



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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OPTIONS PAPER ON THE REVIEW OF QUEENSLAND RETAIL SHOP LEASES ACT

The Review of the Queensland *Retail Shop Leases Act*, which began in late 2011, was interrupted following the change of government in Queensland in 2012. The review has now recommenced with the release of an [Options Paper](#) which is based on submissions made by various stakeholders in early 2012 ([Shop Talk 9/2/12](#)). It is important to stress that these are simply options for further consultation and consideration by a reference group, which will include the Shopping Centre Council. A welcome feature of the review is the objective of removing unnecessary business red tape, on both tenants and landlords. Submissions on the Options Paper close on 3 July 2013.

REPORT OF THE REVIEW OF FRANCHISING CODE OF CONDUCT RELEASED

The Federal Government has [released the report](#) of the independent review, by Mr Alan Wein, of the *Franchising Code of Conduct* ([Shop Talk 21/2/13](#) & [31/1/13](#)). The report makes 18 recommendations, including strengthening the obligations of parties to act in good faith in a franchise; financial penalties for code breaches; and improved dispute resolution provisions. Regrettably the review recommends the code be amended "to include an express obligation to act in good faith", despite the fact that there is no clearly defined, well understood, statutory doctrine of 'good faith', neither in Australia, nor elsewhere. The various submissions to the review are [here](#). The Federal Government is still to respond to the review's recommendations.

PROPERTY COUNCIL NEW ZEALAND HOSTS RETAIL CONFERENCE IN JULY

The Property Council New Zealand is holding its 2013 Retail Conference in Auckland on 11 July. Click [here](#) for further information, through to registration.

COMPANY FAILURE SHOULD END UNION'S OVER AWARD PAYMENTS CAMPAIGN

United Voice, the union representing cleaners, has understandably expressed concern about Swan Cleaning Services last week going into administration, putting more than 2,000 cleaners out of work. Swan's demise follows three other major cleaning contractors going out of business in the last three years. United Voice's concern, however, has so far not extended to acknowledging that this is further evidence of the union's folly in pursuing a claim for over award payments for cleaners working for contractors in the shopping centre industry. Swan's demise is another reason why any consideration of wages and conditions for cleaners, throughout the entire cleaning services industry, must await the next review of the *Cleaning Services Award*, when industry conditions can be taken into account ([Shop Talk 25/11/11](#) & [14/2/12](#)).

VIVA 'BEST OF THE BEST' AWARDS ANNOUNCED AT ICSC RECON

The VIVA (Vision, Innovation, Value, Achievement) 'Best of the Best' Awards – for sustainability, store design, design/ development and marketing – were [announced](#) at last week's International Council of Shopping Center's RECon in Las Vegas. Congratulations to QIC's Robina Town Centre (in Queensland) and to Westfield Valencia (California) which were both named Honorees in the design/development category – which was won by Macerich's Santa Monica Place. (Santa Monica Place and Westfield Valencia are both 'must see' shopping centres for anyone visiting Los Angeles).

PCA WA RETAIL PROPERTY CONFERENCE IN PERTH ON 19 JUNE

The Property Council, WA, is holding its annual Retail Property Conference, in Perth on 19 June. Click [here](#) for the program and [here](#) to register.