



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

Thursday 6 February 2014

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## EMISSIONS REDUCTION FUND GREEN PAPER RELEASED FOR COMMENT

The Federal Government has released for consultation its [Emissions Reduction Fund Green Paper](#), outlining design options for the scheme. The ERF, which is "at the heart" of the Government's 'Direct Action Plan' to reduce greenhouse gas emissions, will run from 1 July 2014 to 2020, with an initial annual allocation of \$300 million. The ERF has a specific focus on energy efficiency opportunities in commercial buildings, including shopping centres, as eligible emission reduction activities. The Fund is based on a 'buy back' model, whereby capital will be deployed to lowest cost emission reduction activities through a reverse auction process. The Shopping Centre Council is a member of the Government's technical working group, providing advice on the methodology for eligible emission reduction activities under the scheme. Comments close on 21 February.

## MISREPRESENTATION OVER SCCA PUSH ON UNFAIR CONTRACTS EXEMPTION

There continues to be misrepresentation over the Shopping Centre Council's argument that retail leases, which are already regulated by state and territory retail tenancy legislation, should be exempt from the proposed extension of the federal unfair contracts law to business-to-business contracts. The point is these leases (contracts) are already highly regulated by governments to ensure they are fair. Very few other business contracts are similarly regulated. If the new unfair contracts law is also to apply this would mean *double regulation* of these leases, which is contrary to the Federal Government's war on unnecessary business red tape. The Minister for Small Business, Bruce Billson, has recognised this and, in a speech last October to the Franchise Council, said he did not intend to create opportunities for "forum shopping". He invited submissions showing there were adequate protections under alternative forms of regulation. The SCCA will take up the Minister's invitation.

## SHOPPING CENTRE CLEANERS CAMPAIGN MUST NOW CEASE WITH AWARD REVIEW

Shopping centre owners have consistently argued the appropriate forum for any wage increases for cleaners is the Fair Work Commission and the appropriate vehicle is the *Cleaning Services Award*, the so called 'modern award' ([Shop Talk 25/11/11](#)). That award is now being reviewed by the Fair Work Commission to ensure it is "maintained as a fair and relevant safety net of terms and conditions". The FWC has now set in train the procedures for the ['4 Yearly Review of Modern Awards'](#). The *Cleaning Services Award* has already been moved into Group 1 for the purposes of this review. United Voice now has the opportunity to convince the FWC that a variation of wages is justified for 'work value reasons' (which includes the nature of the work and the conditions under which the work is done). If the union can make its case then the review will deliver wage increases and improvements in conditions for cleaners working in all industries throughout Australia, including in shopping centres. If the union ignores this process, and continues to run a campaign for over-award payments for shopping centre cleaners, it will be ignoring the interests of all of its members, including those employed by cleaning contractors in shopping centres.

## PROPERTY COUNCIL TENANCY DISPUTE RESOLUTION SEMINAR IN PERTH IN MARCH

The PCA WA will hold a seminar in Perth on 4 March on Tenancy Dispute Resolution, with case studies, featuring Dr. Michael Schaper, Deputy Chair, ACCC and David Eaton, WA Small Business Commissioner. Details are [here](#); registration is [here](#).

## NSW/ACT SHOPPING CENTRE DIRECTORY 2013/2014 IS NOW AVAILABLE

The Property Council's 2013-14 NSW/ACT Shopping Centre Directory, with information on ownership, management, tenants and other details, is now available. Further details and order [here](#).