

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 27 APRIL 2018

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SHOPPING CENTRE COUNCIL CONTRIBUTES \$20,000 TO LOCAL COMMUNITY ORGANISATIONS

For the last three years, the Shopping Centre Council has contributed to local charities and community organisations nominated by the winners of each of the 'Community' marketing campaign categories at the [SCCA Marketing Awards](#). In 2017, it was decided that, due to the overwhelmingly positive response from previous winners and recipients, \$5,000 would be contributed to each of the four nominated community groups (doubled from \$2,500). Following the 2017 awards, we have donated to: Zonta House, which was nominated by the 140 Perth and JLL/Cbus Property team, for their work supporting women who have experienced family and domestic violence, mental health, homelessness and other life crises in the local Perth community; Kids Alive, which was nominated by Charter Hall following their partnership with Campbelltown Mall on a recent campaign 'Dive In', targeted at educating both parents and children on swim safety; the Cairns Indigenous Art Fair, which partnered with Cairns Central, owned by APPF Retail and managed by Lendlease, on their 'Embrace the New Faces' campaign which promoted diversity and inclusion in the community; and Headspace, which was nominated by Scentre Group, for their commitment to improving the mental health and wellbeing of young Australians. The Shopping Centre Council is pleased to support organisations which have formed such positive partnerships with our members, and which benefit whole communities. We look forward to making similar community-based contributions following the 2018 SCCA Marketing Awards.

BUDGET SEASON BEGINS: VICTORIA FIRST CAB OFF THE RANK

From next week, governments across Australia will begin handing down their budgets for 2018-19. Victoria kicks off on 1 May, with the Government delivering what will, in effect, be a pre-election budget (the Victorian election is scheduled for late November). The Federal budget is handed down the following week, on 8 May, and the Western Australian budget is delivered on 10 May.

RECENT HIGH COURT DECISION REGARDING JURISDICTION OF STATE TRIBUNALS

A recent decision of the High Court of Australia ([Burns v Corbett \[2018\] HCA 15](#)) has held that the NSW Civil and Administrative Tribunal (NCAT) does not have jurisdiction to determine matters where one of the parties to a dispute is not a 'resident' of NSW. This decision will have implications for similar Tribunals in other jurisdictions, including those in Victoria (VCAT) and Queensland (QCAT). This decision will likely focus attention on the management of relevant disputes before the various Tribunals. There may also be implications for matters which have already been heard and determined by these Tribunals. The High Court's decision hinged on the inability of a State Parliament to confer adjudicative authority to a tribunal to consider and determine disputes between 'residents' of different jurisdictions where the tribunal is not a State court. Care and advice should be taken in understanding the potential implications of this decision with regard to disputes involving corporations, including disputes which may have arisen under the respective retail leasing legislation in each state.

WHAT IS INFORMING THE NSW GOVERNMENT'S VIEW ON RETAIL PLANNING? GOOD QUESTION...

In an unusual (although not unprecedented) step for the Shopping Centre Council, an application for Government information under the NSW *Government Information (Public Access) Act* (GIPAA) was recently made to the NSW Department of Planning and Environment. Shop Talk readers will note that there has been considerable activity in recent months regarding retail planning policy in NSW ([Shop Talk 6/4/18](#) & [13/4/18](#)). However, this very high level of activity has, to date, been characterised by very low levels of transparency (we hope this will change in the current round of consultation). A review of the material which was released under the GIPAA application continues, but early insights suggest that the Shopping Centre Council's concerns are well founded, with little depth of analysis or insight demonstrated in the material we have obtained.

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