



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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QUEENSLAND TO SAVE SHOPPING CENTRE OWNERS MILLIONS IN LICENSING RED TAPE

The Queensland Attorney-General, Jarrod Bleijie, has [introduced](#) the [Property Occupations Bill](#), which will save shopping centre owners in that State millions of dollars each year by removing unnecessary regulation and licensing. At present anyone who buys, sells, manages or leases property on behalf of another must be licensed (as a real estate agent) and conform to a myriad of costly regulations. This is valid for owners of residential property, and may be valid for small commercial property owners, who may have limited knowledge of real estate practices. This regulation makes no sense for large, professional property owners, such as QIC, Westfield and DEXUS. These companies have large staff to manage their assets; have comprehensive management agreements; and have recourse to legal and commercial avenues if a transaction goes wrong. Often the management is done by a related corporate entity to the property owner making this regulation even more absurd.

Mr Bleijie is to be [congratulated](#) for freeing commercial property owners and managers in Queensland from this unnecessary red tape which is currently costing around \$2.4 million each year. Queensland is the first state to remove this unnecessary regulatory burden on commercial property businesses, despite the need to do so having been recommended by independent inquiries. All this unnecessary licensing and regulation does is impose costs which are then passed back to the commercial property owner. This, in turn, reduces returns to investors in commercial property, who are mainly people saving for, or living out, their retirement. Administering this regulation also wastes government resources. Shopping centre tenants have nothing to fear from this deregulation since it is a protection for property owners, not tenants, and tenants remain fully protected by the *Retail Shop Leases Act*, which is currently being reviewed in Queensland.

SHOPPING CENTRE COUNCIL HAS NOT SOUGHT TO DELAY UNFAIR CONTRACTS

A prominent financial journalist wrote this week that shopping centre owners were "lobbying to delay the 'fair contracts' legislation". He further suggested Coles and Woolworths were "ahead of the game" in reaching a code of agreement with their suppliers. This is a reference to the Federal Government's pledge to extend the unfair contracts regime in Part 2-3 of the *Competition and Consumer Act* (for business-to-consumer contracts) to business-to-business contracts. This claim is incorrect. The Shopping Centre Council certainly sought to persuade the Coalition, in Opposition, not to adopt this policy. No other western country regulates business contracts in this way. We pointed out that retail leases (contracts) are already heavily regulated by state and territory governments to ensure they are 'fair' and this would amount to 'double regulation' from a party which is pledged to remove unnecessary business regulation. Our position contrasts with Coles and Woolworths whose contracts with their suppliers are not regulated by state governments. We also stressed the need to adopt a sensible definition of 'small business' so the regulation does not protect businesses that don't need government protection in their commercial dealings. We have accepted the Government intends to implement this election undertaking. We have certainly not sought to delay the implementation of this policy.

WA AND SA TO EXTEND SUNDAY TRADING HOURS IN DECEMBER

The WA Government has [announced](#) extended trading hours in Perth, from 8am-6pm, on the three Sundays before Christmas and on Boxing Day. The SA Government has also [announced](#) retailers across the Adelaide metropolitan area can open from 9am to 5pm every Sunday in December and also open until midnight on the Thursday, Friday and Monday prior to Christmas Day.