



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

Thursday 20 November 2014

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SUBMISSION LODGED ON COMPETITION POLICY REVIEW DRAFT REPORT

We have lodged a [submission](#) in response to the Competition Policy Review Panel's Draft Report ([Shop Talk 25/9/14](#)), welcoming its strong emphasis on retail market issues including planning and zoning, trading hours and pharmacy rules. Our submission contains 10 recommendations which support a number of the Panel's Draft Recommendations, and make suggested changes to others. We have strongly welcomed the recommendation to deregulate trading hours. While we have offered support to the Review Panel's recommendation that 'competition principles' be included in each state and territory's planning and zoning legislation, we have questioned the appropriateness of some of the principles they have mooted. Specific suggestions made by the Panel would, in our view, perpetuate the 'incumbent' versus 'new entrant' distinction and have the perverse result of embedding an unlevel playing field into every piece of relevant legislation across the country. We have urged the Review Panel to revisit their recommended 'competition principles' and reframe them to focus on delivering 'competitive neutrality' – where no retail format or entrant received a competitive advantage over another. We have also stressed that the introduction of 'competition principles' should not be seen by the Review Panel or wider stakeholders as a step toward the deregulation of planning and zoning laws, but a platform to maximise competition in the context of the other public goods that are delivered through the planning system. We have also recommended that the Review Panel investigate the unlevel playing field which exists between non-aviation development on airport land and similar development which occurs off airport land ([Shop Talk 9/10/14](#)) and make recommendations on this issue in its Final Report. The Review Panel is expected to provide its Final Report to the Government by March 2015.

NEW FRANCHISING CODE OF CONDUCT TO BEGIN ON 1 JANUARY 2015

The Federal Minister for Small Business, Bruce Billson, has [announced](#) a new [Franchising Code of Conduct](#) will begin on 1 January 2015. Some of the changes in the new Code include the introduction of financial penalties and infringement notices for serious breaches of the code; an obligation for parties to act in good faith; and greater transparency in the use of marketing funds. The changes are the result of consultations which have been taking place for more than two years. It is worth noting, even after these changes, the Franchising Code still contains one hundred fewer sections than the NSW *Retail Leases Act*.

TRADING HOURS CONCESSIONS FOR 'SMALL SHOPS' IN WESTERN AUSTRALIA

Further trading hours concessions have been [granted](#) to small shop owners in WA. The number of staff that can be employed by a 'small shop' – which don't have any trading hours restrictions – will be increased from 18 to 25. In addition, the number of shops a person can own before losing the status of a 'small shop' owner will be increased from 3 to 4. The Government has also announced it will abolish the Retail Shops Advisory Committee, which has long outlived any usefulness.

TWENTY NINE LOCAL GOVERNMENT AREAS TO BE VALUED IN QUEENSLAND

The Queensland Valuer General, Neil Bray, has [announced](#) the 29 local government areas that will be valued this year. These valuations will be issued by 31 March 2015 and will apply, for land tax and rating purposes, from 30 June 2015. The LGAs to be valued include Brisbane, Gold Coast, Sunshine Coast, Cairns, Townsville and Rockhampton. LGAs that are not valued this year maintain their valuations from the previous year.