



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

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## UPDATE ON RETAIL TENANCY LEGISLATION REVIEWS IN NSW AND QUEENSLAND

The review of the Queensland *Retail Shop Leases Act* is nearing finalisation ([Shop Talk 30/5/13](#) & [11/7/13](#)). A report on submissions by the Government-appointed Reference Group was finalised before Christmas but this has not been released. Recommendations for amendments to the Act are being given to the Attorney-General, Jarrod Bleijie, by the Department of Justice. Although the recommendations will be based on the Reference Group's report, department officials are not necessarily bound by the decisions of the Reference Group. No indication has been given of the timing of amending legislation but it is possible that legislation may be in the Parliament late this year.

In NSW the review of the *Retail Leases Act* has not been interrupted by the appointment of a new Small Business Commissioner, Robyn Hobbs, who commenced last week ([Shop Talk 13/2/14](#)). Submissions on the Discussion Paper closed in February 2014 and it is understood around 170 submissions (including online submissions) were received. It is expected that these submissions will be made public on [this website](#). We would not expect to see legislation amending the Act this year and, given the next NSW election is in March 2015, legislation is probably unlikely until the spring session of the NSW Parliament in 2015 ([Shop Talk 28/11/13](#) & [27/2/14](#)).

## EASTER AND ANZAC DAY PUBLIC HOLIDAY TRADING HOURS GUIDE

Public holiday arrangements and trading hours restrictions over the Easter weekend (18-21 April), which this year is followed quickly by ANZAC Day (25 April), vary widely across Australia. The National Retail Association has produced this very handy [national guide](#) to public holiday arrangements and trading hours restrictions for Easter and ANZAC Day 2014.

## REPORT SHOWS VERY FEW RETAIL TENANCY DISPUTES IN WEST AUSTRALIA

Some interesting statistics came out of last week's PCA seminar in Perth on retail tenancy dispute resolution, featuring the Deputy Chair of the ACCC, Dr Michael Schaper and the WA Small Business Commissioner, David Eaton. The latest [annual report](#) of the WA State Administrative Tribunal reveals 1,142 commercial tenancy applications were made to SAT in 2012-13 but only 56 of these were actual disputes. The Productivity Commission estimated in 2008 that there were 35,000 retail leases on foot in WA. This suggests only 16 retail leases in every 10,000 results in a dispute requiring arbitration. This is a very low number, given that a retail lease is on foot 7 days a week, 52 weeks of the year, usually for at least five years. Obviously this does not show all retail tenancy disputes. The [SBDC website](#) reveals it handled 14 retail tenancy mediations in 10 months of 2012-13 and successfully resolved 12 of them. This suggests that in future even fewer retail lease disputes will be referred to SAT for arbitration. The other 1,086 applications to SAT in 2012-13 were the costly 'nanny state' applications for approval of relocation and demolition clauses which is required in WA under section 13(7) of the *Commercial Tenancy (Retail Shops) Agreements Act*. Other States simply specify minimum conditions to apply in such situations and leave it to the parties to negotiate appropriate clauses. This is a useless waste of both government and private sector resources in WA.

## PROPERTY COUNCIL ACADEMY LEASING FUNDAMENTALS COURSES IN MARCH

The PCA is offering 2-day 'Leasing Fundamentals' courses in three States in March, including the 'Practice of Leasing' and the 'Legal Framework of Leasing'. Click [here](#) for details and to register for Brisbane on 20-21 March; [here](#) for details and to register for Sydney on 25-26 March; and [here](#) for details and register for Melbourne on 27-28 March.