

Survey Summary Report - Confidential Survey - Issues Affecting The Retail Leasing Industry in NSW

Summary	Total Respondents: Total: 53 Rate: 15.59% (53/340) No Anonymous Responses Allowed
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Page #1 (19 Questions)	Confidential Survey - Issues Affecting The Retail Leasing Industry in NSW <p>The Honourable Joseph Tripodi, NSW Minister for Small Business, has released a discussion paper, regarding a number of areas for consideration and comment regarding proposed changes to the NSW Retail Leases Act.</p> <p>The survey is designed to assist the RTU, in their policy formulation.</p> <p>YOUR participation in this survey is vital, as this has never been done before and will provide key evidence to the RTU. All responses, will be treated in strict confidence, and no respondents details will be provided to the Retail Tenancy Unit or any third party.</p> <p>The closing date of this survey is Monday 26 May, 2008. The results will be published on our website.</p>
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Question #1 ^**Please enter the total current number of COMPANY OWNED stores that you have in NSW? ^**

If you are a representative or consultant to a retail company, please enter the number of stores that you represent in NSW. If you do not have a store in NSW, please enter 0.

NSW

Respondents: 53[Details](#)**Number of respondents: 53****Number of respondents who skipped this question: 0****Question #2 ^****Please enter the total current number of FRANCHISE OWNED stores that you have in NSW? ^**

If you are a representative or consultant to a retail company, please enter the number of stores that you represent in NSW. If you do not have a store in NSW, please enter 0.

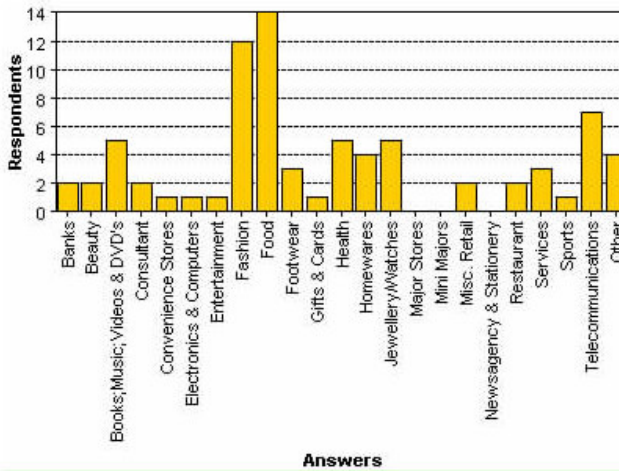
NSW

Respondents: 53[Details](#)**Number of respondents: 53****Number of respondents who skipped this question: 0****Question #3 ^****Please select from the following list, the retail category that best describes your business? ^**

(if applicable tick more than one category)

- | | | |
|--------------------------|----------------------------|---------------------------------|
| <input type="checkbox"/> | Banks | Respondents: 2 (3.77%) |
| <input type="checkbox"/> | Beauty | Respondents: 2 (3.77%) |
| <input type="checkbox"/> | Books;Music;Videos & DVD's | Respondents: 5 (9.43%) |
| <input type="checkbox"/> | Consultant | Respondents: 2 (3.77%) |
| <input type="checkbox"/> | Convenience Stores | Respondents: 1 (1.89%) |
| <input type="checkbox"/> | Electronics & Computers | Respondents: 1 (1.89%) |
| <input type="checkbox"/> | Entertainment | Respondents: 1 (1.89%) |
| <input type="checkbox"/> | Fashion | Respondents: 12 (22.64%) |

- Food **Respondents: 14 (26.42%)**
- Footwear **Respondents: 3 (5.66%)**
- Gifts & Cards **Respondents: 1 (1.89%)**
- Health **Respondents: 5 (9.43%)**
- Homewares **Respondents: 4 (7.55%)**
- Jewellery/Watches **Respondents: 5 (9.43%)**
- Major Stores **Respondents: 0 (0.00%)**
- Mini Majors **Respondents: 0 (0.00%)**
- Misc. Retail **Respondents: 2 (3.77%)**
- Newsagency & Stationery **Respondents: 0 (0.00%)**
- Restaurant **Respondents: 2 (3.77%)**
- Services **Respondents: 3 (5.66%)**
- Sports **Respondents: 1 (1.89%)**
- Telecommunications **Respondents: 7 (13.21%)**
- Other (Please specify) **Respondents: 4 (7.55%)**
 [Details](#)

