



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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PROPOSED AMENDMENTS TO FEDERAL FRANCHISING CODE OF CONDUCT

The Federal Government has released for [public consultation](#) an exposure draft of proposed amendments to the *Franchising Code of Conduct* and relevant provisions of the *Competition and Consumer Act*. The Minister for Small Business, Bruce Billson, has also released a [statement](#), 'Future of Franchising', which explains the proposed amendments, which in some respects seem to go further than the recommendations of the review of the Code conducted by Alan Wein in 2013. The draft legislation introduces a range of penalties for breaches of the Code and also introduces a general duty on franchisors and franchisees to act in good faith during their dealings with each other. The Franchise Council of Australia has argued this drafting goes further than the Wein recommendation that the Code simply be amended to incorporate the current common law duty. The FCA is also concerned that a proposed new civil penalty for failure to act in good faith also goes further than the Wein report and has not previously been discussed with the industry. The consultation period closes on 30 April 2014.

HOW FAIR TRADING NSW CAN FIND MUCH NEEDED STAFF RESOURCES

The *Australian Financial Review* has reported that financial advisers in NSW are being offered "no course, no examination, 100 per cent success rate" real estate licenses to assist clients interested in purchasing property for their self-managed superannuation funds. If correct, here's a suggestion on how the over-stretched NSW Fair Trading can find the resources to crack down on this blatant breach of regulation: redeploy the staff resources currently involved in 'protecting' large professional commercial property owners from the actions of their own carefully selected property managers, which are often a 'related entity' to the property owner ([Shop Talk 30/1/14](#) & [21/11/13](#)).

FEDERAL GOVERNMENT REVIEW OF THE PERSONAL PROPERTY SECURITIES ACT

The Federal Attorney-General, Senator George Brandis, has [announced](#) a review of the *Personal Property Securities Act*, with an emphasis on small business. This Act, which began in 2009, established a national regime for secured finance using personal property and which can have implications within shopping centres. The review is being conducted by a solicitor, Bruce Whittaker, and an interim report is expected by 31 July 2014 and a final report is due by 30 January 2015.

NRA LODGES APPEAL AGAINST FAIR WORK COMMISSION'S DECISION ON JUNIORS

The National Retail Association has [lodged an appeal](#) in the Federal Court against the Fair Work Commission's decision to abolish junior rates for 20 year olds ([Shop Talk 27/3/14](#)). The NRA said the appeal will focus on whether the FWC erred by considering the lower pay rate for 20 year old retail employees in isolation, rather than as part of the entire award safety net.

EASTER AND ANZAC DAY PUBLIC HOLIDAY SHOP TRADING RESTRICTIONS GUIDE

A reminder that public holiday arrangements and trading hours restrictions around Australia over Easter and on ANZAC Day are set out in this [national guide](#), produced by the National Retail Association.

PROPERTY COUNCIL QUEENSLAND 2014 RETAIL PROPERTY AWARDS NOW OPEN

Nominations are now open for the Property Council, Queensland, *2014 Retail Property of the Year Awards*. The awards celebrate excellence in marketing, presentation, design and food retailing and will be presented at a Gala Dinner on Friday 8 August in Brisbane. Click [here](#) for details.