

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 20 OCTOBER 2017

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NSW PARLIAMENT PASSES BILL TO MANDATE MINIMUM EXPIRY DATES ON GIFT CARDS

This week, the New South Wales Parliament [passed](#) the *Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017* which mandates a minimum three-year expiry date on gift cards sold to consumers in New South Wales ([Shop Talk 13/10/17](#)). The Amendment also prohibits post-purchase fees and charges on gift cards. The Bill received a relatively smooth passage through Parliament, with the Labor Opposition supporting the consumer-focussed amendments. The Minister for Innovation and Better Regulation, Mr Matt Kean MP, [said](#) that the reform will put money "...back into the hands of shoppers that's currently lost to retailers through unused balances on expired gift cards". The National Retail Association (NRA) have committed to working with the New South Wales Government to ensure that retailers are aware of their new responsibilities. Highlighting that not all retailers will be happy with additional red-tape placed on them, the NRA understands "...the Government's motivation to protect consumers and ensure that people are able to get a fair return on their investment...". An implementation date has yet to be set. We will continue to engage in this issue closely to ensure impacts on shopping centre gift cards schemes are also considered in context of the implementation of these reforms.

VICTORIA – THE NEXT STATE TO INTRODUCE A SINGLE-USE PLASTIC BAG BAN

The Victorian Government has [announced](#) a ban on single-use plastic shopping bags, following similar commitments made recently in Queensland and Western Australia ([Shop Talk 18/8/17](#)). Consultation has [begun](#) on the ban, including the release of a [discussion paper](#) on 'reducing the impacts of plastics on the Victorian environment'. Whilst plastic bag bans principally affect traditional retailers, they can impact the provision of certain bags provided by shopping centres, such as bags that may be provided for gift cards. The paper also confirms the Victorian Government has no desire to implement a container deposit scheme to complement its plastic bag ban, unlike Queensland and Western Australia which have committed to rolling out container deposit schemes.

ACCC PUBLISHES PRELIMINARY REPORT INTO RETAIL ELECTRICITY PRICING

The Australian Competition and Consumer Commission (ACCC) has [released](#) its preliminary report into its Retail Electricity Pricing Inquiry ([Shop Talk 9/6/17](#)). In an accompanying media release, the ACCC [states](#) that the report highlights concerns about "...the operation of the National Electricity Market, which is leading to serious problems with affordability for consumers and businesses". The inquiry, which has been ongoing since April, received over 150 submissions from industry and business, including the SCCA, as well as other government and non-government organisations. Chairman of the ACCC, Mr Rod Simms, stated that higher network costs are the main reason customers' electricity bills have increased, saying it is "...a fact which is not widely recognised". We will continue to engage in this inquiry, as well as other energy related inquiries which are running in parallel. The final report is due to Government in June 2018.

FIRST COURT ACTION BY ACCC ENFORCING NEW UNFAIR CONTRACT TERMS LAWS

This week, the Federal Court declared that waste management company, JJ Richards & Sons Pty Ltd.'s (JJ Richards) standard form contracts with small businesses contain up to eight unfair terms, therefore making those terms void ([Shop Talk 22/9/17](#)). This is the first court action by the Australian Competition and Consumer Commission (ACCC) to enforce the new unfair contract terms legislation which came into effect on 12 November 2016. JJ Richards have agreed to provide a copy of the Court's orders to all affected small business customers as well as publishing a correction notice. This ruling also restrains them from relying on the unfair terms in existing contracts, or using them in future contracts. ACCC Deputy Chair, Dr Michael Schaper, [said](#) that the Court's decision "...serves as a reminder to large businesses to review their standard form contracts". Dr Schaper also used this court ruling to reiterate what was one of the ACCC's enforcement priorities for 2017 that they "...will not hesitate to take appropriate action to ensure large businesses are complying with the unfair terms provisions" ([Shop talk 3/3/17](#)).

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