

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 13 OCTOBER 2017

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NSW GOVERNMENT TO INTRODUCE MINIMUM THREE-YEAR EXPIRY DATES ON GIFT CARDS

This week, the NSW Minister for Innovation and Better Regulation, Matt Kean, [announced](#) that the Government will legislate to require that gift cards sold in NSW have a minimum three-year expiry period. Post-purchase fees, which reduce the balance of a gift card overtime, will also be prohibited. These reforms are detailed in the [Fair Trading Amendment \(Ticket Scalping and Gift Cards\) Bill 2017](#) which is now before the Parliament. With existing, national gift card regulation having been thoroughly investigated in 2012 - which found no overwhelming evidence of a need for a regulatory response ([Shop Talk 12/7/12](#)) - the only signal of the NSW Government's intent to further regulate gift cards was a push during 'Fair Trading Week' in 2016 to encourage "disgruntled and pleasantly surprised gift card owners to report their experiences" ([Shop Talk 4/11/16](#)). A state based intervention into the operation of gift card schemes does throw up a range of questions: What scheme changes will be needed to comply with any new law? How are cards and related expiry dates treated across jurisdictions? What about online purchases? While the Government's motivation is to put money "back in the hands of shoppers", it can't be forgotten that any new law needs to operate smoothly, and should not create confusion or issues for consumers or scheme operators.

QLD VALUER-GENERAL ANNOUNCES 2018 ANNUAL LAND VALUATION PROGRAM

This week, the Queensland Valuer-General, Mr Neil Bray, [announced](#) that 22 of Queensland's 62 rateable local government areas (LGAs) will receive new land valuations in March 2018. Interestingly, four LGAs in the 'Greater Brisbane' region will not be valued, including Brisbane, Logan, Ipswich and Moreton Bay. Under the [Land Valuation Act 2010](#), the Valuer-General has a 'general duty' to make an annual valuation of all land; unless 'exceptions' are met after consideration of: (1) a market report and (2) local government and industry consultation. The Valuer-General has cited several factors in making his announcement.

COAG NOTES COUNTER-TERRORISM STRATEGY & APPROVES NEW FACIAL RECOGNITION DATABASE

Last week, at a [special meeting](#) of the Council of Australian Governments (COAG) on counter-terrorism (CT COAG), leaders "welcomed the launch in August of Australia's Strategy for Protecting Crowded Places from Terrorism" ([Shop Talk 25/8/17](#)). As the Strategy notes, "crowded places such as...shopping centres...will continue to be attractive targets for terrorists". At the same meeting, on a matter that created significant media coverage, COAG also approved the establishment of a National Facial Biometric Matching Capability, signing an Intergovernmental Agreement on Identity Matching Services, to make it easier for security and law enforcement agencies to identify relevant persons through a national database. This also includes the potential to prevent the use of fake or stolen identities. Despite some media coverage suggesting otherwise, we understand that this new proposed new capability will not affect current privacy or surveillance device laws, or the normal operation of shopping centre Closed Circuit Television (CCTV) systems.

NSW CONTAINER DEPOSIT SCHEME: WOOLWORTHS ANNOUNCED AS RETAIL PARTNER

This week, TOMRA-Cleanaway, the joint venture Network Operator of the New South Wales Container Deposit Scheme (known as 'Return and Earn'), [announced](#) Woolworths as the first retail partner to agree to provide collection point locations across New South Wales, ready for the scheme's commencement on 1 December 2017 ([Shop Talk 4/8/17](#)). Woolworths has agreed to provide locations for around 180 reverse vending machines across metropolitan and regional New South Wales. Exact locations are yet to be detailed. Minister for the Environment, Gabrielle Upton MP [said](#) that this announcement is "the first step in rolling out more than 500 collection points across NSW". The [expression of interest](#) to become a Collection Point Operator closes on 1 December 2017. We will continue to monitor the roll out of the 'Return and Earn' scheme as we move closer to the launch date.

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