

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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SOUTH AUSTRALIA RETAIL LEASES AMENDMENT BILL REMAINS IN PARLIAMENT

The *South Australian Retail and Commercial Leases (Miscellaneous) Amendment Bill 2017* didn't pass Parliament before the final 2017 sitting day last week ([Shop Talk 20/11/17](#)). Following a review process which commenced three-years' ago, and the balanced nature of the Bill, this is a disappointing outcome. Based on previous pre-election periods, Parliament is not likely to sit again before the March 2018 election, which means the Bill will be subject to the election outcome, and related priorities, changes, and administrative orders. We thank Small Business Commissioner, John Chapman, for his engagement with our sector on the review process. We will continue to monitor this issue.

SMALL BUSINESS OMBUDSMAN ANNOUNCES INQUIRY INTO ACCESS TO JUSTICE

This week, the Australian Small Business and Family Enterprise Ombudsman (ASBFEO), Ms Kate Carnell AO, [announced](#) an inquiry into access to justice for small business. The inquiry will examine several issues including the nature and incidence of small business disputes, awareness of dispute resolution options, as well as decisions made throughout the dispute resolution process. The Ombudsman has said that the inquiry will examine disputes with 'big business' and government, stating that small business [unlike consumers] have "limited options in seeking resolution". A discussion paper will be released in mid-2018. These issues have been considered previously, including by the [Productivity Commission](#) whose recommendations to facilitate "lower cost and more timely access to justice" were considered and endorsed by the [Harper Review](#). The Government's [response](#) to Harper noted the establishment of the ASBFEO as a key dispute resolution measure. There is currently a [Private Members Bill](#) before the Federal Parliament to "empower judges to remove liability for the defendant's legal fees if a small business brings a case to the Federal Court". The Bill, which was introduced by Federal Shadow Minister for Small Business and Financial Services, Senator Katy Gallagher, passed the Senate in August.

ABS RETAIL TURNOVER: RETAIL SALES REBOUND HEADING INTO THE CHRISTMAS TRADING PERIOD

The [latest](#) release (October 2017) of the monthly ABS Retail Trade data indicates that the month-on-month (m-o-m) trend estimate decreased by 0.1 per cent, down from 0.0 per cent in the prior corresponding period (pcp). In trend terms, Retail Turnover increased by 1.6 per cent year-on-year (y-o-y), down from (a revised) 2.1 per cent in the pcp. In seasonally adjusted terms, Retail Turnover increased by 0.5 per cent in the month of October 2017, up from (a revised) increase of 0.1 per cent in the pcp. On a y-o-y basis, Retail Turnover increased by 1.8 per cent, up from (a revised) 1.5 per cent in the pcp. Despite the downward trend in retail sales growth in recent months, the latest ABS figures indicate a level of impetus heading into the Christmas 2017 trading period. Across the six major ABS retail categories, the strongest growth was recorded for 'Cafes, restaurants and takeaway food services' retailing on both a m-o-m basis (1.7 per cent) and a y-o-y basis (3.1 per cent), noting that this category is often a proxy for discretionary spending. This was closely followed by 'Food' retailing, which includes 'Other specialised food' retailing, which was up 2.9 per cent over the same timeframe. On a y-o-y basis, Tasmania (up 4.7 per cent to \$4.9 billion) followed by Victoria (up 3.7 per cent to \$78.6 billion) and South Australia (up 3.5 per cent to \$20.3 billion) were the strongest jurisdictions. New South Wales has sustained 'triple figure' retail turnover, recording growth of 3.3 per cent over the last 12-months to a total of \$100.2 billion, accounting for a third of national retail spending. According to the 'experimental estimates of online retail turnover' (i.e. turnover from domestic online retail sales - explained [here](#)) online retail turnover in non-adjusted (original) terms increased by 11.3 per cent on a m-o-m basis in October 2017, a slowing of growth from 12.5 per cent in the pcp. 'Traditional' retail (total retail turnover less online retail) increased by 3.8 per cent over the same timeframe, an increase from 3.3 per cent in the pcp. The recent launch of Amazon's Australian website will no doubt have an influence on online retailing, although this will not be reflected in the ABS data until early next year.

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