

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 24 MARCH 2016

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NSW GOV'T ESTABLISHES RETAIL FLEXIBILITY MINISTERIAL ADVISORY COMMITTEE

Last week this newsletter lamented the ad hoc approach the NSW Government takes to retail planning, pointing to the recent changes to the Standard LEP to allow greater flexibility for "hardware and building supplies" and "garden centres" in industrial and business park zones. The Government used this change to surreptitiously [announce](#) the establishment of a *Retail Flexibility Ministerial Advisory Committee*. This Committee will be providing advice to the Minister "on how retail flexibility, and the competing considerations of different retail models, can be provided for in the NSW planning system". In its announcement, the Government has given no indication of whether this Committee will consider other highly relevant policy issues, including the Federal Government's pending 'cities' policy and the recommendations of the Harper Competition Policy Review regarding planning and zoning. The Shopping Centre Council is seeking an assurance that the Committee's deliberations will be balanced and constructive. We want the Government to avoid an approach which results in the same narrow outcomes as that delivered in Victoria following their reform push ([Shop Talk 9/5/2013](#)). The Committee's Terms of Reference and membership are currently being finalised.

KATE CARNELL COMMENCES AS FEDERAL SMALL BUSINESS OMBUDSMAN

On 11 March, Ms Kate Carnell AO started her tenure as Australia's first Small Business and Family Enterprise Ombudsman ([Shop Talk 4/2/16](#)). Ms Carnell was most recently the CEO of the Australian Chamber of Commerce and Industry (ACCI). There has been some media speculation that Ms Carnell could be replaced at ACCI by the immediate past Federal Small Business Minister, Bruce Billson. Mr Billson was responsible for establishing the Ombudsman role while in the Ministry and has already announced that he will not be contesting the next Federal election.

REPORT SHOWS A VERY SMALL NUMBER OF RETAIL LEASE DISPUTES IN VICTORIA

The latest [report](#) of the Victorian Small Business Commissioner reveals just how rare are retail tenancy disputes when these are placed in perspective. While there were 1,077 applications to the SBC in 2014-15 – not all of these are actual disputes and many are applications by landlords – this represents fewer than 1.5% of all retail leases on foot in Victoria. (The Productivity Commission estimated in 2008 there were 72,000 retail leases in Victoria. There would be many more than that now). The SBC reports that only 556 applications progressed to mediation last year and that the success rate of mediations was nearly 80%. Those 556 mediations represent fewer than 0.8% of all retail leases. In other words, fewer than 8 leases in every 1,000 results in a need for mediation. This is remarkable given that a retail lease (unlike most other business contracts which are essentially 'transactional' contracts) are 'live' seven days a week, for 52 weeks a year, usually for at least five years. We remain puzzled why even bodies such as the ACCC suggests there are a 'large' number of small business disputes ([Shop Talk 23/7/15](#)).

EXPERIENCED JUDGING PANEL AND REVAMP FOR THE 2016 SCCA MARKETING AWARDS

The judging panel for the 2016 Shopping Centre Council of Australia Marketing Awards will be Stephen Kulmar, Founder, Retail Oasis; Kate Parker, Country Manager, Zomato (and a former shopping centre marketing head); and Gary Williams, Chief Transformation Officer, Myer. We'd like to thank all three for agreeing to assist. The awards have also undergone a facelift this year and we can now reveal a new 'look', including a refreshed [website](#) and [Facebook page](#). Nominations for the 2016 awards will open on 1 July at 9am and close at 5pm on 8 August. Please see the [Call For Entries Booklet](#) for more details. The Awards Gala Dinner will be held on 27 October from 6pm at the Westin Ballroom in Sydney. For more details regarding the dinner or the nomination process please see the [website](#).

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