

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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PRIME MINISTER RELEASES NEW NATIONAL CROWDED PLACES STRATEGY

On Sunday, Prime Minister Malcolm Turnbull [released](#) the new national [Strategy for Protecting Crowded Places from Terrorism](#) ([Shop Talk 2/12/16](#)). The Strategy expressly refers to shopping centres as 'crowded places', alongside other critical places including stadiums, pedestrian malls and major events. It replaces the earlier *National Guidelines on the Protection of Places of Mass Gathering from Terrorism*. The Strategy has been developed in response to the terrorism threat level, along with ongoing attacks at crowded places overseas. It provides a framework and guidance to enable the protection of people and make crowded places more resilient. The Strategy is centred on a new national partnership, called the 'Crowded Places Partnership', which aims to provide trusted engagement between government, police, and owners/operators of 'crowded places' in all jurisdictions. In addition to the main Strategy document, there are a number of complementary modules and guidelines which are also available on the National Security [website](#).

REVIEW INTO ASBFEO FALLS SHORT OF RECOMMENDING TITLE CHANGE

Last week, the [review report](#) into the Australian Small Business and Family Enterprise Ombudsman (ASBFEO) was tabled in Federal Parliament ([Shop Talk 7/7/17](#)). The Review, led by Ms Su McCluskey, concluded that the Ombudsman is operating effectively and efficiently as an advocate for small business, and offers a 'useful' dispute resolution system. The review has recommended that the ASBFEO could enhance its influence on policy and legislation, but has not recommended a reconsideration of the title 'Ombudsman' despite noting that the title can cause confusion. The Federal Minister for Small Business, Michael McCormack, has [said](#) feedback from small business was that "the role is working well", while the current ASBFEO, Kate Carnell AO, [said](#) that her office "is working closely with government departments to implement recommendations regarding early engagement on policy development and legislation...".

WATERED-DOWN QUEENSLAND TRADING HOUR BILL PASSES PARLIAMENT

This week, the *Trading (Allowable Hours) Amendment Bill 2017* passed the Queensland Parliament. Debate on the Bill stalled several months ago following opposition from the Liberal National Party Opposition and members of the cross-bench ([Shop Talk 26/5/17](#)). The Minister for Industrial Relations, Grace Grace, moved a range of amendments to water-down the Bill to secure the votes needed for passage including providing for a moratorium on applications to the Queensland Industrial Relations Commission (QIRC) from towns which currently do not benefit from Sunday and public holiday trading for non-exempt shops. This means that, for five years, more liberalised trading arrangements in some towns across regional Queensland can't even be considered. These amendments go against the grain of the independent review report which recommended widespread Sunday trading. In an accompanying [media statement](#) from the Minister, it is noted that "regional towns that do not currently have Sunday and public holiday trading for non-exempt shops remain that way".

SECTION 46 OF COMPETITION AND CONSUMER ACT AMENDED

Last week, the Federal Parliament passed [amendments](#) to section 46 of the *Competition and Consumer Act*. Reform of the misuse of market power provision was one of the signature reforms proposed by the Harper Competition Policy Review ([Shop Talk 26/11/15](#) & [17/3/16](#)) and, arguably, the most controversial and high profile. In a related [media statement](#), the Federal Treasurer, Scott Morrison, noted that "the new provision will more effectively address anti-competitive conduct, protecting the process of competition rather than individual competitors". The timing of the commencement of the amendments to section 46 is tied to the passage and commencement of another Bill currently before the Parliament, the [Competition and Consumer Amendment \(Competition Policy Review\) Bill 2017](#), which seeks to implement a suite of other reforms adopted from Harper's recommendations.

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