



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

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## SUBMISSION ON REVIEW OF PERSONAL PROPERTY SECURITIES ACT

The Shopping Centre Council has lodged a [submission](#) on the [review](#) of the [Personal Property Securities Act 2009](#). This Act established a national regime for secured finance using personal property. This regime can capture a shopping centre owner's personal property which forms part of a tenant's fit-out, including property that was purchased by the tenant using funds provided through a lease incentive package. This personal property may be open for registration of a security interest by a shopping centre owner (the owner of the property) and/or a third party (such as a tenant's lender). This introduces the risk that a shopping centre owner's priority of ownership could be overtaken or challenged by a third party. Although the review, instituted by Attorney-General George Brandis back in April, specifically seeks feedback on the impact of the national regime on small business, our submission draws the Reviewer's attention to complexity and legal uncertainty this regime has introduced for landlords. Should a landlord choose to secure all of its property in every relevant tenancy from claims of ownership by a third party, a rolling process of registrations, registration updates and de-registrations would be required. Considering that there are more than 50,000 leases on foot in shopping centres across Australia, and that the number of new lease agreements entered into each year is more than 10,000, this would come at considerable time and cost to landlords. We have made the Reviewer aware that some of our members have had to set up considerable and costly administrative processes to ensure conformity with the PPS Act. As a potential improvement and red tape reduction measure, we have suggested exempting a lease or bailment of any personal property which relates to a lease of premises or land. Submissions will be available online shortly and the Reviewer's final report is expected in early 2015.

## SA EXPERT PANEL RELEASES PLANNING REFORM DISCUSSION PAPER

Last week the South Australian Government's Expert Panel on Planning Reform, chaired by Brian Hayes QC, released the [Our Ideas for Reform](#) discussion paper which proposes 27 reform ideas to overhaul the state's planning system. The reform areas cover issues such as strategic planning, place-making, plan-making, development assessment and planning system delivery. Submissions on the discussion paper close on 26 September with the final report to be submitted to the Government in December 2014.

## MIKE SINKUNAS RESIGNS AS SA SMALL BUSINESS COMMISSIONER

Mike Sinkunas, who was appointed as South Australian Small Business Commissioner in March 2012, has resigned unexpectedly, effective 25 July 2014. His resignation was formally announced in the SA Parliament last week by the Small Business Minister, Tom Koutsantonis. The current SA Deputy Small Business Commissioner, Associate Professor Frank Zumbo of the University of NSW, who has been in the role since January 2012, has been appointed by the Minister as the Acting Small Business Commissioner. No announcement has been made by the SA Government about the appointment of a new Commissioner. The Commissioner's office plays an important role in small business and retail tenancy policy issues.

## SHOPPING CENTRE COUNCIL OF AUSTRALIA 2014 MARKETING AWARDS

Thank you to everyone who nominated in the [2014 Shopping Centre Council of Australia Marketing Awards](#). We received a record 146 nominations. Finalists will be announced in September. Click [here](#) to book tickets to the [Awards Dinner](#) on Wednesday 22 October at the Ivy Ballroom in Sydney.