

Dear Mr. Tripodi ,

The Retail - leasing Act is in need of reform.

The metroic rise of the monopoly landlord, Westfields, Lend-Lease, QIC, Stock lands, AMP are to mention a few.

These monopoly Landlords have control over the businesses in ways undreamed of by landlords that operate on the strip shops.

Monopoly landlords ask traders what their trading figures is each month, if the traders show a upward profit trend, this then enables the landlord to ask for a rental that takes this shown profit, CPI increases plus 4% annually are the norm. Business figures are lumped together, say travel agency's if they show a increase as a trend them all the Travel shop owners can expect to be looking at a increased rental that reflects the over all figures, this is unfair.

Westfield's advertise that they are the biggest retailer in NSW; I thought that they were Landlords!

The way the retail-leasing Act is at present gives little protection to the small trader. Security of position or good will is rarely given.

The landlords dictate the cost of fit outs and when they are to be fitted out.

When seeking another lease, at lease end these landlords inspect the tenants shop And charge excessive amounts for this service with no redress as to the "standard charge".

This can cost a small business \$1000's dollars, plus any improvements that the landlord see fit signage, light boxes etc

If these monopoly landlords are left to operate under the leasing act as it now stands we will see our retail shopping areas being taken over completely by these share driven Landlords.

These monopoly landlords to further increase retail charges are acquiring the properties around these shopping centers.

While councils and government continue to restrict as to where small business can legally operate under zoning restrictions

Traders are asked to sign leases for five years with no options, options are rarely given. A percentage of turn over figures of 4 % is required as marketing levy from traders with little benefit to the traders, again this is unfair.

Market reviews of rental are held at the lease end while figures supplied by the traders are used against the traders for higher rents.

The landlord dictates opening times to the traders over public holidays.

Let us have a retail Act that curbs these greedy Landlord from juicing the small trader. While the electorate finds that, these monopoly landlords have cornered their shopping dollar.

Let us have more protection for small traders.

Mr Joe Hockey
The Minister
For Small Business and Tourism

Dear Mr. Hockey,

I wish to bring to your notice as to what is happening in most of the bigger shopping centers around Australia.

Big landlords, of retail spaces are getting a monopoly in the centers that they target. The results are that small business is pushed out and around by the leasing practices of these big landlords.

Most of these retail centers have franchises operating in their shops, and they seem to have the same franchises in each of these centers. Business is required to supply trading figures, and in return the landlord increases the rental to be in line with the turnover of these trading figures.

Management will actively bring in another tenant to compete against the established business.

When the trading figures, get to a certain level.

Business is pushed into leasing more space than their business need, in order for the center to increase rental space lettings.

Another sharp practice is: giving the new business a higher rental, with a built in rent discount.

To compete against the established trader, [on the supplied trading taking figures]

This is done so as to show the established trader that this is a market rental.

The established trader on applying for a new lease he is offered a rental amount in line with introduced tenant, who according to the lease is paying the extra 30% or 40% -increase in rental.

As the established business has had the business weakened by the

New business in most cases, the established trader will leave, the center.

There is no good will for the trader to sell, as the introduced trader fills in the need quite nicely.

The introduced trader did not have to: buy good will there fore can pay this higher rent.

The centers get to put up the rent, and the share price goes up.

All this is possible by the centers finding out the businesses trading figures.

Centers should not be allowed to ask for trading figures. They only should be asked for, if they wish to take a straight percentage of trading figures as rent.

Another ways big increases are obtained are,

Ask the trader to refit, and not have a place for the trader to move into for, three months.

After this time laps big rental increase is asked for.

These examples are just a few of the strategies that centers employ against the tenant.

Look at them the next time you are in one, look for the signs another exciting store opening here soon!

These landlords juice the small trader, and work hand in hand with franchises to juice the small shopkeeper, all in the name of higher rents.

I feel that we are in a major change of retail space management, building and ownership, I feel that the Government needs to play. catch up in legislation in order to protect the small trader and consumer, from these unscrupulous landlords. Security of tenure, position, and good will are all in the power of these big. landlords.

It would be unacceptable for any business to ask how much you earned, in order to work out your bill, increasing the charge as your salary went up.

The public and small business needs protection from these big landlords.

I urge your office to look at this problem as urgent.

Can we see a level-playing field when a small business goes to ask these big landlords for a lease.

Senator Barnaby Joyce,

After reading your first speech in Parliament, I ask you to lend support to the small trader by, Getting reform of the retail-leasing Act. The rise of the monopoly landlords, Lead Lease, Westfield's, QIC, AMP Stock lands, Lend Lease, to mention a few.

These monopoly landlords need to be restrained in their use of power over the small trader. These Landlords are an effective monopoly in most of our retail trading centers. Controlling rents-for large sections of the retail space that are availed in our shopping areas. Giving the big players 70% of space while paying 30% of the cost and the small traders 30% Of the space while charging them 70%of the cost.

While not contributing to the street scape outside, these centers they have a big effect on the surrounding street scape, no parking no stopping while the motorists are directed into their parking.

Property is purchased around these shopping centers by these monopoly landlords, putting a strangle hold on the available retail leasing space.

These landlords have had a meteoric rise the last twenty years; they are seen in most of our central business districts, while councils change these areas to accommodate these monopoly landlords.

The methods used to keep the tenants paying maximum rents are undreamed of by the smaller landlords, turn over disclosure, moving the tenant at lease end while making the tenant pay for these refits.

