

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 8 SEPTEMBER 2016

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STEVEN LOWY AM TO SPEAK AT SHOPPING CENTRE COUNCIL INDUSTRY LUNCH

We are pleased to announce that global shopping centre industry leader, Steven Lowy AM, Co-CEO, Westfield Corporation, will be speaking at a Shopping Centre Council of Australia Industry Lunch at The Westin, Sydney CBD, on Thursday 13 October 2016. Mr Lowy's address comes following the recent opening of Westfield World Trade Centre in Lower Manhattan, New York. Mr Lowy will be speaking about domestic and international shopping centre trends and the importance of technology and innovation. This event is being generously sponsored by [Urbis](#). Registration details and tickets are available [here](#).

EXPOSURE DRAFT COMPETITION AND CONSUMER BILL RELEASED FOR CONSULTATION

This week, the Federal Government released the 86-page [Exposure Draft Competition and Consumer Amendment \(Competition Policy Review\) Bill 2016](#) for consultation. The Bill responds to a number of key elements of the Harper Competition Review, which was completed in March 2015 ([Shop Talk 1/4/15](#)), having commenced with the initial announcement of a 'root and branch' review in December 2013, followed by the release of an Issues Paper in April 2014 and a Draft Report in September 2014. The Government issued its response to the final Harper Report and its 56 recommendations on 24 November 2015 ([Shop Talk 26/11/15](#)). The Bill specifically addresses what has become the most high profile issue in competition law reform, being the proposed changes to section 46 'misuse of market power' provisions – i.e. 'the effects test'. The Government announced its intention to progress with changes to section 46 in March this year. In addition, the Bill addresses issues such as the definition of competition, third line forcing and cartel conduct, including a defence for joint ventures in relation to cartel conduct provisions; an issue which was raised by the Shopping Centre Council in its submissions to the Harper review and the Federal Government on its final report ([Shop Talk 4/6/15](#)). Submissions on the Bill close on 30 September 2016.

SCCA SUBMISSION LODGED ON VICTORIAN ELECTRICITY LICENSING REVIEW

The Shopping Centre Council recently lodged a submission on the Victorian Government's review of its General Exemption Order, which sets out proposed policy positions on the electricity license exemptions framework. This includes private networks, or 'embedded networks', such as those within shopping centres. Exemptions for electricity licenses are generally provided, subject to conditions, where the provision of electricity is ancillary to a company's core business, is of a relatively small scale, and is to a group of defined customers within a single building. The submission points out what we believe are common misconceptions about embedded networks in shopping centres, particularly issues that get confused between residential and non-residential networks. The submission also highlights the opportunity to obtain better alignment with the Australian Energy Regulator's (AER) national framework, which has developed and evolved over recent years.

QUEENSLAND RETAIL SHOP LEASES ACT AMENDMENTS EFFECTIVE 25 NOVEMBER

The [Retail Shop Leases Amendment Act \(Shop Talk 12/5/16\)](#) has been proclaimed, with a commencement fixed for 25 November 2016. The amendments, which passed the Parliament in May 2015, followed a consultative review of the *Retail Shop Leases Act* throughout 2011-2013.

TERRORIST THREAT ISSUED AGAINST DOMESTIC TARGETS

Following a recent Shop Talk article drawing attention to a number of public guidelines on the protection of 'places of mass gathering', such as shopping centres, from terrorism and improvised explosive devices, ([Shop Talk 18/8/16](#)), there were media reports this week about calls in a new publication titled 'Rumiyah', urging its readers to target Australia with terrorist attacks, specifically naming areas such as the Opera House and Melbourne Cricket Ground. This is a timely reminder to ensure appropriate plans are in place.

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