

# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

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## ACCC REAUTHORISES CASUAL MALL LICENSING CODE OF PRACTICE

In December 2017, the Australian Competition and Consumer Commission (ACCC) issued a [Final Determination](#) reauthorising the Casual Mall Licensing Code of Practice to 31 December 2020 ([Shop Talk 3/11/17](#)). The Code was first authorised by the ACCC in 2007, and again in 2013 ([Shop Talk 14/2/13](#)). Authorisation provides protection from legal action for any conduct that may otherwise raise concerns under the *Competition and Consumer Act*. The application for reauthorisation was made jointly by the Shopping Centre Council and the National Retail Association (NRA), and received the support of the National Online Retailers Association (NORA). In a media release [issued](#) with regard to the Code's reauthorisation, ACCC Deputy Chair, Dr Michael Schaper, noted that the ACCC had "strongly encouraged" the Shopping Centre Council to increase retailer representation in the Code's governance arrangements. Subject to the reauthorisation of the Code, the Shopping Centre Council, along with the NRA, expressed willingness to address the ACCC's proposals. NRA Chief Executive, Dominique Lamb, noted in a [media release](#) issued following the reauthorisation that "this decision will enable tomorrow's retailers to grow and flourish, while also supporting longer-term retail tenancies to harness the power of the more dynamic, changeable shopping centre environment consumers have come to expect". Further information on next steps is available [here](#).

## SMALL BUSINESS OMBUDSMAN IDENTIFIES TOP FIVE PRIORITIES FOR 2018

The Australian Small Business and Family Enterprise Ombudsman, Ms Kate Carnell AO, has [detailed](#) her top five priorities for 2018. These are securing a greater share of government procurement for small business, better access to justice, energy and NBN improvements, simplified workplace relations, and red-tape reduction. Ms Carnell said that "her office had mapped out an ambitious program for 2018 to elevate small-business issues on the national policy agenda". Late last year, the Ombudsman launched an inquiry into access to justice for small business, which will open for consultation in mid-2018 ([Shop Talk 8/12/17](#)).

## ABS RETAIL TRADE FIGURES INDICATE STRONG MOMENTUM HEADING INTO CHRISTMAS 2017

The release of the November 2017 ABS Retail Trade data indicates that the trend estimate increased by 0.1 per cent on a month-on-month (m-o-m) basis and by 1.7 per cent on a year-on-year (y-o-y) basis. In seasonally adjusted terms, Retail Turnover increased by 1.2 per cent in November 2017 (triple the 0.4 per cent that had been forecast by the market), up from 0.5 per cent in the prior corresponding period (pcp). This is the strongest growth since February 2013. Retail Turnover increased by 2.9 per cent on a y-o-y basis, up from 1.8 per cent in the pcp. In seasonally adjusted terms, the strongest growth was recorded for 'Household goods' retailing on a m-o-m basis (4.5 per cent), while 'Cafes, restaurants and takeaway food services' recorded the strongest growth on a y-o-y basis (4.4 per cent). As noted by the ABS, "Online retail turnover contributed 5.5 per cent to total retail turnover in original terms. This is the largest contribution to total retail turnover from online sales in the history of the online series". The latest Westpac-Melbourne Institute Index of Consumer Confidence indicates a strong finish to 2017 with the figures for the December quarter averaging 101.5 - some 4.8 points higher than the September quarter - and December 2017 reaching 103.3, the highest level since December 2013. Increased consumer confidence has been reflected in the current ABS figures, but it remains to be seen if this pick up in retail spending is part of an ongoing trend or is merely a bringing forward of Christmas trade.

## MINTERELLISON LAUNCHES RETAIL TENANCY LEGISLATION COMPENDIUM (EDITION 7)

MinterEllison has launched the Seventh Edition of the [Retail Tenancy Legislation Compendium](#). The Compendium is a helpful summary of the retail tenancy legislation in Australia, and is current to 1 November 2017. It incorporates recent amendments to the NSW *Retail Leases Act*, which commenced in mid-2017 ([Shop Talk 23/6/17](#)). It also notes the South Australian *Retail and Commercial Leases (Miscellaneous) Amendment Bill 2017*, which is now in limbo pending the March 2018 election ([Shop Talk 8/12/17](#)).

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