

25 August 2022

Kristin Berger
Deputy Director General, Industry Regulation and Consumer Protection
Department of Mines, Industry Regulation and Safety
Level 2/140 William Street
PERTH WA 6000



Chamber of Commerce
and Industry WA

T: (08) 9365 7555
E: membership@cciwa.com
W: www.cciwa.com

Via email: consultations@dmirs.wa.gov.au

Dear Ms Berger

Commercial tenancy law review consultation paper – CCIWA submission

Thank you for the opportunity to comment on the review of the *Commercial Tenancy (Retail Shops) Agreements Act 1985* (CT Act). CCIWA is the peak body representing trade and commerce in WA. Our membership comes from the full spectrum of the State's economy including businesses that operate in the retail and property industries.

Following the effects of COVID-19 and border closures, it is important to revitalise our city, not only to boost our economy but also to make WA a more attractive destination to work, live, and visit. Making commercial tenancy less complex, fairer, and more flexible for retail shop tenants and landlords will enable this.

To that end, an overarching consideration is whether — given the complexity of the Act, the fact it is only reviewed every five years and that a legislative process is required to change it — a guiding template or model terms could be created to establish key protections, with the Act itself being higher level and less prescriptive. This is particularly worth considering given the rapidly changing nature of the retail sector.

Making the Act less prescriptive would enable tenants and landlords to navigate the Act more easily, reducing unnecessary costs and red tape for both parties, and spurring the retail investment needed to revitalise the city.

One example could be offering greater flexibility around statutory minimum lease terms. Changes should of course ensure that fair leasing agreements and protections for small business are balanced with supporting viable commercial arrangements that respond to a changing retail market. The differences in approach across different jurisdictions provide the Government with the opportunity to compare the outcomes of different policies and make an evidence-based decision.

Once again, thank you for the opportunity to comment on this review.

Yours sincerely

Chris Rodwell
Chief Executive Officer