



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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QUEENSLAND SUPREME COURT AGAIN REJECTS DIFFERENTIAL RATING GROUNDS

Local councils in Queensland have the ability to adopt different categories of land for rating purposes and to apply different rates in the dollar to those different categories. This is a practice known as 'differential rating'. Shopping centres have been singled out for differential rating on the spurious grounds that they place a bigger burden on council's budgets, despite the fact that they provide and pay for many of the services supposedly the function of councils (such as waste collection and local roads). These different rating categories are required to be based on some attribute or characteristic of the land, not on some attribute of the ratepayer. Many councils have breached this requirement. The Queensland Supreme Court has again rejected the grounds on which a council has imposed differential general rating. In [Paton & Ors v Mackay Regional Council \[2014\] QSC 75](#), Justice Meekin found the *Local Government Act* did not permit the council to put certain land in a higher rating category by reference to the occupation of the land's owner, in this case property investors. This decision follows a Queensland Court of Appeal decision in [Xstrata Coal Qld P/L & Ors v Council of the Shire of Bowen \[2010\] QCA 170](#), which rejected a council's attempt to differentially rate land on the basis of a ratepayer's ability to pay. Meekin J. noted "Xstrata Coal stands for the proposition that in setting differential rates it is not the individual circumstances of the owner that are relevant but the characteristics of the land in question." See this [Gadens summary](#) of the latest decision.

FEDERAL TREASURY RELEASES ISSUES PAPER ON SMALL BUSINESS OMBUDSMAN

The Federal Treasury has released a [Discussion Paper](#) on the proposal to transform the Australian Small Business Commissioner into a Small Business and Family Enterprise Ombudsman. Submissions on the Discussion Paper close on 23 May.

SCCA SUBMISSION TO THE PRODUCTIVITY COMMISSION STUDY ON RETAIL COSTS

The Productivity Commission is conducting a [study](#) of cost structures of businesses operating in the retail trade industry and is seeking to identify areas of cost advantage and disadvantage for those businesses compared to international competitors. The SCCA has [lodged a submission](#). The Commission will complete an interim report in June and is to finalise its report in October.

MATTHEW MASON-COX IS THE NEW MINISTER FOR FAIR TRADING IN NSW

Matthew Mason-Cox MLC, formerly a parliamentary secretary, has been [appointed](#) as Minister for Fair Trading in NSW.

ICSC ASIA PACIFIC SHOPPING CENTER AWARDS NOMINATIONS OPEN

Nominations are now open for the *ICSC Asia Pacific Shopping Center Awards*, and these will close on 7 August. The winners will be announced at a ceremony on 11 November 2014 at the [ICSC RECon Asia](#) in Singapore. Click [here](#) to nominate. These awards are separate from the *Shopping Centre Council of Australia Marketing Awards*, which will be held on Wednesday 22 October 2014 ([Shop Talk 6/3/14](#)), but many Australian companies also enter the ICSC Awards. Nominations for the Shopping Centre Council of Australia Marketing Awards will open on 1 July and details will be announced in *Shop Talk* and elsewhere.

NORTHERN TERRITORY SHOPPING CENTRE DIRECTORY 2014 NOW AVAILABLE

The Northern Territory Shopping Centre Directory for 2014 is now available from the Property Council Bookshop. This includes detailed information on ownership, management, tenants and other key details. Click [here](#) to purchase your copy.