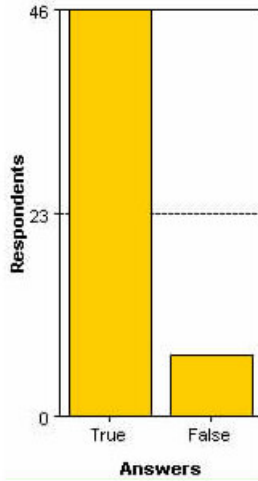


Number of respondents: 53
Number of respondents who skipped this question: 0

Question #4 ^

Q2.1 Should the Government appoint a Retail Advocate with the powers to advocate on behalf of landlords and tenants, to investigate and prosecute retail leasing breaches and to advise the Government on the retail leasing industry? ^

- True Respondents: 46 (86.79%)
- False Respondents: 7 (13.21%)



Number of respondents: 53
Number of respondents who skipped this question: 0

Question #5 ^

If you wish, please provide more detail in relation to the answer above? ^

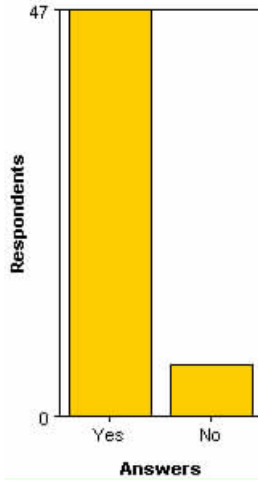
Respondents: 53

Number of respondents: 53
Number of respondents who skipped this question: 0

Question #6 ^

Q3.1 Should the time limit for bringing a claim for compensation for pre-lease misrepresentation be statutorily extended to 3 years from the time the pre-lease misrepresentation is known to ensure consistency across the Act? ^

- Yes Respondents: 47 (88.68%)
- No Respondents: 6 (11.32%)



Number of respondents: 53
Number of respondents who skipped this question: 0

Question #7

If you wish, please provide more detail in relation to the answer above?

Respondents: 11

Number of respondents: 11
Number of respondents who skipped this question: 42

Question #8 ^

Q3.2 What is the best remedy for non - disclosure or incomplete disclosure as required under the Act? ^

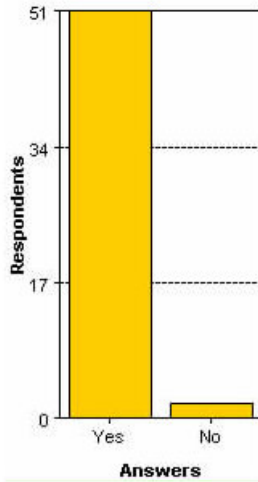
Respondents: 53

Number of respondents: 53
Number of respondents who skipped this question: 0

Question #9 ^

Q 3.4.1a Should the Act require all leases of three or more years to be registered? ^

- Yes Respondents: 51 (96.23%)
- No Respondents: 2 (3.77%)

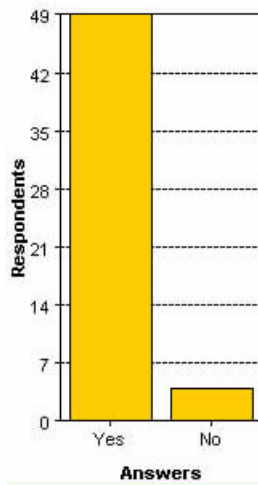


Number of respondents: 53
Number of respondents who skipped this question: 0

Question #10 ^

Q 3.4.1b Should registration be required to include all the financial details of the agreement and the size of the premises? ^

- Yes Respondents: 49 (92.45%)
- No Respondents: 4 (7.55%)



Number of respondents: 53
Number of respondents who skipped this question: 0

Question #11

In relation to the above question, how best can the entire value of the transaction be captured?



