

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 4 NOVEMBER 2016

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NSW FAIR TRADING FOCUSED ON GIFT CARDS DURING FAIR TRADING WEEK

Last week was 'Fair Trading Week' in NSW, with the Government urging consumers to participate in an online survey to "...inform whether regulatory change is warranted to protect forgetful gift card owners". In a [media statement](#), the NSW Minister for Innovation and Better Regulation, Victor Dominello, concedes that "consumers often fail to redeem their gift cards...", The statement then implies that, as a result, operators of gift card schemes could be prevented from enforcing some of the terms and conditions of their scheme in the future. This is the next in a string of meandering investigations into gift cards. It comes off the back of a lapsed Federal Senate inquiry which considered the regulation of gift cards ([Shop Talk 14/4/16](#)) (established at the behest of Senator Nick Xenophon following the 'collapse' of Dick Smith) and a [national review](#) of gift cards undertaken by the Commonwealth Consumer Affairs Advisory Council in 2012. The latter review did not recommend prohibiting gift card expiry dates. In fact, this review detailed that "CCAAC has not found any overwhelming evidence of systemic consumer detriment relating to expiry dates..." and that "an expiry date...may be a reasonably necessary practice to ensure the operational viability of a gift card scheme".

DRAFT SOUTH EAST QUEENSLAND REGIONAL PLAN RELEASED FOR CONSULTATION

The Queensland Government has released a *Draft South East Queensland Regional Plan - ShapingSEQ* - as an update to the current SEQ plan which was released in 2009. Retail trade is noted as being second of the top five industries in the region. The draft Plan maintains a strong activity centre hierarchy. 'High-order retail' is noted as being integral to 'principal regional activity centres' and important in 'lower-order' centres. The release of draft Plan follows a period of stakeholder engagement throughout 2016 ([Shop Talk 9/6/16](#)). We met with relevant officials during this period. Submissions are welcomed until March 2017.

NEW UNFAIR CONTRACT TERMS LAW TO BEGIN OPERATION ON 12 NOVEMBER

Be reminded that amendments to the *Competition and Consumer Act* to extend unfair contract term protections to 'small business contracts' come into effect on 12 November ([Shop Talk 19/11/15](#)). Since the new law passed the Federal Parliament in October 2015, the Australian Competition and Consumer Commission (which has primary enforcement responsibility for the new law) has been undertaking pre-compliance activities with several identified sectors, including retail leasing. A public report overviewing this activity is expected to be released by the ACCC shortly.

FEDERAL PARLIAMENTARY INQUIRY INTO VALUE CAPTURE RE-ESTABLISHED

It appears that the value capture bandwagon is moving forward apace. [Last week](#) we reported that Infrastructure Victoria had released a policy paper advocating the widespread application of new value capture mechanisms, including so-called 'major beneficiary contributions'. This week we can advise that the House of Representatives Standing Committee on Infrastructure, Transport and Cities has [re-established](#) its inquiry into value-capture (under the guise of an inquiry into 'the role of transport connectivity on stimulating development and economic activity'). This inquiry, which lapsed prior to the July election, recently resumed public hearings and is expected to report by the end of the year. The Shopping Centre Council submitted to and appeared before this Committee on its inquiry prior to the election ([Shop Talk 18/2/16](#)).

NRA UPDATES CHRISTMAS AND NEW YEAR TRADING HOURS FACT SHEET

The National Retail Association Christmas and New Year Trading Hours Fact Sheet for 2016/2017 is available [here](#). The Fact Sheet provides information about trading hours and public holidays for retail stores during the forthcoming Christmas and New Year period. Trading hours are still to be finalised by the South Australian and Western Australian Governments and the NRA will update the fact sheet accordingly.

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