



Restaurant  
& Catering

SAVOUR  
AUSTRALIA



12 November 2019

The Hon. Michael O'Brien MP  
Leader of the Opposition  
Leader of the Liberal Party  
Shadow Minister for Small Business  
Member for Malvern

By email: [Michael.obrien@parliament.vic.gov.au](mailto:Michael.obrien@parliament.vic.gov.au)

Dear Mr O'Brien

R&CA appreciates the opportunity to provide a submission to the Victorian Government's Retail Leases Amendment Bill 2019.

Restaurant & Catering Australia (R&CA) is the national industry association representing the interests of more than 47,000 restaurants, cafés and catering businesses across Australia. R&CA delivers tangible outcomes to small businesses within the hospitality industry by influencing the policy decisions and regulations that impact the sector's operating environment.

R&CA is committed to ensuring the industry is recognised as one of excellence, professionalism, profitability and sustainability. This includes advocating the broader social and economic contribution of the sector to industry and government stakeholders, as well as highlighting the value of the restaurant experience to the public.

### **The Bill**

R&CA does not hold any significant concerns with the bill, it improves the functioning of the Retail Leases Act 2003 by implementing reforms raised from the Small Business Regulation Review Retail Action Statement. Broadly speaking, the reforms address areas on concern to R&CA around information asymmetry and disputations between landlords and tenants.

However, we do have one area of concern relating to the current drafting of the bill and how it interacts with provisions relating to Essential Safety Measures. While the bill does re-establish a long-held convention that landlords can pass on the cost of maintenance of essential safety measures, the act, in several places refers to installation and maintenance of these measures.

R&CA's clear view is that no retail tenant should bear the cost of the installation of essential safety measures, they form part of the duty of the landlord to provide premises that meet minimum safety standards and not the tenant. R&CA has no objection to maintenance costs for these measures to be passed onto tenants as outgoings.



RESTAURANT & CATERING INDUSTRY ASSOCIATION

PO Box 121, SURRY HILLS NSW 2010 T: 1300 722 878 F: 1300 722 396 E: [info@restaurantcater.asn.au](mailto:info@restaurantcater.asn.au)

HOSTPLUS [www.rca.asn.au](http://www.rca.asn.au) [www.savouraustralia.com.au](http://www.savouraustralia.com.au)

We therefore request the bill be amended to remove any reference to installation of essential safety measure to ensure they cannot be passed onto tenants as outgoings, instead referring only to maintenance of these systems.

If you wish to discuss R&CA's views further, do not hesitate to contact Tom Green, Manager – Policy and Government at R&CA by email at [tom@R&CA.asn.au](mailto:tom@R&CA.asn.au).

We thank you again for the opportunity to provide comment to you.

Regards

A handwritten signature in black ink, appearing to be 'Wes Lambert', written in a cursive style.

**Wes Lambert CPA FGIA MAICD**

Chief Executive Officer

Restaurant and Catering Australia