

SHOPTALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

THURSDAY 18 AUGUST 2016

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VICTORIAN PET SHOP BAN ON PUPPIES AND KITTENS UNLESS SOURCED FROM A SHELTER

The Victorian Government, through the Minister for Agriculture, Jaala Pulford MLC, has announced its intention to ban the sale of puppies and kittens from pet stores unless sourced from a rescue shelter. This would be an Australian first. The NSW Parliamentary Inquiry into Companion Animal Breeding Practices rejected such a ban ([Shop Talk, 3/9/15](#)). This announcement forms part of other proposed measures, including restrictions on breeding facilities. The changes are reportedly based on consultation with animal welfare groups, with the RSPCA reported as saying that "banning pet shop tales, and encouraging a new synergy with rescue operations, would shut down one of the pathways used by unethical breeders". Legislation is proposed to be tabled later this year.

WA PREMIER REPEATS ELECTION PLEDGE TO INTRODUCE 9AM SUNDAY TRADING

The Western Australian Premier, Colin Barnett MP, has repeated his election pledge first made 12-months ago that he will introduce 9am Sunday trading if re-elected in 2017 ([Shop Talk 27/8/15](#)). Based on our analysis of early Sunday trading that generally occurs during the 'extended' Christmas trading period, it is clear there is strong demand from consumers, who vote with their feet, and retailers. Early Sunday trade is the strongest 'extended' period compared with, for instance, Sunday afternoon. Following the Premier's announcement last year, the Opposition Leader, Mark McGowan, consulted with the Shopping Centre Council on Sunday trading. We provided a detailed submission to Mr McGowan for his consideration. Mr McGowan has not yet made his position clear in the lead up to the election on either Sunday trading or other related reforms. However, Mr McGowan was partly responsible for helping the introduction of Sunday trading in the first place, when he accepted the Labor leadership in January 2012 and the Opposition subsequently supported the passage of the *Retail Trading Hours Amendment Act 2012*, which saw Sunday trading introduced in August 2012.

MINISTERIAL DETERMINATION CLARIFIES LISTED COMPANY EXEMPTION IN VICTORIA

Last year the Shopping Centre Council sought Government action with regard to the ongoing gap in the application of the listed company exemption in the *Retail Leases Act 2003*, specifically fluctuation in the membership of the World Federation of Exchanges. This gap meant that some retailers were potentially covered by the Act because the overseas exchange on which they were listed was not a member of the World Federation. This issue first came to light when the New Zealand Stock Exchange resigned from the World Federation in 2010. This resulted in a Ministerial Determination being made in late 2011 to clarify that, in general terms, the Act also did not apply to retailers listed on that exchange. With further exchanges identified as not being members of the World Federation, and in light of questions being raised about exchange 'subsidiaries', the Minister for Small Business, Innovation and Trade, Phil Dalidakis, this week made a [Ministerial Determination](#) to clarify that "*bodies corporate or companies or corporations whose securities are listed on a stock exchange outside Australia or the subsidiaries (including subsidiaries as defined in section 9 of the Corporations Act 2001) of such bodies corporate, companies or corporations*" are not covered by the Act. This determination is expected to bring much needed clarity to the application of the listed company exemption in Victoria.

REMINDER ABOUT NATIONAL SECURITY GUIDELINES FOR PLACES OF MASS GATHERING

There have been a number of recent media reports detailing that some shopping centres are providing advice and training to their tenants about what to do in the event of an 'active shooter' or bomb threat. A number of public guidelines available to assist in efforts to protect of 'places of mass gathering', including shopping centres, from [terrorism](#), [active shooters](#) and [improvised explosive devices](#) (IEDs). The [National Terrorism Threat Advisory System](#) details that the likelihood of an act of terrorism in Australia remains 'probable' ([Shop Talk 26/11/16](#)).

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