



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

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[Archive](#)

## FAIR WORK OMBUDSMAN TO TARGET THE CLEANING SERVICES INDUSTRY

The [Fair Work Ombudsman](#) has advised the Shopping Centre Council that it will soon begin a 'Cleaning Services Industry Campaign' - a national education and compliance campaign in the contract cleaning services sector. From November 2010 FWO inspectors in all states will target a random sample of employers in the cleaning services industry for a compliance audit. The objective, according to FWO, is to ensure employers are meeting their obligations in relation to minimum wages and penalty rates and to check contractual arrangements. This includes compliance with the modern *Cleaning Services Award 2010* and the National Employment Standards. From mid-September 2010 the FWO will also roll out a comprehensive education strategy which will direct employers to a webpage which will be dedicated to the cleaning industry ([www.fairwork.gov.au/cleaning](http://www.fairwork.gov.au/cleaning)).

## PCA HUNTER REGION RETAIL LUNCHEON – DECIDING ON THE RIGHT RETAIL SITE

The Property Council is holding a retail luncheon in Newcastle on 10 September. Gavin Duane, of Duane Location IQ, will speak on the recipe for success when deciding on the right retail site. Gavin will also speak on the retail industry in the Hunter region. Further information and details are [here](#).

## NEIL BRAY APPOINTED NEW VALUER-GENERAL IN QUEENSLAND

Earlier this year, following the major dispute over land valuation ([Shop Talk 12/3/10](#)), the Queensland Premier, Anna Bligh, announced the position of Valuer-General would be reinstated. This week the Government announced the appointment of Neil Bray, currently Valuer-General for South Australia, who will take up the position on 11 October.

## WA MP CONTINUES TO MISREPRESENT THE FACTS ON TRADING HOURS 'RENT'

Once again Tony O'Gorman, a WA Labor MP, has deliberately misrepresented the position of shopping centre owners and liberalised trading hours. Mr O'Gorman claimed in Parliament that leases in a Perth shopping centre owned by the Insurance Corporation of WA provided for increased rent if trading hours in the centre were increased. This is simply a lease provision ensuring that if trading hours are extended, *and only if the retailer trades those additional hours*, the owner has the opportunity to recover the tenant's relevant portion of the additional operating expenses (outgoings) that will be incurred as a result of keeping that centre open. These outgoings include common area cleaning, lighting, air conditioning etc. This is only an issue in WA because most leases in that state are 'semi-gross leases', whereby tenants pay one monthly charge which covers both rent and non-statutory outgoings. The additional 'rent' is actually an adjustment to the outgoings portion of the monthly payment, not to the actual rent. This is not an issue in other states since leases in those states are generally 'net leases' whereby rent and outgoings are usually separate monthly charges and additional trading hours by a tenant (if they trade longer) can be directly recovered in outgoings.

Mr O'Gorman also peddled this false claim last year about another shopping centre and was made fully aware then that such payments are for the additional operating expenses that are incurred and are not additional rent ([Shop Talk 14/08/09](#)). Mr O'Gorman also knows that WA already has the toughest legal provisions of any state ensuring that tenants who do not wish to trade additional hours cannot be forced to do so. Incidentally Mr O'Gorman is a staunch opponent of extended shop trading hours but hypocritically voted to support it for his own electorate of Joondalup ([Shop Talk 11/12/09](#)).