

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 29 MARCH 2018

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ACCC RELEASES 2017 SMALL BUSINESS SNAPSHOT: NEARLY 4,800 REPORTS

The Australian Competition and Consumer Commission (ACCC) has released its [Small Business 2017 Snapshot](#), which provides a summary of its activities and contacts with small businesses throughout 2017. As noted in the Snapshot, nearly 4,800 reports were made to the ACCC by small businesses (noting that most are 'micro-businesses', with less than four staff) in 2017, with the top three issues raised being 1) misleading conduct, 2) consumer guarantees, and 3) wrongly accepting payment. The ACCC notes that this number is slightly down when compared to the number of reports received in 2016 (down 2.9%). Over 2,600 referrals were made to state-based Small Business Commissioners, and seven enforcement actions were taken, including five alleged breaches of the Franchising Code of Conduct. In an accompanying [media statement](#), the ACCC Deputy Chair, Dr Michael Schaper, said that, in 2018, "small business can expect the ACCC to continue its work in relation to business-to-business unfair contract terms" and that "there will also be a particular focus on Franchising Code of Conduct issues involving large or national franchisors". Dr Schaper also noted that 'scams' continue to be a significant issue that small businesses need to be aware of, and on the lookout for.

ONLINE RETAIL: 'MULTI-CHANNEL' THE LARGEST PORTION ACCORDING TO THE ABS

There has been some recent media commentary regarding the 'headwinds' created by online retail 'disrupters' on retail sales in Australia. Our analysis of online retail turnover [data](#) from the ABS indicates there has been considerable growth for online retail in recent years. However, ABS data also indicates that two-thirds of online retail trade (approximately \$8.5 billion in the 12-months to January 2018) was spent with 'multi-channel' retailers, who have accounted for between 60-63 per cent of online retail turnover since the series commenced. So, rather than detracting from 'traditional' retail turnover, online retail, in a lot of respects, is boosting retail sales, and the two continue to be complementary.

NSW GIFT CARD REFORMS COME INTO FORCE ON 31 MARCH: SA TO FOLLOW SUIT

A reminder that from Saturday 31 March (this weekend), most gift cards sold in NSW will be required to be issued with a minimum three-year expiry period ([Shop Talk 1/12/17](#) & [23/2/18](#)). Post-purchase administration fees will also be prohibited. Visit the [NSW Fair Trading website](#) for any last-minute clarifications about these reforms. With the recently elected South Australian Liberal Government announcing their intention to implement similar reforms during the recent campaign, it is likely that South Australia will be the next jurisdiction to regulate gift cards in this way ([Shop Talk 2/2/18](#)).

STRATEGIC LAND USE AND INFRASTRUCTURE PLANS RELEASED FOR PERTH AND PEEL

The Western Australian Government has [released](#) a final suite of strategic land use and infrastructure plans for Perth and Peel. The draft plans were first subject to consultation in mid-2015 ([Shop Talk 7/5/15](#)) and are intended to guide the region's growth to 3.5 million people by 2050. 'Activity centres' are identified as an 'urban consolidation principle' under the plan, with the principle proposing to "support urban and economic development of the activity centres network as places that attract people to live and work by optimising land use and transport linkages between centres; protecting identified employment land from residential encroachment, where appropriate; and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres". The final plan acknowledges the recent 'operational' review of the [State Planning Policy 4.2 Activity Centres for Perth and Peel](#), which included consultation with the Shopping Centre Council, however, here has been no specific outcome of that process. In a related [media statement](#), the Minister for Planning, Rita Saffioti, said that "these documents are not static; they will grow and evolve, as the State will, to ensure they continue to be relevant and respond to our changing landscape". It was also noted that the suite of Perth and Peel Plans will be reviewed after three years.

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