

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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AMENDMENTS TO THE WA COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS ACT

The WA Government recently gazetted the [Commercial Tenancy \(Retail Shops\) Agreements Amendment Regulations 2017](#) to exempt leases from the legislation held by corporations listed on any stock exchange outside of Australia. Previously, the Regulations provided that only corporations listed on the New Zealand Stock Exchange were exempt from the application of the legislation. This amendment was necessary because of the fluctuating membership of the [World Federation of Exchanges](#), which first came to light when the New Zealand exchange resigned from the World Federation in 2010. This amendment is similar to changes made last year, via a Ministerial Determination by the Minister for Small Business, Innovation and Trade, Phil Dalidakis, under the Victorian *Retail Leases Act 2003* ([Shop Talk 18/8/16](#)). The Shopping Centre Council made representations on this issue, and applauds the Western Australian government for taking this sensible action.

QIRC DETERMINES SOUTH-EAST QUEENSLAND PRE-CHRISTMAS TRADING HOURS

The Queensland Industrial Relations Commission has [determined](#) that stores at 11 major locations/shopping centres in South-East Queensland can trade until midnight in the week leading up to Christmas this year. The [application](#) was lodged by the National Retail Association (NRA), with the support of the Shopping Centre Council, given that trading hours reform legislation is stalled in the Queensland Parliament ([Shop Talk 23/6/17](#)). The Commission's decision, which includes a requirement that employees must freely elect to work during the extended hours, allows trading until midnight from Monday 18 December to Friday 22 December at the following locations/shopping centres: Brisbane CBD (as defined) (e.g. the Myer Centre, Macarthur Central, Wintergarden), Indooroopilly, Pacific Fair, Oxenford Kmart, Robina Town Centre, Sunshine Plaza, Westfield Carindale, Westfield Chermside, Westfield Garden City, Westfield Helensvale and Westfield North Lakes. Well done to the NRA on leading this successful application.

2016 CENSUS: RESET OF POPULATION COUNT HIGHLIGHTS PER CAPITA SPENDING

Last month's first release of the Census 2016 data (as conducted on 9 August 2016) from the Australian Bureau of Statistics (ABS) has 'reset' the population count in Australia. In the intervening years between Censuses (the previous one being on 9 August 2011), the ABS relies on an Estimated Resident Population count; further explanation of which can be found [here](#). However, the latest Census data enables a more accurate assessment on many issues, including retail spending per capita. Analysis of Australia's population (>15-years old) vs. ABS Retail Trade figures highlights some interesting statistics. The highest spending per capita of any jurisdiction is in the Australian Capital Territory, with \$1,494 per person in April 2017, whilst the largest growth in per capita spending year-on-year (y-o-y) was in South Australia, up 3.3 per cent to \$1,205, albeit from a low base. Despite a y-o-y fall of 1.1 per cent in April 2017, Western Australia maintains one of the highest levels of retail spend per capita at \$1,334 in April 2017. Retail spending nationally increased by 1.5 per cent y-o-y to \$1,308 in the month of April 2017.

ACCC RELEASES LATEST SMALL BUSINESS IN FOCUS REPORT

The Australian Competition and Consumer Commission (ACCC) has released the latest edition of their [Small Business in Focus Report](#), covering the ACCC's activities across the January-June 2017 period. At a headline level, the ACCC has noted it had "slightly fewer small business related contacts in the last six months, while more franchisees asked us about their rights". Comparing the data in the report from the 2015-16 to 2016-17 period, and noting that the ACCC highlights that the data is for general guidance only and care should be taken when drawing any conclusions, there were decreases in enquiries and reports across a range of competition and consumer law-related issues. The report also notes a range of companies that have amended their contract terms in response to the ACCC's concerns under the 'unfair contract terms' regime.

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