



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

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## EXPOSURE DRAFT LEGISLATION ON SMALL BUSINESS UNFAIR CONTRACT TERMS

The Federal Government has released exposure draft legislation, and explanatory material, on providing unfair contract term protections to small businesses. This follows submissions last year on a Consultation Paper to give effect to the Federal Government's election undertaking ([Shop Talk 21/8/14](#)) to extend existing protections from unfair contract terms for consumers to small businesses. The protections will only apply to a 'standard form' small business contract, where at least one party employs fewer than 20 persons and where the value of the contract does not exceed either \$100,000, or \$250,000 for contracts of more than one year duration. The draft legislation does not exempt those retail leases which are already regulated by state and territory retail tenancy legislation, as we argued in our earlier submission. However the draft legislation provides that an industry-specific law of a state or territory "that is enforceable and equivalent to the unfair contract term protections" can be exempted by regulation from the scope of the new law. Such a regulation can only be made after the Federal Minister has considered the public interest, the overall impact of providing the exemption and the impact on small businesses. Submissions on the exposure draft legislation close on 12 May 2015.

## SEVEN DAY TRADING TO BEGIN IN DALBY ON SUNDAY 31 MAY 2015

The Queensland Industrial Relations Commission has [approved](#) an application by the National Retail Association to allow trading on Sundays (from 10.30am to 6pm), and on most public holidays (from 8.30am to 5.30pm), in Dalby, Queensland. The decision is operative from 29 May 2015 and will benefit Dalby Shoppingworld, owned by the McConaghy Group, which is a member of the Shopping Centre Council.

## SOUTH AUSTRALIAN TAX REVIEW MOVES FORWARD

The public exhibition period for the South Australian Government's *State Tax Review Discussion Paper* ended last week ([Shop Talk 11/12/14](#)). We have applauded the SA Government's fresh thinking and commitment to reviewing its tax system with the clear objectives of attracting new investment and creating more jobs. The SCCA has used the potential reforms flagged in the Discussion Paper, including the proposal to abolish conveyance duty and land tax aggregation, as the basis of a first round of detailed modelling to understand the impact tax system reform would have on shopping centres in SA. We have been able to demonstrate that SA's land tax regime is less competitive than Vic, NSW, Qld and WA, even when equalized for relative land values. We have also shown that land tax movements are a key area of sensitivity for investors and that a more competitive land tax regime would improve SA's investment environment. We have identified a number of scenarios which would considerably reduce the tax burden on shopping centres in SA, including an option which would facilitate the abolition of conveyance duty and the application of a low, broad based and tax on all properties. We intend to use this initial modelling as the basis of a more detailed discussion with Government about SA's future tax system, and its impact on shopping centres.

## WELCOME TO SIMON HEMPHILL, HEAD OF RESEARCH, SHOPPING CENTRE COUNCIL

Simon Hemphill recently commenced as the Head of Research at the Shopping Centre Council of Australia. Simon has spent the last 10 years in various research and leadership positions at leading real estate service companies Savills and JLL. Most recently he was the NSW Head of Research at Savills.