



Friday 9 April 2010

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HARSH NEW PENALTIES FOR UNCONSCIONABLE CONDUCT

Harsh new penalties for unconscionable conduct will come into effect later this year following the passing of the [Trade Practices Amendment \(Australian Consumer Law\) Bill 2009](#) by the Federal Parliament on 17 March 2009. This Bill was the first step in the introduction of the new national consumer law – an area previously regulated by the states and territories - and includes the regulation of unfair contract terms. This Bill, in its draft form, originally sought to extend the regulation of unfair contracts to include contracts between businesses but this was sensibly deleted when it was introduced into Parliament ([Shop Talk 3/7/09](#)). The new civil penalties for engaging in statutory unconscionable conduct range up to \$1.1 million for corporations and \$220,000 for individuals. Regulators will also be able to seek orders disqualifying individuals who engage in unconscionable conduct from managing corporations and will also be able to issue public warnings about parties they believe to have contravened the law. The new penalties will apply when the new Australian consumer law begins operation which is scheduled to be on 1 July 2010.

A second Bill implementing further measures towards a national consumer law – the [Trade Practices Amendment \(Australian Consumer Law\) Bill \(No.2\) 2010](#) - has now been introduced into Federal Parliament and was immediately referred to the Senate Economics Committee for review. This Bill deals with a range of other consumer protection issues such as statutory consumer guarantees, lay-by agreements, unsolicited sales practices and product safety. Information about the Senate Economics Committee inquiry is available [here](#). Submissions on the Bill close on 16 April 2010.

QIRC REJECTS SUNDAY TRADING APPLICATION FOR MT ISA

The Queensland Industrial Relations Commission (QIRC) has [rejected](#) an application by the National Retail Association for Sunday trading for Mt Isa, even though it accepted this would lead to greater overall employment. The QIRC refused the application on a number of grounds, including the unanimous opposition of local government and Mt Isa's relative isolation, with no public transport creating greater reliance on a network of small suburban stores.

SOUTH AUSTRALIAN MINISTRY SETTLED FOLLOWING ELECTION

Following the re-election of the Labor Government in South Australia on 20 March 2010, a new [Ministry](#) has been elected. Tom Koutsantonis has been appointed Minister for Small Business and Minister for Industrial Relations, with responsibility for the *Shop Trading Hours Act 1977*. Gail Gago has been appointed Minister for Consumer Affairs with responsibility for the *Retail and Commercial Leases Act 1995* and the *Land Agents Act 1994*. Paul Holloway is Minister for Urban Development and Planning.

ICSC EUROPEAN CONFERENCE IN PRAGUE ON 28 & 29 APRIL

The International Council of Shopping Centers' 2010 European Conference will be held in Prague, Czech Republic, on 28-29 April 2010. Further details are [here](#).

DIRECTIONAL INSIGHTS LAUNCHES E-DIRECTIONS NEWSLETTER

Directional Insights, a consumer marketing firm which undertakes a lot of shopping centre related consumer research, has launched a monthly electronic newsletter, *e-Directions*. Click [here](#) for free subscription or through the website [here](#).