in the middle of the year. The current review follows a review just a couple of years ago which led to the current 'capped' charge of \$180/m² for shopping centre development. This followed years of significant escalations in charges in Queensland. It is hoped, with the Government's 'Construction Pillar' for the economy, that the new regime is more industry friendly. The NSW Government has released a draft framework, with the commitment to establish a Contributions Taskforce, as part of the broader and current Planning Reform White Paper on public exhibition ([Shop Talk 18/4/13](#)). A sting in the tail is a proposed 'regional levy' which could broaden the scope (and cost) of contributions. The Victorian Government's Advisory Committee leading its review is scheduled to submit a final report to the Minister by 31 May. The Victorian Government released a Position Paper in July last year, followed by a Stage 1 report released earlier this year, which includes the proposal for a new 'standard levy' for retail development ([Shop Talk 14/2/13](#)). Our submission on the Stage 1 report is available [here](#). The industry is concerned the new framework could lead to increased costs. All of these reviews are timely and important to ensure fair, transparent and equitable contributions frameworks for retail development; including a level playing field for all retail development. Most importantly, the frameworks need to ensure that contributions are feasible. Increasingly, Governments and local councils have been looking to developers to fund infrastructure. This includes requirements on retail development to contribute to community facilities, even though the demand for such facilities is not generated by the development.

SMALL BUSINESS COMMISSIONER BILL PASSED BY NSW PARLIAMENT

[Legislation](#) establishing the office of the Small Business Commissioner is now law ([Shop Talk 28/11/12](#)). Several amendments were made to the Bill during its parliamentary passage. One requires compulsory attendance and production of documents at mediation hearings (section 18). Another requires parties (other than the parties to a retail tenancy dispute within the meaning of the *Retail Leases Act*) to participate in alternative dispute resolution before taking legal action (section 17). The legislation also gives the Commissioner the power to investigate allegations by small business of unfair treatment and unfair contract terms. The Small Business Commissioner, Yasmin King, was appointed by the NSW Government in July 2011.

MINTER ELLISON LATEST RETAIL TENANCY LEGISLATION COMPENDIUM

Minter Ellison has published an updated version of its [Retail tenancy legislation compendium](#), which incorporates the new Victorian *Retail Leases Regulations 2013*. This is a useful summary and comparison of retail tenancy provisions in all eight states and territories in Australia.

USA NOW A STEP CLOSER TO IMPOSING SALES TAX ON ONLINE RETAIL SALES

The US Senate last week passed the *Marketplace Fairness Act* which imposes sales tax on online retailers ([Shop Talk 4/4/13](#) and [7/3/13](#)). The legislation still has to pass the House of Representatives where its passage is likely to be more difficult. If passed, the Act will overcome a US Supreme Court ruling in 1992 which has prevented or limited States from collecting sales tax from online and catalogue retailers, unlike bricks and mortar retailers ([Shop Talk 9/6/11](#)).