



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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[Archive](#)

SOUTH AUSTRALIAN DRAFT SMALL BUSINESS COMMISSIONER BILL 2011

Small Business Commissioners are becoming all the rage, following Victoria's pioneering move in 2003 and Western Australia's decision to copy this ([Shop Talk 24/3/11](#)). The new Liberal-National Government in NSW has also promised to establish one and there is talk that something similar is being considered by the Federal Government. Recently the South Australian Government issued for comment a draft [Small Business Commissioner Bill 2011](#) and an [Explanatory Paper](#). The Bill proposes that the Small Business Commissioner, when established, will also have responsibility for administration of the [Retail and Commercial Leases Act](#). The Shopping Centre Council has lodged a [submission](#) on the Bill.

RENT THRESHOLD IN SOUTH AUSTRALIA TO INCREASE FROM 4 APRIL 2011

On the subject of South Australia, last year's revised [Retail and Commercial Regulations](#) increased the rent threshold for determining coverage by the [Retail and Commercial Leases Act](#) to \$400,000 pa (inclusive of GST where payable). ([Shop Talk 3/9/10](#)). This new threshold applies to new retail shop leases made on or after 4 April 2011. The increased threshold does not apply to a lease renewed under a right of renewal conferred prior to 4 April 2011 ([Shop Talk 12/11/10](#)).

APPLICATIONS ARE OPEN FOR THE NRA YOUNG RETAILER OF THE YEAR AWARD

Applications are now open for the National Retail Association's Young Retailer of the Year Award. This rewards excellence amongst retailers under 25 years and also promotes retailing as a career. The Shopping Centre Council is a sponsor of these awards. Click [here](#) for entry details.

TENANTS CANNOT BE FORCED TO TRADE ON EASTER SUNDAY IN VICTORIA

With Easter Sunday again being a shop trading day in Victoria from this year ([Shop Talk 24/3/11](#)), the Victorian Small Business Minister, Louise Asher, has reminded shopping centre landlords that tenants cannot be forced to open on this day. Section 7 of the [Shop Trading Reform Act 1996](#) provides that a lease provision requiring a tenant to open on a Sunday or a public holiday is void. During parliamentary debate the Labor Opposition, which opposed the Bill, claimed landlords would force tenants to open on this day. This is despite the fact that before 2003, when the then Labor Government prohibited trading on Easter Sunday (at the demand of the Shop Assistants Union), there were never any disputes over this issue.

AER CONSULTATION PAPER AND DRAFT EXEMPT SELLING GUIDELINE SUBMISSION

The SCCA lodged a [submission](#) last month with the Australian Energy Regulator (AER) on its second round of consultation to nationally harmonise and manage retail electricity on-selling exemptions ([Shop Talk 13/8/10](#)). The AER has continued to recognise the merits of on-selling within shopping centres, and its [Consultation Paper](#) and [Draft Exempt Selling Guidelines](#) highlighted some positive changes since previous consultation from June to August last year. This includes a proposed class-exemption for shopping centre owners. However, this exemption is proposed to expire in 2015 (we believe it should be extended to 2020). The critical issue, however, is to ensure that existing exemptions (and other exemptions granted before the scheduled commencement of the national approach across 2012 and 2013) can be automatically transitioned under the AER framework, and not get bogged down with state-based 'special' requirements.