



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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NEW GOVERNMENT TO EXTEND UNFAIR CONTRACTS REGULATION TO BUSINESSES

One of the most significant developments for the shopping centre industry from the change of Federal Government is the undertaking to extend the unfair contracts regime in the *Competition and Consumer Act* (presently confined to business-to-consumer contracts) to business-to-business contracts. The Shopping Centre Council sought to convince the (then) Federal Opposition not to adopt this radical policy or to refer it to the Productivity Commission for examination of possible economic ramifications. As far as we are aware, no other major western economy regulates business-to-business contracts in this way. It has long been accepted, including in Australia, that courts should not restrict freedom of contract, nor interfere with the sanctity of contracts, unless a very compelling case for intervention has been established.

Nevertheless when the policy was adopted the Chairman of the Shopping Centre Council, Steven Sewell, [wrote](#) to the (then) Leader of the Opposition seeking full consultation with business organisations on implementation of the commitment. Mr Sewell urged that this protection be strictly confined to small businesses and that there should be a rigorous definition of what is a 'small business'. The letter also argued that there should be an exemption from the new law for those business contracts already regulated by governments. This includes retail tenancy leases (contracts) which are already heavily regulated by state and territory governments around Australia. This exclusion would ensure that there is not 'double regulation' of such contracts and would also avoid the creation of additional costly 'red tape'. This is consistent with the war on unnecessary government regulation which the new Government has pledged. We are encouraged that the likely new Minister for Small Business, Bruce Billson MP, has promised full consultation on the implementation of this policy.

FINALISTS IN AUSTRALIA NEW ZEALAND SHOPPING CENTRE MARKETING AWARDS

The finalists in the 2013 *Australia and New Zealand Shopping Centre Marketing Awards* have been judged and are available [here](#). A total of 51 entries, from 13 separate organisations, across 14 categories, have made the short list. Three external judges – Sue Say (Director, Economics and Market Research, Urbis); Belinda Waller (General Manager – Marketing, Jeanswest); and Dr. Sean Sands (Research Director, Australian Centre for Research Studies) have the responsibility of determining the winner and runner up in each category. These judges will also determine the overall winner – the Shopping Centre Marketing 'Campaign of the Year'. Congratulations to all finalists and our thanks to all marketing teams who entered the awards.

The award winners and runners up will be presented at the Awards Dinner at Doltone House, Hyde Park, in Sydney on Thursday 31 October. This will be a great opportunity for industry networking and to meet leading shopping centre marketing executives and other senior executives in the industry. Tables and individual tickets for the Awards Dinner can be obtained [here](#).

PROPERTY COUNCIL RELEASES NATIONAL AND STATE 2013 RETAIL BENCHMARKS

The Property Council has now released its series of *2013 Retail Benchmarks: Survey of Operating Costs*. These benchmarks provide shopping centre owners and managers with a reliable tool for evaluating the operational performance of their shopping centres and in preparing operational budgets. They are also a valuable tool for national retail chains in making leasing decisions. The National 2013 Retail Benchmark can be purchased from [here](#). To select 2013 Retail Benchmarks for an individual State click on any of the following links: [NSW](#), [QLD](#), [SA](#), [VIC](#) and [WA](#).