

# SHOPPING CENTRE

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## COUNCIL OF AUSTRALIA

14 July 2008

The Secretary  
Joint Standing Committee on Electoral Matters  
PO Box 6021  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam,

### **Inquiry into the 2007 Federal Election**

I am writing in response to issues raised in a submission to the above inquiry, regarding political campaigning in shopping centres, by the Hon Gary Gray MP, Federal Member for Brand and Parliamentary Secretary for Regional Development and Northern Australia (No.144.)

Mr Gray has raised two related issues. First, he states that shopping centres do not always allow political candidates to campaign in their centres and can "pick and choose" which candidates they allow in. To address this, Mr Gray proposes a voluntary set of guidelines to ensure access for "appropriate electoral activity". Second, Mr Gray is concerned about the limited ability of election volunteers to hand out how-to-vote cards outside pre-polling places where they are located in shopping centres or defence facilities. To address this, Mr Gray suggests that the distribution of how-to-vote cards should be permitted under the lease agreement for the pre-polling place.

Whilst shopping centre owners appreciate the desire of candidates in elections and their supporters to gain access to the crowds that shopping centres generate, granting this access is not a straightforward matter. As Mr Gray notes, shopping centres are private property and the property rights of shopping centre owners should not be regarded as less legitimate than those of other property owners simply because they generate crowds that politicians and aspiring politicians find attractive. Decisions about access to shopping centres, during election campaigns or at any other time, must be a matter for individual shopping centre owners and managers.

The primary obligation of a shopping centre owner must be to the centre's retailers (who lease space in these centres) and to the customers of the centres. This obligation requires the owner and manager to provide and maintain an environment in which people can shop comfortably, conveniently and safely, without interference or harassment, so that those shoppers will regularly return to the centre. There are also legal obligations on the owner, imposed by state and territory retail tenancy legislation, to ensure that there are no unreasonable disruptions to the trading of retail tenants and to the flow of customers to retail premises.

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**Leaders in Shopping Centre Advocacy**

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It can be difficult to balance the owner's obligations to their retailers and customers with the desire to assist the democratic process but most shopping centre owners exercise commonsense in responding to requests for access. Where bans or limitations on political campaigning have been imposed it is usually because such activity has been found to be too disruptive for retailers and too intrusive for customers.

Many shopping centre owners have developed specific policies on access to their centres to ensure consistency of treatment. Other owners make decisions on access on a case by case basis, taking into account the particular circumstances of the local area, the number of candidates, and the size and space available in the shopping centre itself. In some centres there may be local security issues that make political campaigning unwise while in others retailers may have indicated they do not like the disruptions to trading conditions that can be caused by election campaigning or other forms of political campaigning.

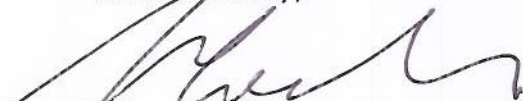
Contrary to Mr Gray's claims about shopping centres "picking and choosing", most shopping centre owners make an effort to give equal access to all candidates where such access is permitted. The wish to grant equal access, however, can be another reason why access is denied. Shopping centres in the federal electorates of Bennelong, Wentworth, and Macquarie, for example, had 13, 11, and 8 candidates respectively in the last election. To allow equal access to all candidates in these circumstances is clearly not feasible. The disruption that would be caused to the business of the shopping centre would be considerable. There are also, of course, similar demands on shopping centre owners and managers from candidates in state/territory elections and local government elections.

Incidentally, we would dispute the claim that the local shopping centre is now the most appropriate place for candidates to meet and greet voters. Town squares and town halls have not disappeared with the advent of the shopping centre; they are simply now unfashionable for political candidates. We also draw the Committee's attention to the long tradition of door knocking by political candidates and wonder if perhaps it is more a case of the local shopping centre now being the *easiest* place for candidate to meet and greet voters.

As you can see this is a complex matter and one that could have significant commercial implications for our members. We would be happy to discuss this further if required.

The Shopping Centre Council of Australia represents the owners and managers of shopping centres throughout Australia. Our members are: AMP Capital Investors, Brookfield Multiplex, Centro Properties Group, Colonial First State Property, Dexis Property Group, GPT Group, ISPT, Jen Retail Properties, Jones Lang LaSalle, Lend Lease Retail, Macquarie CountryWide Trust, McConaghy Group, McConaghy Properties, Mirvac, Perron Group, Precision Group, QIC, Savills, Stockland, Westfield Group and the Yu Feng Group.

Yours sincerely,



Milton Cockburn  
**Executive Director**