



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

Wednesday 26 November 2014

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## REAL ESTATE LICENSING REQUIREMENTS ABOLISHED IN QUEENSLAND ON MONDAY

From next Monday, 1 December 2014, real estate agents licenses will not be required for those people managing or leasing shopping centres (or offices) on behalf of 'related entity' property owners. Licenses will also not be required for those managing or leasing on behalf of 'large commercial property owners' (i.e. property owners who collectively own commercial property amounting to more than 10,000 square metres). Both exemptions are contained in the new *Property Occupations Act*, which begins operation on 1 December ([Shop Talk 21/11/13](#), [8/5/14](#) & [30/10/14](#)). It should be noted that these exemptions have not been opposed by the Real Estate Institute of Queensland (REIQ) and there has been no campaign of opposition by real estate agents. The REIQ has not disputed that the real estate agents license has no professional relevance for those working in commercial property. Large commercial property owners are well aware of the risks involved in commercial real estate and can protect themselves against those risks. Large commercial owners don't need the protection of Parliament in their dealings with their property managers. Small retail tenants will continue to be protected by the stringent requirements of the *Retail Shop Leases Act* (see the next item).

The acceptance of this 'red tape reduction' reform by the REIQ contrasts with the hysterical campaign being conducted by the Real Estate Institute of Victoria (REIV) over similar reforms recently announced in Victoria ([Shop Talk 23/10/14](#) & [30/10/14](#)). One absurd claim in an advertisement by the REIV (and the REIA and COSBOA) suggests that small businesses will be "stripped of all important legislative protections". Small retailers will continue to be protected by the *Retail Leases Act*, the key legislation that protects tenants. That is why the Australian Retailers Association (ARA) and National Retail Association (NRA) support the Victorian reforms.

## AMENDMENTS TO RETAIL SHOP LEASES ACT NOW IN QUEENSLAND PARLIAMENT

The Queensland Government has introduced a [Bill](#) to amend the *Retail Shop Leases Act*, following a consultative review of the Act during 2011-2013. The introductory speech by the Attorney-General, Jarrod Bleijie MP, is [here](#) and the Explanatory Note is [here](#). A Reference Group, which included the Shopping Centre Council, reported to the Government in December 2013, following a Discussion Paper in late 2011 and an Options Paper in May 2013. A number of the provisions of the Bill are directed to reducing unnecessary regulation and to ensure that the provisions of the Act apply more directly to small and medium sized tenants. For example, the Bill excludes from the Act retail shop leases with a floor area in excess of 1,000 square metres, bringing the legislation into line with retail tenancy legislation in other States. The Bill has been referred to the Legal and Community Safety Committee of Parliament which will report on the Bill by 2 February 2015.

## SUBMISSION LODGED ON TERRORISM INSURANCE ACT REVIEW

We have lodged a submission to the Federal Treasury on the triennial review of the *Terrorism Insurance Act*, which includes the terrorism insurance scheme and the Australian Reinsurance Pool Corporation (ARPC). The scheme commenced in 2003, in the wake of the '9/11' terrorist attacks in the US, to address market failure to ensure commercial property has access to terrorism insurance on reasonable terms, and to minimise associated wider negative economic impacts. Commercial property (including shopping centre) owners pay a levy on their insurance premiums depending on the location of the asset, which contributes to the pool of reserved funds. We believe the scheme should continue but have made a number of recommendations in relation to the ownership model, scheme participation, reserved funds and pricing.