

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 19 NOVEMBER 2015

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION HEARINGS ON TRADING HOURS

Hearings have commenced in the QIRC on two shop trading hour applications which are being led by the National Retail Association. The first application seeks to simplify trading hour rules for non-exempt shops across South East Queensland ([Shop Talk 24/9/15](#)). This would result in non-exempt shops across SEQ being able to trade between 7am and 9pm Monday to Saturday. The second application seeks to prevent non-exempt shops in regional areas of Queensland from having to close for four days over the 2015 Christmas period. The Shopping Centre Council provided verbal evidence at both hearings in support of the applications. These hearings come in the context of the Federal Government considering its response to the Competition Policy Review Final Report which recommends that "remaining restrictions on trading hours should be removed", a reflection of previous Productivity Commission recommendations. The Federal Treasurer, Scott Morrison, has indicated publically that the Government's response to the Final Report would be released shortly and to that it would "be an enthusiastic response".

BOXING DAY TRADING BILL NOW PASSED BY NSW PARLIAMENT

The Bill permitting universal trading on Boxing Day throughout NSW has now passed both Houses of the NSW Parliament and is awaiting assent. This means the new law will enable all shops throughout NSW to open, if they chose to do so, on Saturday 26 December 2015. The new law has important protections for both shop employees and shop lessees ([Shop Talk 12/11/15](#)).

COCKBURN GATEWAY SHOPPING CITY RECOGNISED IN WESTERN AUSTRALIAN AWARDS

Congratulations to Cockburn Gateway, owned by Perron Group and managed by JLL, which won the Shopping Centre of the Year award at the Property Council's [WA Shopping Centre of the Year Awards](#).

UNFAIR CONTRACT TERMS LAW TO BEGIN OPERATION ON 12 NOVEMBER 2016

Recent amendments to the *Competition and Consumer Act*, to extend unfair contract term protections to 'small business contracts', will begin operation on 12 November 2016. The [new law](#) will apply to contracts which are entered into, or renewed (including under an option), or contracts which are amended or assigned, on or after 12 November 2016. These laws will only apply to 'standard form contracts' with a 'small business' (i.e. one with less than 20 employees) with an 'upfront price' of \$300,000 (one-year) or \$1 million (multi-year) ([Shop Talk 22/10/15](#)). Primary responsibility for enforcement of the law will be the Australian Competition and Consumer Commission (ACCC) and state and territory offices of fair trading. The latter bodies are an odd choice since these offices have little experience in business-to-business transactions and disputes.

MARK BRENNAN TO FINISH AS AUSTRALIAN SMALL BUSINESS COMMISSIONER

Mark Brennan, the Australian Small Business Commissioner, has announced that he is not an applicant for the position of Australian Small Business and Family Enterprise Ombudsman ([Shop Talk 27/8/15](#)). The Federal Government has advertised the new position, which will replace the existing position of Australian Small Business Commissioner. Mr Brennan advised recently in his regular email newsletter that he will not be seeking the new position. This is a pity. Mark Brennan has won widespread respect, and not only among small business representatives, for the way he has conducted himself in his present role and previously when he was Victorian Small Business Commissioner. Mr Brennan understands that in order to be an effective advocate for 'small businesses' you must also understand, positively consult with, and have the respect of big businesses. This is particularly the case when big businesses are a platform for small business and want to see shared success.

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