not be unreasonably withheld by the landlord, provided the proposed assignee has appropriate financial resources and business skills to fulfil the obligations of the lease.

Part 7 deals with the renewal and extension of leases with the key provision being that landlord is to give the tenant an indication, at least six months before the end of the lease, whether or not a further lease or an extension to the lease will be granted.

Part 9 deals with matters specific to shopping centres. A landlord in a shopping centre is not to disclose turnover information related to an individual tenant's business without the consent of the tenant, other than in certain defined circumstances. The landlord is to be accountable to the tenant for funds received for such expenses such as costs of gathering statistical information about the shopping centre, and marketing and promotion. The landlord is not permitted to terminate a lease for inadequate sales by the tenant, and is not permitted to prevent a tenant from trading in premises other than the shopping centre. Trading hours cannot be changed, except with the consent of the majority of the tenants.

Part 10 deals with the unconscionable conduct in relation to retail shop leases. This is a major initiative involving the drawing down of unconscionable conduct provisions of section 51AC of *Trade Practices Act* 1974, and setting out a non-exhaustive list of matters which may be taken into account in determining whether a party has acted unconscionably. The unconscionable conduct provision should encourage a cultural change and adoption of good business practices. It gives tenants greater security without imposing prescriptive requirements on landlords.

Part 11 of the bill deals with dispute resolution. The provisions of Part 11 are designed to provide a speedy, low-cost procedure for resolving disputes. In the first instance, a dispute must, other than in certain limited circumstances, be referred to the Commissioner of Business Tenancies. The commissioner will generally refer the matter for mediation or conciliation, where the parties will attempt to resolve the matter between themselves. Interstate experience suggests that this model will be effective in resolving disputes and, therefore, avoid the need for formal court proceedings. No court action can be taken without the commissioner providing a certificate stating that conciliation has failed, or that the commissioner is of the view that conciliation would not resolve the dispute.

The commissioner will have a relatively small jurisdiction for the hearing and determination of disputes at inquiry up the value of $10 000. Above this amount proceedings may be taken in the Local Court or in the Supreme Court, in line with those courts' usual jurisdictions. The commissioner is to ensure that, where possible, a matter is resolved within 28 days. Appeals against decisions of the commissioner at the inquiry may be made to the Local Court.

Part 13 applies to business tenancies generally. These provisions have been taken from the *Commercial Tenancies Act* and relate, in the main, to the process of regaining possession of business premises. These provisions are included in this bill, and the *Commercial Tenancies Act* is to be repealed in response to industry calls to rationalise the number of acts applying to such tenancies. However, I foreshadow that there will be further legislation dealing with consequential amendments to other legislation. In developing that legislation, I will ensure that the Department of Justice consults with the Law Society and the land-based professions in respect of the inter-relationship between the provisions in the bill and the provisions in Part 8 of the *Law of Property Act*.

Part 14 deals with various miscellaneous matters, including transitional matters.

In conclusion, this bill is a major reform package that delivers on the government's commitment to introduce contemporary retail tenancy legislation, enhancing the regulatory framework to enable business to operate in a fair trading environment. This legislation brings the Territory into line with other jurisdictions. It is not about imposing a burdensome regulatory regime on business but, rather, establishing the parameters of sound business conduct in an open and transparent way, with disputes able to be resolved in ways that contain costs for both parties. As such, it is likely to promote further investment by property developers and retailers in the Territory, thus boosting employment and the level of economic activity generally.

Madam Speaker, I commend the bill to the House.

Debate adjourned.

CHARLES DARWIN UNIVERSITY BILL (Serial 169) MENZIES SCHOOL OF HEALTH RESEARCH AMENDMENT BILL (Serial 170)

Continued from 13 August 2003.

Mr MILLS (Blain): Madam Speaker, at the outset, I make the initial comment that this is, for me, the most significant legislation that I have