

# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 25 MAY 2018

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## WA GOVERNMENT ANNOUNCES EXTENDED PUBLIC HOLIDAY TRADING HOURS

This week, the WA Minister for Commerce, Bill Johnston, announced extended trading hours for two upcoming public holidays: WA Day on Monday 4 June, and the Queen's Birthday on Monday 24 September. Across the Perth metropolitan area, general retail shops will be able to open and trade from 8am-6pm, instead of the default 11am-5pm trading hours. Pleasingly, the Minister has noted that the extended hours will enable retailers to trade 'depending on the demand from their customers'. We have long believed that trading hours should be centred around flexibility in response to consumer preferences and demand; rather than retailers or retail sub-sectors. The extended hours are consistent with previous decisions, such as the Minister's decision to grant extended trading hours across the 2017 Christmas period for Boxing Day, New Year's Day and Australia Day ([Shop Talk 3/11/17](#)).

## PARLIAMENTARY INQUIRY INTO THE NSW FIRE AND EMERGENCY SERVICES LEVY CONTINUES

Following the deferral by the NSW Government in June 2017 of the implementation of the Fire and Emergency Services Levy ([Shop Talk 23/6/17](#)), an upper-house Parliamentary inquiry was established in July 2017 to, among other things, consider "the policy process and financial modelling underlying the provisions of the of the *Fire and Emergency Services Levy Act 2017*" ([Shop Talk 11/8/17](#)). The new, property-based levy was to replace the current insurance-based Emergency Services Levy but implementation was deferred indefinitely (only weeks out from a 1 July 2017 implementation date) following concerns being raised about an unreasonable burden being shifted to small to medium businesses under the new regime. Not much has been heard about either the status of the deferral or the Parliamentary inquiry in recent months. Interestingly, it appears as though the Committee running the inquiry has scheduled a full-day hearing for mid-August. The Shopping Centre Council will continue to monitor this inquiry with interest.

## AUSTRALIAN CONSUMER LAW REVIEW: GOVERNMENT TABLED AMENDMENTS

Following consultation on an exposure draft Bill earlier in the year ([Shop Talk 9/2/18](#)), in late March the Government tabled amendments to the *Competition and Consumer Act 2010* to reflect certain recommendations of the Australian Consumer Law review. Among other things, the [Treasury Laws Amendment \(Australian Consumer Law Review\) Bill](#) proposes to extend existing unconscionable conduct protections to publicly listed companies. In a speech to Parliament, the Minister for Agriculture and Water Resources, David Littleproud, stated that "public listing is not necessarily a reflection of a trader's size, level of resourcing or its ability to withstand unconscionable conduct. Where there is a significant imbalance in bargaining power, a publicly listed company could find itself subjected to conduct that is unconscionable". The Bill also proposes to enhance the powers of relevant regulators, such as the ACCC, to utilise their investigative powers to assess potentially unfair contract terms. The [Treasury Laws Amendment \(2018 measures no. 3\) Bill 2018](#), which proposes to bring ACL penalties into line with the maximum penalties under the competition provisions of the Act, also remains before the Parliament ([Shop Talk 23/2/18](#)). The Bill proposes to increase the current maximum penalty of \$1.1 million for a body corporate and \$220,000 for a person, to the greater of \$10 million, or three times the value of the benefit obtained from the offence, if that benefit can be determined, or 10 per cent of the annual turnover for a body corporate, and \$500,000 for a person.

## VIC PARLIAMENTARY INQUIRY REPORT TABLED ON ELECTRIC VEHICLES

A Victorian Parliamentary inquiry into electric vehicles has been completed, with a [report](#) recently being tabled. The report notes that "should electric vehicles become more prevalent in Victoria it will be necessary for the State and Local Governments to update the relevant Victorian building and planning provisions and guidelines to ensure that all new residential and commercial developments are prepared for electric vehicle charging needs".

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