

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 15 OCTOBER 2015

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MASSIVE INCREASE IN COVERAGE OF PROPOSED NEW UNFAIR CONTRACT TERMS LAW

In a move which will massively increase business regulation, the Federal Minister for Small Business, Kelly O'Dwyer, has [announced](#) that the Government has accepted Senate amendments that triple and quadruple the monetary thresholds for coverage of the new unfair contract terms law ([Shop Talk 17/9/15](#)). Small business contracts with an upfront price of \$300,000 (previously \$100,000), for one year contracts, and \$1 million (previously \$250,000), for multi-year contracts, will now receive protection. This comes despite the Minister for Finance, Senator Cormann, warning the Senate last month the Government would not be able to accept these amendments. We are waiting on further details but the Bill, with the amendments, is likely to be accepted by the Lower House and will become operative in the second half of 2016. Australia is close to adopting one of the most radical pieces of business regulation – a 'world first' according to the Government – with no examination by the Productivity Commission; no examination by the Harper Competition Review Panel; and a farcical Regulatory Impact Statement process. To top it off we will have a legislative coverage which was not supported by the Senate Economics Legislation Committee (which examined the Bill) but simply the product of back-room machinations. This is economically recklessness.

WESTERN AUSTRALIAN GOVERNMENT SUGGESTS FURTHER TRADING HOURS REFORM

Expanding on a commitment made earlier this year, the WA Government this week indicated it is closer to considering the detail of enabling earlier opening hours for large stores from 7am from Monday to Saturday, as well as a later opening time of 6pm on Saturdays ([Shop Talk, 10/9/15](#)). The WA Premier, Colin Barnett said the changes under consideration were about trying to "make it fairer to everyone and provide better access to shopping to the public". Hear hear! The Shop Distributive and Allied Employees Association has expressed concerns about the possible changes.

QUEENSLAND RETAIL SHOP LEASES AMENDMENT BILL NOW IN PARLIAMENT

A [Bill](#) to amend the *Retail Shop Leases Act* has been introduced into the Queensland Parliament. The Bill implements the recommendations of a consultative review of the Act which was conducted during 2011-2013. An amending Bill to implement the review's recommendations was introduced in November 2014 but lapsed when Parliament was prorogued for the January 2015 election ([Shop Talk 26/11/14](#)). The 2015 Bill is largely the same as the 2014 Bill but there are some drafting amendments. A number of provisions of the new Bill are directed to reducing unnecessary regulation and to ensure the provisions of the Act apply more directly to small and medium sized retail tenants. This includes providing that all leases of more than 1,000 square metres are excluded from the Act, whereas such leases are now excluded only if the tenant is a listed corporation or subsidiary. In addition non-retail premises are excluded from the Act if they are located on a level in a multi-story building, or in a standalone building, where 25% or less of the total area of the level of building is retail area. This Bill is the product of a genuinely consultative review process during which all stakeholders were given opportunities to put their views. The process began with a Discussion Paper (and public submissions), followed by an Options Paper (and further submissions) and then a broadly-based Reference Group which systematically worked through the options and submissions and prepared a report to the Government. This collaborative and transparent process, which included consultation on a draft Bill, is truly the benchmark for how state retail tenancy reviews should be conducted.

MICHELLE ROWLAND IS NEW FEDERAL SHADOW MINISTER FOR SMALL BUSINESS

Michelle Rowland, Member for Greenway in western Sydney, is the new Federal Shadow Minister for Small Business in a [reshuffle](#) of the Shadow Cabinet. This follows the departure from the Opposition front bench of Bernie Ripoll, who is retiring at the next Federal election.

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