

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 9 NOVEMBER 2018

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SOUTH AUSTRALIAN EXTENDED CHRISTMAS TRADING HOURS ANNOUNCED

The South Australian Government this week [gazetted](#) extended trading hours for the 2018 Christmas period. Pleasingly, for the first time this includes Boxing (Proclamation) Day trading in suburban areas outside the Adelaide CBD. Treasurer, Rob Lucas, has granted an exemption under the *Shop Trading Hours Act 1977* to give retailers in suburban Adelaide the opportunity to trade on Boxing Day (Wednesday December 26) between 9am – 5pm. Treasurer Lucas stated in a [media release](#), "...this exemption offers retailers, consumers and employees the freedom to open, shop and work if they so choose". Other trading hours for the Christmas period are 9am (instead of 11am) to 5pm on the Sundays 2, 9, 16 and 30 December; until 12 midnight (instead of 9pm) on the Thursdays 13 and 20 December, and the Friday 21 December; until 6pm (instead of 5pm) on Saturday 22 December; and from 9am (instead of 11am) to 6pm (instead of 5pm) on Sunday 23 December.

VICTORIAN SMALL BUSINESS COMMISSION RELEASES UPDATED INFORMATION BROCHURE

The Victorian Small Business Commission (VSBC) has issued an updated tenant [Information Brochure](#) relevant to obligations under section 15 of the *Victorian Retail Leases Act 2003* (generally, a landlord must provide the Information Brochure and a copy of the proposed lease at the start of lease negotiations). The Information Brochure includes a checklist to guide tenants through key aspects of a lease. In an accompanying [media release](#), the Victorian Small Business Commissioner, Judy O'Connell, noted that "we have found that a high number of retail businesses do not understand their rights and responsibilities before signing the lease and then they end up at the VSBC in a dispute". Ms O'Connell goes on to note that the VSBC is "...putting landlords and agents on notice that we will be monitoring compliance with this obligation, and those who don't provide the brochure could see themselves facing fines of up to \$8,000". For more information, visit the VSBC [website](#).

GOVERNMENT CONFIRMS REVIEW OF BUSINESS-TO-BUSINESS UNFAIR CONTRACT TERMS LAW

The Federal Government has confirmed that it will shortly commence the scheduled review of the extension of unfair contract term protections to relevant business-to-business contracts under the *Competition and Consumer Act*. In a [media statement](#) issued by the Assistant Treasurer, Stuart Robert, it is noted that "two years on, the Government wants to ensure that the framework is operating effectively and that appropriate levels of protection are afforded to small businesses". These protections for small business have been in place since 12 November 2016 (for any new or renewed contract, or varied terms) following the passage of the *Treasury Legislation Amendment (Small Business and Unfair Contract terms) Act 2015* in late 2015 ([Shop Talk 22/10/15](#) & [19/11/15](#)). Protections apply to contracts which meet certain criteria, including that the contract is 'standard form' and the upfront price does not exceed \$300,000, or \$1 million for a multi-year contract. The review will be conducted by the Treasury and a report is due to the Government by 1 February 2019.

ACCC CHAIRMAN ROD SIMS REAPPOINTED FOR A THIRD TERM

The Federal Government has [announced](#) that Rod Sims' term as Chairman of the Australian Competition and Consumer Commission (ACCC) will be extended until 1 August 2022. Mr Sims was first appointed in August 2011 for a five-year term, which was extended in 2016. In a [media release](#) issued by Federal Treasurer, Josh Frydenberg, it is noted that "Mr Sims has done an outstanding job as Chairman of the ACCC since he was first appointed in 2011, and since that time the ACCC has been a strong and proactive competition regulator and protector of consumer rights". Mr Sims has been reported as stating that he is "looking forward to continuing our very strong enforcement work...we've just got higher penalties, so we'll certainly be seeking penalties against large companies, north of \$100million, if we can achieve that". The Shopping Centre Council congratulates Mr Sims on his reappointment.

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