



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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EXTENSION OF UNFAIR CONTRACT TERMS REGULATION TO SMALL BUSINESSES

The Shopping Centre Council has lodged a [submission](#) on the Federal Government's [Consultation Paper](#) on extending unfair contract terms regulation (currently confined to consumers) to small businesses. While we remain firmly of the view that this would be a wrong step for Australia (and will put Australia at odds with other major western countries), we accept this is an election commitment by the Government and will be implemented. We have therefore recommended specific changes to the UCT provisions if they are to be extended to small business. We have also argued there needs to be a rigorous definition of a 'small business' and have proposed this be consistent with the definition in the *Fair Work Act* i.e. a business that employs fewer than 15 employees.

We have also argued that retail leases (contracts) which are already regulated by state and territory retail tenancy legislation should be exempted from the new law. This follows assurances given by the Minister for Small Business, Bruce Billson MP, that he does not want to create a "forum shopping extravaganza" and that, where satisfied there is "enforceable equivalence" for small businesses through other mechanisms, "we won't go at these transactions twice". Our submission argues in detail that there is already in existence an extensive body of legislated rules, in retail tenancy legislation, about 'fair behaviour' by retail property owners when dealing with small retailers. These rules, which have been formulated in consultation with retailers and landlords, are industry specific and do not rely on subjective interpretation by a judge about what is 'fair' or 'unfair'. If a lease term fails to meet these minimum standards then it is void. Without an exemption for regulated retail leases, the proposed extension of the UCT provisions will mean 'double regulation' of those leases and this runs contrary to the Government's commitment to remove unnecessary business red tape.

SHOPPING CENTRE COUNCIL PLAYS HOST TO SENIOR OFFICIALS OF ICSC

Last week the Shopping Centre Council hosted a major international event, welcoming the highest-ranking representatives from the [International Council of Shopping Centers](#). ICSC Chairman, Robert Welanetz, and ICSC President and CEO, Michael Kercheval, met with the SCCA Board of Directors and discussed measures for furthering the relationship between the two councils, following the signing of last year's Collaboration Agreement ([Shop Talk 23/5/13](#)). On Friday Mr Welanetz addressed a major shopping centre industry luncheon and both he and Mr Kercheval participated in a panel discussion, moderated by the SCCA Chairman (and Managing Director and CEO of Federation Centres), Steven Sewell. During his visit Mr Welanetz also spoke to journalists from [Property Australia](#), [Australian Financial Review](#), [The Australian](#), Shopping Centre News and Inside Retail.

PROPERTY COUNCIL RETAIL LEASES ACT COURSE IN MELBOURNE NEXT MONTH

The Property Council, Victoria Division, in partnership with Minter Ellison, is running a course on the *Retail Leases Act*, in Melbourne, on 16 September. Click [here](#) for details and register [here](#).

LATEST EDITION OF INSIDE RETAIL MAGAZINE IS AVAILABLE NOW

The [latest issue](#) of *Inside Retail Magazine* has extensive coverage on the Westfield Retail Study Tour 2014. Subscriptions are available [here](#).

WESTFIELD ASIAN RETAIL STUDY TOUR OVER 9 DAYS FROM 30 OCTOBER 2014

Westfield is offering a unique [Asian Express Retail Study Tour](#) to Shanghai, Hong Kong, Macau and Singapore from 30 October to 8 November. Click [here](#) for details and to register.