




Speech By
Joan Pease

MEMBER FOR LYTTON

Record of Proceedings, 10 May 2016

RETAIL SHOP LEASES AMENDMENT BILL

 **Ms PEASE** (Lytton—ALP) (4.16 pm): I am pleased to speak today in support of the Retail Shop Leases Amendment Bill 2015. Currently, the Retail Shop Leases Act 1994 governs retail leasing in Queensland and provides a framework for addressing imbalances in negotiating power and access to information between major shopping centre landlords and small retail tenants through mandatory minimum standards for retail shop leases and a low-cost dispute resolution process for retail tenancy disputes.

The Retail Shop Leases Amendment Bill 2015 gives effect to the consultation outcomes from a statutory review of the act which has been ongoing for some years. I remember burning through a number of shoes handing out information packs with regard to some amendments that were being debated in 2009. This review included a public consultation, with 58 submissions from the retail sector, professional stakeholders, individual tenants and landlords as well as legal and valuation professionals. The stakeholder reference group considered 127 options for change to the act raised through the public consultation and provided its report and recommendations to the former government in December 2013. The reference group report was tabled in parliament in November 2014 by the former government.

The Retail Shop Leases Amendment Bill 2015 is a direct result of these consultations and is targeted to promote efficiency and equity in retail businesses in our state. The bill contains various measures including an exclusion for non-retail leases on a level of a shopping centre or in a building that is part of a centre where on the date the lease is entered into 25 per cent or less of the total leased floor area of the level or building is used for retail business purposes. This will reduce red tape and compliance costs for non-retail tenants and their landlords by removing certain lease preparation and disclosure costs and allowing the parties the commercial flexibility to negotiate key lease terms. The act will not apply to non-retail leases in an area of a shopping centre generally regarded as commercial or for non-retail service providers.

This bill contains measures to protect lessees by requiring disclosure to incoming retail franchisees and also by landlords to sitting tenants who are looking to renew their lease under an option. Prospective buyers will also be safeguarded by requiring the seller to give a disclosure about the lease for the business premises before the business contract is entered into.

This bill will also exclude unnecessary procedural requirements in relation to government tenants in shopping centres. The reduction in red tape, the improvements to transparency for tenants in relation to management and marketing expenditure go a long way in protecting retail tenants and small businesses in Queensland. I commend the Retail Shop Leases Amendment Bill 2015 to the House.