




Speech By
Julieanne Gilbert

MEMBER FOR MACKAY

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RETAIL SHOP LEASES AMENDMENT BILL

 **Mrs GILBERT** (Mackay—ALP) (4.57 pm): I rise to speak on the Retail Shop Leases Amendment Bill 2015. The amendments of this bill will benefit businesses that have a floor area of less than 1,000 square metres by giving them balance with landlords in their negotiation power and the ability to access information. Knowledge is power and vital in successful business negotiations. By amending the 1994 act to exclude leases greater than 1,000 square metres, businesses are assisted in red-tape reduction and there are safeguards for small rental tenants in their dealings with major shopping centres.

Morgan Research has placed one of Mackay's shopping centres, Caneland, in the top busiest shopping centres in the state. This centre attracts many families and has a mix of large franchises and many small family owned and run businesses, so this bill is very important for my electorate.

It is fitting that the parliament is debating this bill this week, the week before Queensland Small Business Week. It will give small businesses in large shopping centres an additional reason to celebrate. Queensland has more than 400,000 small businesses, accounting for 97 per cent of all businesses that employ nearly half of the private sector employees. The Palaszczuk government believes it is important for businesses to have safeguards in legislation to ensure that they have every opportunity for continued success. Small businesses contribute significantly to the economy of Queensland. Small retailers in large shopping centres work hard to earn a profit. Of course, not all businesses are affected by shopping centre leases. Several retailers in my area have spoken to me about the difficulties of being a small trader in a large centre. Expectations on small businesses to operate in a similar mode as large chains or franchises in large centres is unreasonable.

The running of a financially successful business is possible only if you have full knowledge of your competition. Lessees need to know when going into a lease the possibility of franchises with a similar business likely to take up a lease in the near future. When retailers enter into a lease in a shopping centre, they are usually doing so to take advantage of the high traffic flow of customers, recreational shoppers, window shoppers and the ambience of the centre. They also take advantage of the centre's professional promotional tactics, targeting shoppers to visit the centre. All of that costs money. It is necessary for potential tenants to know the ongoing costs of promotions on top of the rent. This bill enhances tenants' protection by requiring landlords to give certain disclosures to rental tenants about shopping centre management fees and marketing expenditures and the refurbishment requirements for tenants' premises.

This bill will also safeguard prospective buyers of retail businesses by requiring the seller to give them disclosures about the lease for the business premises before the business contract is entered into. It also facilitates commercial flexibility, including allowing or simplifying a tenant's waiver of the landlord disclosure period and certain implied provisions about rent and allowing a lease agreement to the limit of a tenant's compensation claim for specific disturbances. This bill is good for business. I commend the bill to the House.