

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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FIVE-YEAR WAIVER CERTIFICATES NOW AVAILABLE ONLINE IN VICTORIA

The Victorian Small Business Commission (VSBC) has launched a new [online system](#) for tenants to apply for a certificate to waive their right to a five-year lease term under Section 21(5) of the Victorian *Retail Leases Act 2003*. It is understood that the VSBC receives around 1,200 applications for waiver certificates each year and that small businesses applying for certificates expressed a preference for "a more accessible and streamlined process". The Small Business Commissioner, Judy O'Connell, has detailed that "the new online process has been created to ensure continually high service and ease of access for small business owners to obtain the information they need when they need it". It is anticipated that this new process will see waiver certificates received more quickly by tenants, thereby speeding up processes for landlords, also. While a pleasing development for tenants and landlords, it is hoped that the Victorian Government, with the support of the VSBC, will soon follow in the steps of the New South Wales Government and do away with the statutory minimum lease term, thereby removing the need for waiver certificates all together.

QUEENSLAND PARLIAMENTARY INQUIRY INTO THE TOW TRUCK INDUSTRY COMPLETE

The Queensland Parliament has completed its inquiry into the *Tow Truck and Other Legislation Amendment Bill 2017* following an independent investigation which, among other things, contemplated the practice of towing vehicles from private property ([Shop Talk 16/06/17](#)). The Government accepted all 22 recommendations from the investigation's report, including the requirement for 'towing consent' in an approved form (such as a template). This would include instances where a shopping centre car park operator needs to commission a tow truck licensee to remove an unauthorised or dangerous vehicle. The Bill does not seek to regulate minimum car park signage. The Shopping Centre Council is currently engaging with the Government on the preparation of signage guidelines, where were a recommendation of the independent investigation.

ABS RETAIL TURNOVER: SECOND CONSECUTIVE MONTH OF NEGATIVE GROWTH

The latest release of the monthly ABS Retail Trade data, for August 2017, indicates that the overall month-on-month (m-o-m) trend estimate increased by 0.1 per cent, equal to 0.1 per cent in the prior corresponding period (pcp). In trend terms, Retail Turnover increased by 2.8 per cent year-on-year (y-o-y), down from (a revised) 3.1 per cent in the pcp. However, in seasonally adjusted terms, Retail Turnover fell by 0.6 per cent in the month of August 2017, the largest monthly fall since March 2013, and the second consecutive month of negative growth following a fall of 0.2 per cent in July 2017. On a y-o-y basis, Retail Turnover increased by 2.1 per cent (the lowest level of y-o-y growth since June 2013), down from (a revised) 3.5 per cent in the pcp. The latest release of the Westpac Melbourne Institute Consumer Sentiment Index indicates that consumer sentiment increased to 97.9 in September 2017, up from 95.5 in August 2017, although this is still firmly in negative territory. Consumer sentiment, often a leading indicator for retail sales, has been running in negative territory for 10 consecutive months and a cyclical trough in sentiment was recorded in the months leading up to August 2017.

NABERS 2016-17 ANNUAL REPORT SHOWS AN INCREASE IN 5+ STAR RATED SHOPPING CENTRES

The National Australian Built Environment Rating System (NABERS) [Annual Report](#) for 2016-17 was released last week. The report shows growth in the number of rated shopping centres (to 131), as well as an increase in the average energy star rating achieved. There has also been an increase in the number of shopping centres with 5+ star energy ratings, up 37.5 per cent from 2015-16 (from 8 to 11). These are pleasing results for the sector which, once again, demonstrate the effectiveness of voluntary engagement with NABERS, which continues without government intervention or regulation. The NABERS Waste pilot program is also underway, which takes into account a number of data points, including daily waste collection and on-site waste density. A number of Shopping Centre Council members are involved in the pilot program.

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