

**RETAIL TENANCY LEASE REGISTER — CONSULTATION**

*Statement by Minister for Commerce*

**HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce)** [10.06 am]: I rise to inform the house of the forthcoming release of a consultation paper canvassing options to increase the transparency of information in the retail tenancy market in Western Australia.

I acknowledge there is strong interest in the concept of a lease register from many members in this and the other house, and from their constituents. As members will be aware, the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 introduced into this house on 21 June 2011 provides for a number of timely improvements to retail tenancy law, such as preventing the tenant's own improvements and goodwill being factored into subsequent rent increases. These measures are, I believe, widely supported, and the government will proceed with the provisions contained in the bill to progress these urgently needed reforms.

In contrast, there remain widely diverging views on the best method of achieving greater access to retail tenancy information. This was highlighted in the consultation the government undertook in September 2010 on the possibility of establishing lease registers limited to single shopping centres. The proposal was not supported and concerns were raised about confidentiality, the misuse of information and increasing leasing costs. For these reasons, the government has committed to undertake a full consultation on further options to improve access to retail tenancy information, including the appropriate cost-benefit analysis to ensure that any new regulation is proportionate to the problems addressed.

The consultation paper, which will be released by the government shortly, will outline three options—namely, increased access to lease information for valuers in a broader range of circumstances than permitted in the Commercial Tenancy (Retail Shops) Agreements Amendment Bill; a publicly accessible statewide electronic database of lease information; and compulsory registration of retail shop leases on the land title. Respondents will be able to provide input on any other issues that they consider relevant to improving access to lease information. The paper will be made publicly available and distributed widely to landlord and tenant representatives, participants in the property industry, relevant government agencies and other interested parties.

This consultation process, the Commercial Tenancy (Retail Shops) Agreements Amendment Bill and the proposal to introduce a Small Business Commissioner constitute a package of measures to strengthen small business, and I encourage all Western Australians with an interest in this issue to have their say.

Consideration of the statement made an order of the day for the next sitting, on motion by **Hon Ed Dermer**.