

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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PRODUCTIVITY COMMISSION CONSUMER LAW ENFORCEMENT ISSUES PAPER RELEASED

The Productivity Commission this week released an [Issues Paper](#) on its study of the enforcement and administration of the Australian Consumer Law (ACL). The study of the 'single law, multiple regulator' model is running parallel to the otherwise comprehensive review of the ACL being run by Consumer Affairs Australia and New Zealand ([Shop Talk 17/6/16](#)). The regulators within scope for this study are the Australian Competition and Consumer Commission (ACCC), the Australian Securities and Investments Commission (ASIC) and the consumer affairs regulators in each jurisdiction. The Issues Paper notes that issues have been raised with regard to "whether ACL regulators are appropriately equipped to regulate business-to-business transactions...". The role of state and territory consumer affairs regulators is a concern that the Shopping Centre Council has raised in its representations regarding the extension of the unfair contract terms law having given regard to the effective enforcement and dispute resolution provisions which exist in the context of retail lease arrangements. A draft report is due in November.

GST TO BE PAYABLE ON OFF-SHORE INTANGIBLE GOODS AFTER LEGISLATION PASSES QUIETLY

The [Bill](#) to implement the so-called 'Netflix Tax' - GST on intangible goods purchased from off-shore ([Shop Talk 11/2/16](#)) - quietly passed through Federal Parliament earlier this year. The Bill moved through the Parliament on 4 May - a day after the Federal Budget and just days prior to the July election being called. The measure has a proposed 1 July 2017 implementation date. The Shopping Centre Council partnered with the Australian Retailers Association (ARA) in offering support to the Government to close this loop-hole and, in doing so, noted the useful learnings that could be applied to closing the loophole for tangible goods from off-shore (i.e. the \$1,000 Low Value Threshold). Australia's leaders have reached in principle agreement to close the LVT loop-hole and it was announced as a specific measure in the 3 May Federal Budget.

PRIME MINISTER TURNBULL REVEALS NEW MINISTERIAL LINE-UP

This week Prime Minister Malcolm Turnbull unveiled his [new Ministerial line-up](#). Nationals member, Michael McCormack, has been appointed as the Minister for Small Business. Minister McCormack is the first National to hold the position and, reportedly, the ninth Minister in the role in just under nine years. Despite having welcomed Minister McCormack to the role, some small business groups have raised concerns about the shift of the portfolio from Cabinet to the outer-Ministry. A pragmatic view of the shift should reflect on the recent developments regarding small business advocacy and support by the Federal Government - including the appointment of the inaugural Australian Small Business and Family Enterprise Ombudsman, Kate Carnell AO, who is to play a key role as an advocate for small business across Government - and acknowledge that it is unlikely there will be any reduction in the focus the Federal Government gives to small business issues and that the shift to the outer-Ministry was a sensible one. The small business portfolio will remain within the broader Treasury cluster, although policy and legislative responsibilities within the cluster are still to be made known. The appointment of Minister McCormack means that the former Minister for Small Business, Kelly O'Dwyer, is left to focus on her reframed ministerial responsibilities of Revenue and Financial Services, while Scott Morrison remains Treasurer. Federal Parliament is scheduled to resume on Tuesday 30 August.

DON'T FORGET: ENTRIES ARE NOW OPEN FOR SCCA MARKETING AWARDS

Entries are now [open](#) for the 2016 Shopping Centre Council of Australia Marketing Awards. Further details and an online entry form are available [here](#). Entries close at 5pm 8 August 2016 with finalists to be announced in ShopTalk on 1 September. Tickets for the 27 October Gala Dinner, where nominees and winners will be acknowledged and celebrated, will go on sale on 9 August.

[PREVIOUS ISSUES](#)