

# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

30 NOVEMBER 2018

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## NEW INDUSTRY CODE OF PRACTICE ON SALES REPORTING FOR NEW SOUTH WALES

The retail industry has recently agreed to a new code for the provision of information and reporting of sales within shopping centres. [The Code of Conduct on Sales Reporting and Occupancy Costs](#), agreed to between ourselves, and key retailer and tenant groups the Australian Retailers Association (ARA), National Retail Association (NRA) and Pharmacy Guild of Australia (PGA), has a transitional commencement from 1 January 2019 and effective commencement from 1 July 2019. A key aspect of the Code is a new 'mutual obligation' under which shopping centre owners and managers have agreed to provide relevant benchmarking data where a retailer provides their turnover data and requests such information. The development of the Code was an outcome of the [review](#) of the NSW Retail Leases Act 1994 ([Shop Talk 11/11/16](#)), and we thank the NSW Deputy Premier, John Barilaro MP, for supporting this industry led and negotiated approach, which is a positive industry model for other issues. The Code's application is to NSW, however there is a general intention for it to be applied to other jurisdictions, which will be investigated by a committee which oversees the Code.

## UNFAIR CONTRACT TERMS DISCUSSION PAPER RELEASED FOR COMMENT

The Federal Treasury has released a [Discussion Paper](#) to guide a review of the unfair contract term protections for small businesses under Australian Consumer Law in the *Competition and Consumer Act* ([Shop Talk 9/11/18](#)). In an accompanying [statement](#) issued by Assistant Treasurer, Stuart Robert MP, it is noted that "...feedback received will assist the Government to determine whether legislative protections are performing as intended and whether enhancements are required to the UCT regime to ensure appropriate protections are afforded to small businesses". Key topics in the Discussion Paper include: (1) thresholds, (2) coverage of the law, and (3) exemption frameworks. Submissions are being welcomed until 21 December, with a report to the Government due in early February 2019.

## VICTORIAN STATE ELECTION – NEW MINISTERIAL APPOINTMENTS ANNOUNCED

Following the return of the ALP Government at last weekend's Victorian state election, the new Cabinet and Ministry was [announced](#) this week. Several relevant Ministers have been returned to their previous portfolios, including Tim Pallas MP as Treasurer, Lisa Neville MP as Minister for Police, and Richard Wynne MP as Minister for Planning. Lily D'Ambrosio MP has been newly appointed as Minister for Energy, Environment and Climate Change. In addition, Adem Somyurek MLC has been appointed as the Minister for Small Business; a role that he has previously served in. We look forward to working with these Ministers on behalf of our industry. Former Minister for Small Business, Phil Dalidakis MLC, has not been returned to the Ministry. We congratulate Mr Dalidakis on his tenure as Minister and thank him for his ongoing engagement with our industry.

## WA MINISTER APPROVES PERMANENT EXTENDED TRADING HOURS FOR GERALDTON

It has been reported this week that the WA Minister for Commerce and Industrial Relations, Bill Johnston MLA, has approved permanent extended shop trading hours for Geraldton, effective from 1 December 2018, following a 12-month trial which commenced in October 2017, and included the ability to trade on Sundays ([Shop Talk, 22/9/2017](#)).

## UPDATE ON SOUTH AUSTRALIAN PLANNING REFORM INITIATIVES

South Australia's Department of Planning, Transport and Infrastructure planning reform program rolls on ([Shop Talk 12/10/18](#)), with stakeholders having been advised that consultation will shortly commence on a policy Discussion Paper focussed on the Productive Economy. It is understood that this Paper was developed in collaboration with Deloitte and SGS Economics. Also slated to be released is a Discussion Paper on Design in the New Planning System. Feedback is expected to be received until February of next year. The Shopping Centre Council will continue to engage with the Department on matters relevant to the industry.

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