




Speech By  
**Hon. Yvette D'Ath**

**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 10 May 2016

### **RETAIL SHOP LEASES AMENDMENT BILL**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.26 pm), in reply: I thank honourable members for their contributions to the debate on the Retail Shop Leases Amendment Bill 2015. I thank the members opposite for their bipartisan support for this bill. I note the tongue-in-cheek comments of some opposition members that the genesis of the bill lies with the former Newman LNP government. With all due respect to those opposite, as the Leader of the House indicated earlier the actual genesis of the bill can be traced back to 2003. The formal review started in 2011. There was significant work done and the panel was established under the Newman government in 2013—

**Mr Bleijie:** It took you a long time. 2003? How long did it take you to do this? 2003!

**Mrs D'ATH:** Even when I am trying to acknowledge their work, they cannot help themselves. I was going to say that the panel was formally established under the Newman government in 2013. Even when you try to give a little bit of praise to the former attorney-general, he cannot help himself. I wanted to say that I believe that the work of all sides of parliament should be accurately reflected in this debate and acknowledged. Quite honestly, I believe that this bill is a great example of parliament getting on with doing good work on behalf of Queenslanders and of all sides of politics coming together to do that. It may not be a bill that gets a lot of public attention; nonetheless, this bill will make a real difference.

One matter that I did not address in my second reading speech is the current position of the North Queensland Airports group. I did say that the issue with their trading hours was referred to Minister Grace. However, based on further consultation, I can advise that the NQA has now indicated its support for the bill. It is important to put that on the record.

The bill amends the Retail Shop Leases Act 1994, which provides a framework for addressing imbalance 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 bill gives effect to what has been a substantial body of work over a number of years to give effect to the statutory review of the act, which has been important for deciding whether the act's provisions remain appropriate for the Queensland retail sector. The focus of the review has been to ensure that the act continues to achieve its objectives, but does not unnecessarily intervene where matters are best left to ordinary commercial arrangements. The amendments in the bill will clarify and streamline the act and reduce the regulatory burden for the Queensland retail sector, while continuing to safeguard the interests of retail tenants.

The bill will give effect to a range of red-tape-reduction measures for the retail sector and improve the operation, efficiency and effectiveness of the act. These include: narrowing the coverage of the act by excluding certain categories of leases; streamlining procedural requirements; allowing for opt out from certain current obligations and requirements; providing for reasonable exclusions from compensation requirements; and removing unnecessary offences.

Measures in the bill to enhance tenant protection include: ensuring that appropriate disclosure is given to incoming franchisees and sublessees and to sitting tenants on lease renewals; safeguarding prospective buyers of a retail business by requiring the seller to give disclosure on the lease pre contract; improved transparency for tenants of landlords' management fees, refurbishment requirements and shopping centre marketing expenditures; and statutory release of an assignor's guarantors when a retail shop lease is assigned.

I would particularly like to acknowledge the considerable contribution of members of the reference group for the review. Participation on the reference group involved a considerable time commitment and the industry and technical contribution of members, together with their cooperation in reaching consensus on so many issues, has greatly contributed to the success of the review. The government looks forward to continuing to work with key stakeholders during the implementation phase.

As I foreshadowed in my second reading speech, it is proposed to omit some provisions from the bill in response to issues raised by the Queensland Law Society in its submission to the committee. This will maintain the status quo pending further consultation and consideration on appropriate and practical changes to the act if sought by key legal or industry stakeholders and subject to parliamentary processes.

More broadly, I have no doubt that key industry and professional stakeholders will monitor the operation of the legislation and make submissions seeking further changes and/or clarification on the act from time to time and in response to emerging changes in the retail sector. This government will be happy to consider future submissions directed to continuing legislative improvement and ensuring that the provisions of the act remain appropriate for the Queensland retail sector. My saying that probably makes my department very nervous given they have spent so long working on this.

I take this opportunity to say thank you very much to the staff of the Department of Justice and Attorney-General who have worked tirelessly to bring this bill to fruition. We always thank the stakeholders and the parliamentary committee for their work, but we should stop and thank the public servants who put in so much work. I truly thank those who have worked so hard to make this bill happen.

The importance of this sector for Queensland jobs, investment and the broader economy cannot be overstated. In conclusion, I once again thank all honourable members for their contributions during the debate.