What type of retailing are we as a society aiming for? Will it be all franchises in monopoly-controlled shopping centers, with no room for the small trader?

There have been some amendments, to the: Retail Leasing Act, over the last few months.

These amendments fall short of what is needed.

Tenant Protection of position, protection of good will an option to renew lease in the same position, after lease end.

Non-disclosure of trading figures, to the landlord is needed.

charged \$1000-00 for this inspection if a new lease is taken on.

While the landlord can ask for more money to be spent on the units fit out with out any protection from the retail Leasing Act.

Bonds of 3 months of retail are required in the form of a bank guarantee.

The lease, which is paid for by the tenants and the cost of the fit out should be enough without this bank guarantee being required.

These share driven monopoly landlords are draconian in their dealings with the small trader, more protection should be afforded the tenants, as it is the small traders livelihood, not just an investment. Look as to what is happening in retail letting Pitt Street, Orange Grove, Parramatta and many other instances where these monopoly landlords have their way with councils and the small traders.

The Small traders are no match for these monopoly landlords; when it comes to litigation as the Act stands, let us have the law makers play catch up.

Electronic surveillance is installed in all these big centers, with the view to squeezing the traders and shoppers alike forever-higher profits.

Let us see the Government putting some controls to rein in these monopoly Landlords.

The trend of franchises operating in these centers is another tender trap for the small businessperson.

While the Landlord and the franchisor both work to encourage a tenant in to the Business, the franchisee finds that the equation has all ready been done and that although there is a big turn over there is little or no profits left for the owner - manager of the store.

This franchisee does not complain, as they try to sell on the liability to the next unsuspecting franchisee.

Yours truly

Att Mr. Allen Jones
8/2/2007 12:30:44 PM

Dear Allen,

As a small business owner who has had experience in dealing with GPT, Lend Lease and the private land lord, may I congratulate you on your observations as to the dealing a small trader has to contend with, when doing business with these share driven monopoly landlords. What is needed is reform of the retail-leasing act, when dealing with these monopoly landlords.

Stop charging tenants for assessing the condition of their tenancy at Lease end .

Stop forced refits at the tenant's expense

Stop income discourser to the landlord.

Stop retail bonds being increased when dealing with existing tenants with good track records.

Stop relocating a business to suit the landlords

Give options to re- new lease premises to existing good tenants as a right, at lease end. Stop taking a % of turnover from the tenant for advertising; this has little positive returns for the small trader.

Stop Landlords hindering the sale of the good will that has been built up in the business. Require these monopoly landlords to strata title 35% of the small traders space, in order to keep market forces operating.

I encourage you to poll your listeners as to any experiences they have had.

Franchises have an effect of hiding these problems, (as the owners want to unload their problem franchise,) they keep a low profile.

John Howard would be well advised to take heed of what is happening in most of our retail shopping areas, as we will all be dealing with a monopoly Landlord either as a tenant or as a shopper in the near future, the rental price will be as high as these landlords feel is the maxim we can bear, as they can call all the shots.

Can I ask that you with hold my name as I am still leasing in such a shopping center.

Yours faithfully

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Aug. 07 2007 09:51PM P1



The sky's no limit Westfield to build a way over the heads of the competition

Paula Peters and Sean Nicholls

A block of prime government land in the heart of Parramatta's central business district is to be sold without tender to Frank Brown Westfield, so the company can build its shopping mall directly with one of Sydney's major train and bus interchanges.

The proposed development in Clark's Quay will be a

planned away from the rest of street-level development, including cinema complex and Westfield shopping centre and car park.

The budget committee of the NSW cabinet has given approval for Parramatta L&C, the authority in charge of the land change, to negotiate a deal.

The plan was originally opposed by Parramatta Council, which owns the adjacent site over Church Street, where the



skybridge is to pass. The deputy mayor of Parramatta, Gill Dymally, said the bridge would be "unightly, especially damaging for

street-level businesses, and would remove pedestrians from Church Street.

But at an extraordinary council meeting held three nights before Christmas, a majority of councillors rescinded their original opposition but resolved to seek Independent Commission Against Corruption advice on the plan.

The council later requested advice from the ICAC on the

proposed development in Clark's Quay will be a... the State Government... and... Westfield... approval... State Government... minimum of \$50,000 a year for at least five years to promote business and cultural activities in the surrounding area directly below the sky

Council has also required Westfield to give a minimum of \$50,000 a year for at least five years to promote business and cultural activities in the surrounding area directly below the sky

Westfield will also be... the Parramatta shopping... NSW and... Village... The... Parramatta... house 11 new cinema... for Village on the western side

The Parramatta shopping complex is Westfield's largest in NSW and... Parramatta... house 11 new cinema... for Village on the western side

represents... and... change... block... restaurants and cafes.

The proposal came directly from Westfield to the Government in April and has been dealt with as vitally known as an "im-sphered" project from the private sector by the Infrastructure Co-ordinator, Unit of the Department of Infrastructure, Planning

and... the... the... the... particularly around the transport interchange... better use of existing car parking and avoid more traffic in the CBD.

A Westfield spokesman did not want to comment on the council's move, but said the company always followed due process.

The article in the SMH dated 27-12-03-fourth page highlights what is going on in most of the shopping centers.

I like the idea of change, but change with a bit of involvement from the smaller business person. This type of development could be offered with 40% of the retail space being offered for sale as strata title.

There would be some market forces at play when it comes to renewal of leases. Otherwise we will find that our shopping dollar has only one place to go: the hands of these monopoly landlords and into their ever bigger pockets.