

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 6 AUGUST 2015

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PRODUCTIVITY COMMISSION RELEASES WORKPLACE RELATIONS DRAFT REPORT

The Productivity Commission this week released its [draft report](#) on its inquiry into Australia's workplace relations framework. The draft report's headline finding is that "*despite sometimes significant problems and an assortment of peculiarities, Australia's workplace relations system is not systematically dysfunctional. It needs repair, not replacement*". The Shopping Centre Council lodged two submissions ([here](#) and [here](#)) to the Commission, including information specifically requested by the Commission relating to trends with regard to Sunday trading. It was possible to demonstrate to the Commission via an analysis of foot traffic trends in a number of stabilised centres over a six year period (2009 to 2014) that Sunday is rapidly becoming a typical, and a preferred, trading day. The Shopping Centre Council's analysis has been reproduced in the draft report under a heading *The Shift to the seven-day economy, More demand on weekends*. Chapter 14 of the draft report covers weekend penalty rates, which includes a focus on the retail sector, as well as hospitality, entertainment, restaurants and café sectors. The draft report recommends that 1) Sunday penalty rates that are not part of overtime or shift work should be set at Saturday rates for the hospitality, entertainment, retail, restaurants and café industries...and 2) *The Fair Work Commission* should, as part of its current award process, introduce new regulated penalty rates as set out in (the previous) recommendation in one step, but with one year's advance notice. The Commission also makes a range of recommendations regarding the modernisation of the Fair Work Commission and the Fair Work Act, and the incidence of public holidays. A media release accompanying the draft report states "State Governments should not be able to unilaterally trigger costs for employers by creating new public holidays" (see next item). Submissions in response to the draft report are being welcomed until 18 September and the Commission's final report is expected to be provided to the Government in November.

SCCA SUBMISSION ON VICTORIAN PUBLIC HOLIDAY REGULATORY IMPACT STATEMENT

A submission has been lodged with the Victorian Department of Economic Development on the Regulatory Impact Statement (RIS) which was prepared to understand the impact of the Government's election commitment to gazette Easter Sunday and the Friday prior to the AFL Grand Final as public holidays. Although being under no illusion that the Government will change its position, the submission places on record our view that these public holidays should not be progressed. In addition to providing commentary on potential shop closures (one member advised that close to 10 per cent of stores in one of its centres that are usually open for Sunday trade were closed on the Easter Sunday public holiday in 2015), reference is also drawn to the Productivity Commission's draft report released this week, which recommends that "the Australian Government should amend the National Employment Standards so that employers are not required to pay for leave or any additional penalty rates for any newly designated state and territory public holidays."

LATEST RETAIL TRADE DATA DELIVERS A STRONG RESULT, BEATING ANALYST EXPECTATIONS

The ABS Retail Trade data for June 2015 indicates that in trend terms the overall month-on-month (m-o-m) estimate grew by 0.3%, and by 4.7% year-on-year (y-o-y). In seasonally adjusted terms, the strongest growth was recorded for 'Household goods' on both a m-o-m (2.2%) and y-o-y basis (11.2%). This growth can be attributed to the house building boom in NSW and Victoria and, to a lesser extent, Queensland. Annual growth is strongest in NSW (up 7.2% to \$91.1b), whilst the weakest state is WA (up 2.4% to \$33.2b).

PHILIP DALIDAKIS APPOINTED AS NEW SMALL BUSINESS MINISTER IN VICTORIA

Philip Dalidakis MLC has been appointed as Victoria's new Minister for Small Business, Innovation and Trade ([Shop Talk 30/7/15](#)).

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