



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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[Archive](#)

WILL THIS BE THE YEAR THAT SUNDAY TRADING FINALLY COMES TO PERTH?

The prospects for Sunday trading in Perth are now very promising after the new Opposition Leader in Western Australia, Mark McGowan, [announced](#) Labor would support immediate Sunday trading. This prompted the WA Government to announce that legislation would be introduced in the first session of Parliament this year (which begins on 21 February). Labor's support added a rider that work on Sundays must be voluntary but the Government has rejected this, saying state legislation cannot override conditions of federal awards. It is not clear if this refusal will be a deal breaker for Labor. Mr McGowan did say initially that his support was not conditional on this and this condition is more likely to be a matter which will hinge on negotiations between the Shop Assistants Union (SDA) – which insisted on the condition – and the major retailers. If Labor and the Liberals can agree, there will be a majority in both Houses for the passing of legislation. It is vital any legislation also allows trading on most public holidays and also permits similar hours of trading on Sunday as are now allowed on Saturday (i.e. 8am to 5pm).

VICTORIA EXCLUDES NZ LISTED RETAILERS FROM COVERAGE OF RETAIL LEASES ACT

The Victorian Government has corrected an anomaly which has permitted New Zealand listed retailers to gain the coverage of the [Retail Leases Act](#), even though listed companies are excluded from the Act. The relevant ministerial determination is [here](#). The Victorian Government also has legal opinion disputing the decision in [Evans & Ors v Thureau Pty Ltd](#) last October. This decision appeared to cast doubts on the validity of a ministerial determination which excluded from coverage of the *Retail Leases Act* premises (used for the retail provision of services) in offices above the third storey in commercial office buildings ([Shop Talk 13/10/11](#)). The legal opinion is not publicly available but the relevant barrister, Robert Hay, has summarised it on his 'blog' [here](#).

VICTORIA GIVES TRADING ADVANTAGES TO BULKY GOODS RETAILERS

The Victorian Government has recently [announced](#) changes to the definition of "restricted retail premises" (i.e. bulky goods) which were foreshadowed last year ([Shop Talk, 1/9/11](#)). In a farcical outcome, the definition of bulky goods has been expanded to include many non-bulky goods. Minimum floor space restrictions have also been removed and clarification provided that such premises will not be a prohibited use in certain industrial zones, as was flagged in the former government's draft retail policy ([Shop Talk, 13/3/09](#)). These changes will deliver a significant competitive advantage to the bulky goods sector in being able to locate in industrial locations where other retail formats cannot. In other words, these changes will restrict, not enhance, competition between different retail formats. Such a competitive advantage was specifically rejected by the Productivity Commission in its findings on planning matters late last year ([Shop Talk, 15/12/11](#)). We hope that the Victorian Government will now turn its attention to issues limiting shopping centre developments, such as harmful floor space caps, unjustified infrastructure charges and unnecessary and costly urban design requirements.

PROPERTY COUNCIL RETAIL OUTLOOKS IN SYDNEY, MELBOURNE AND BRISBANE

The Property Council is again holding its successful annual Retail Outlook series this month. The Sydney retail outlook breakfast is on 15 February and Brisbane's is on 23 February. Melbourne's event is on 22 February. Click [here](#) for Sydney details, [here](#) for Brisbane and [here](#) for Melbourne.

RETAIL TRADERS' ASSOCIATION OF WA CONDUCTS SEMINARS ON ONLINE RETAIL

The Retail Traders' Association of WA will be running a series of seminars and workshops designed for retailers seeking an online channel. Click [here](#) for more information and to register.