



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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HEARING SET FOR INQUIRY INTO NATIONAL APPROACH TO RETAIL LEASING

After a four month hiatus, the Senate Committee inquiry into the need for a national approach to retail leasing ([Shop Talk 17/07/14](#) & [Shop Talk 18/09/2014](#)), established at the request of Independent Senator for South Australia, Nick Xenophon, is moving ahead. A public hearing is scheduled for 13 February (tomorrow) and we will be appearing before the Committee to give evidence. As per our [submission](#) to the inquiry, will be offering support for a national approach to retail leasing on the condition that it comes in place of, not in addition to, the present system of state and territory retail lease regulation. Alas, we don't hold out much hope for game changing reform as a result of this inquiry, not least because a national approach to leasing arrangements has been recommended by two previous parliamentary inquiries and the Productivity Commission; with no action taken. The Committee is due to report by 5 March 2015.

SA GOVERNMENT RELEASES TAX REVIEW DISCUSSION PAPER

The South Australian Government this week released its tax review [Discussion Paper](#) ([Shop Talk 11/12/14](#)). This review comes ahead of the pending release of the Federal Government's White Paper on Tax Reform process. SA Premier, Jay Weatherill, has [said](#) that the Government is "open to radical reform" of its tax system which is pleasing considering that SA has some of the highest land tax and statutory charges for shopping centres across the country. Headline proposals include the significant reform of property taxes, including the potential abolition of conveyancing duties and the broadening of the land tax base. There are some concerning suggestions, however, in relation to existing land tax provisions which could increase the burden on shopping centres and their retailers. Submissions are due by 10 April.

VCAT ADVISORY OPINION ON S.251 OF VICTORIAN BUILDING ACT A STEP CLOSER

The Victorian Small Business Commissioner's request for an advisory opinion ([Shop Talk 26/6/14](#)) from the Victorian Civil and Administrative Tribunal (VCAT) on whether a landlord can enforce a commercial lease obligation requiring a tenant to maintain the leased premises' 'essential safety measures' has progressed to the hearing stage. Justice Garde, the VCAT President, heard the Commissioner's application on 5 February. The SCCA was granted leave to intervene in proceedings and an oral submission was made on our behalf at the hearing. No retailer association made a submission to VCAT or sought leave to intervene in proceedings. There is no timeframe set down for the delivery of the advisory opinion, which will be the first handed down since the Small Business Commissioner was, last year, granted the authority to seek advisory opinions from VCAT ([Shop Talk 29/05/14](#)).

LINDT CAFÉ INCIDENT DECLARED A TERRORIST INCIDENT

Federal Treasurer, Joe Hockey, recently [announced](#) that the Lindt Café incident on 15 December 2014 has been declared a "terrorist incident" for the purposes of the *Terrorism Insurance Act*. The effect of this decision is to ensure that businesses are able to make relevant insurance claims despite any terrorism exclusions which may exist in their insurance policies. More information is available from the Australian Reinsurance Pool Corporation [website](#).

PROPERTY INDUSTRY INDUCTION COURSE IN SYDNEY, 5 MARCH

The Property Council Academy is offering a course of Property Industry Induction, in Sydney on 5 March. This one-day course is for new entrants to the industry. See further details [here](#); register [here](#).