



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

Thursday 28 March 2013

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SCCA SUBMISSION ON QLD ELECTRICITY ONSELLING DISCUSSION PAPER

The Shopping Centre Council has lodged a submission on the Queensland Government's [Electricity On-Supply Discussion Paper](#), which is reviewing on-supply arrangements with a focus on consumer protection, on-supplier protection and contestability in the marketplace. The review forms part of the Government's broader review of the energy sector. Shopping centre owners and managers have faced significant challenges with on-supply schemes recently, largely as a result of the Queensland Competition Authority's tariff reforms, which lacked alignment with existing legislation. A specific area of uncertainty has been the lack of alignment between the deregulation of large energy customers in South-East Queensland with provisions of the Electricity Act, resulting in problems in determining charge rates. A further ramification of the tariff reforms has been that some centres have been operating their on-supply networks at a financial loss due to the disconnection between regulated charges, particularly in the Ergon distribution area (i.e. outside the SEQ). The SCCA is currently reviewing the QCA's latest Draft Price Determination and is continuing discussions with the Queensland Government.

ACT GOVT IMPOSES FLOOR SPACE CAP ON SUPERMARKETS IN LOCAL CENTRES

The ACT Government has released for consultation [Draft Variation 304](#) (to the Territory Plan). The major proposed change is to impose a retail floor space limit of 1,000 m² on supermarkets in local (activity) centres. Currently there are no floor space limits on supermarkets in local centres. The Draft Variation also imposes a floor space limit of 1,500 m² on all shops (including supermarkets) in all zones of the group centres and in the outer zones of the town centres but not in the core zone. Consultation on the Draft Variation closes on 3 May.

SOME RETAILERS PREPARED TO LOCK OUT THEIR CUSTOMERS

The front page of [Inside Retail](#) weekly edition on 22 March carried claims by some Victorian retailers that they were seeking legal advice on whether retailers in shopping centres could close on Sundays and on late night trading nights, following Fair Work Australia's decision not to change penalty rate provisions in the General Retail Industry Award. They further threatened, if necessary, to seek legislative changes to tenancy laws in the Victorian Parliament to allow them to do so. Well, here's some (free) legal advice. Section 7 of the Victorian *Shop Trading Reform Act* already provides that a provision of a lease is instantly void if it purports to require a retail premise to be open "at any time on a Sunday or a public holiday". Late night trading nights are a different matter but these are part of core trading hours and the *Retail Leases Act* already makes provisions for changes in core trading hours. These legislative provisions, incidentally, are just as anachronistic as weekend penalty rates.

There's no doubt that penalty rate provisions are a major disincentive to retail investment and the Shop Assistants Union must eventually come to understand that they are a major barrier to growing retail employment (and union membership). But retailers who believe the best response to the present weaker retail sales environment is to shut your doors at the very times when customers want to shop probably need to get out of the industry now. Retailers were at the forefront of the fight for more liberal trading hours but some Victorian retailers apparently want a return to government regulation of trading hours. At a time when physical retailing is under increasing threat from online retailing (which has no restrictions on the times when it can conduct its business), it is simply absurd to suggest the answer to penalty rate provisions is to further alienate those people who still wish to spend their money in shops. This is simply cutting off one's noses to spite one's face!