Respondents: 29

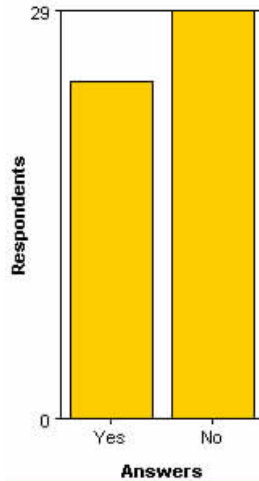
Number of respondents: 29

Number of respondents who skipped this question: 24

Question #12 ^

3.4.2a Should the timeframe in which a lease can be registered be extended from one to three months after the lease is executed by the tenant and returned to the landlord? ^

- Yes Respondents: 24 (45.28%)
- No Respondents: 29 (54.72%)



Number of respondents: 53

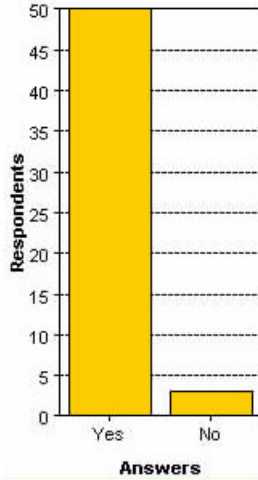
Number of respondents who skipped this question: 0

Question #13 ^

3.4.2b Should there be a natural consequence following from the landlord's failure to register the lease within the given timeframe? ^

Yes Respondents: 50 (94.34%)

No Respondents: 3 (5.66%)



Number of respondents: 53

Number of respondents who skipped this question: 0

Question #14

In relation to the above, if so, what should the natural consequence be?

Respondents: 38

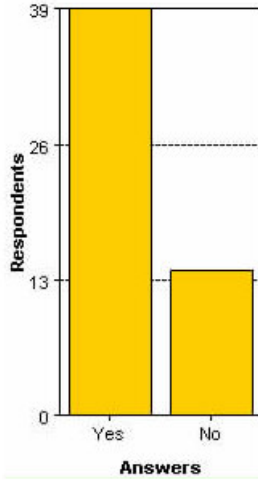
Number of respondents: 38

Number of respondents who skipped this question: 15

Question #15 ^

Q3.4.2c Should there be a mechanism for the landlord to apply for an extension to register the lease in cases where there is a legitimate reason for doing so? ^

- Yes Respondents: 39 (73.58%)
- No Respondents: 14 (26.42%)



Number of respondents: 53
Number of respondents who skipped this question: 0

Question #16

In relation to the above question, what should this mechanism be?

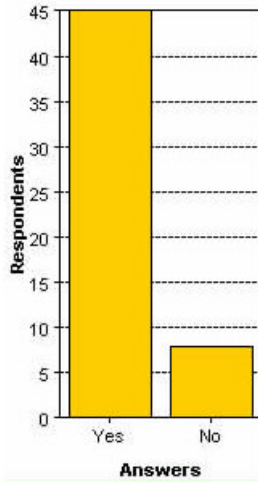
Respondents: 29

Number of respondents: 29
Number of respondents who skipped this question: 24

Question #17 ^

Q 3.9 If the landlord introduces competition, or changes the tenancy mix and the profitability of a tenant is affected, should the tenant have the right to call for a review of the rent to reflect the changed business environment in the centre? *

- Yes Respondents: 45 (84.91%)
- No Respondents: 8 (15.09%)

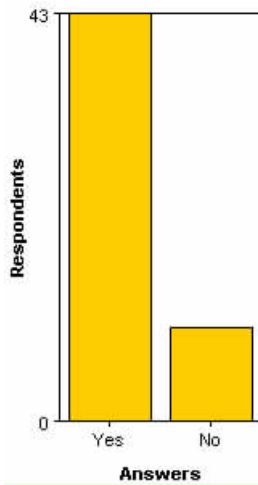


Number of respondents: 53
Number of respondents who skipped this question: 0

Question #18 ^

Q3.12 Should the process for drawing bank guarantees be the same as for drawing cash bonds? *

- Yes Respondents: 43 (81.13%)
- No Respondents: 10 (18.87%)



Number of respondents: 53
Number of respondents who skipped this question: 0

Question #19

Q 3.14 What measures should be taken to remedy the power imbalance between landlords and tenants in negotiations at the end of the lease?

Respondents: 38

Number of respondents: 38

Number of respondents who skipped this question: 15