

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 1 DECEMBER 2017

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NEW SOUTH WALES GIFT CARD EXPIRY DATE REFORMS COMMENCE 31 MARCH 2018

This week, the New South Wales Minister for Innovation and Better Regulation, Matt Kean MP, [announced](#) that reforms requiring a minimum three-year expiry date on gift cards issued in New South Wales will commence on 31 March 2018 ([Shop Talk 20/10/17](#)). Final details on the scheme remain under development, however a transitional period (yet-to-be-determined) will apply to enable businesses to address existing gift card inventories. While the reform will apply to shopping centre gift cards, there will be exclusions for certain cards and products. The exclusions have not been finalised. NSW Fair Trading has advised they will take a flexible approach in relation to the enforcement of this change.

'RETURN AND EARN' CONTAINER DEPOSIT SCHEME STARTS TODAY IN NEW SOUTH WALES

The New South Wales 'Return and Earn' Container Deposit Scheme commences today, whereby consumers can redeem 10-cents per eligible returned beverage container ([Shop Talk 4/8/17](#)). A complete network of collection sites has not yet been established, however the Network Operator, TOMRA-Cleanaway, will continue to roll out collection points across the State. Some of these collection sites may be located in shopping centres, subject to arrangements with the shopping centre owner and manager. To enable a smoother roll-out of potential container refund points, the Government has previously amended the *State Environment Planning Policy (Exempt and Complying Development) 2008 (State Policy)*, following a period of consultation, to allow minor and low impact container recycling equipment as exempt development (without the need for planning or building approval) ([Shop Talk 21/4/17](#)). This week, the Government made further [amendment](#) to this Policy to specifically address refund facilities located in car parks. A [Practice Note](#) released by the Department of Planning notes that such container recycling equipment can only be installed with landowners' consent, and cannot occupy a space of more than three car parking spaces.

VICTORIAN PROPOSED LAND VALUATION ACT AMENDMENTS REMAIN IN PARLIAMENT

The Victorian [State Taxation Acts Further Amendment Bill](#), which seeks to amend the Valuation of Land Act, remains under consideration in the Parliament. The Bill is listed for further debate when Parliament resumes for its final 2017 sitting week in mid-December. The proposed changes, announced as part of the 2017-18 State Budget handed down by the Treasurer, the Hon Tim Pallas MP, in May, include: (1) a shift from the current bi-annual valuation process to an annual valuation process; and (2) for valuations to be centralised with the Valuer-General (they are currently with local councils) ([Shop Talk 30/6/17, 19/5/17](#)). The changes are scheduled to commence on 1 January 2018. Following deferral of the Bill in June this year, based on concerns raised by local councils, the Government has proposed a transitional period, enabling councils to opt-out of the proposed centralised valuation process until 30 June 2022.

NEW SOUTH WALES: MINOR AMENDMENT TO RETAIL LEASES ACT PASSES PARLIAMENT

On 15 November, the New South Wales Parliament [passed](#) a miscellaneous amendment Bill which, among a range of amendments to several Acts, contained a minor amendment to the 'prescribed form' lessor disclosure statement at schedule 2 of the *Retail Leases Act 1994*. New text had to be inserted into the schedule at item 14 to ensure consistency with other provisions in the Act relating to the disclosure of estimated outgoings. The Bill's Explanatory Note details that this amendment makes a 'correction' to a form in the Act. The Shopping Centre Council has been engaging with the Office of the Deputy Premier and Minister for Small Business, the Hon John Barilaro MP, since we first brought this issue to their attention earlier in the year. This unintended consequence was identified in the context of preparations for the commencement of the *Retail Leases (Amendment) Review Bill* on 1 July of this year ([Shop Talk 5/5/17](#)). The amendment commenced upon assent of the Bill, which occurred last week. We thank the New South Wales Government for their engagement on this issue.

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