

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 22 SEPTEMBER 2017

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LEGISLATION FOR WIDESPREAD BOXING DAY TRADING PASSES NSW PARLIAMENT

Congratulations to the NSW Treasurer and Minister for Industrial Relations, Dominic Perrottet, and the NSW Government, for the successful passage of the [Retail Trading Amendment \(Boxing Day\) Bill 2017](#) through Parliament this week. This will enable ongoing, widespread Boxing Day trade across NSW ([Shop Talk 15/09/17](#)). The Bill was passed un-amended. In a [media statement](#) issued to mark its passage, the Treasurer stated that “*if people want to trade, work, or shop on Boxing Day, it makes sense that they can choose to do so irrespective of their location, keeping retail dollars in their local communities*”. As a condition of its passage through the Upper House, the Government has agreed that the legislation will be the subject of a Parliamentary Inquiry commencing October 2019, noting that this is after the next state election in March 2019. The inquiry will include terms of reference relating to: the impact on retail workers and families, the number of prosecutions made, the economic benefits, evidence of coercion, and ‘other matters’. In a disappointing development, in opposing the Bill, the Labor Opposition has pledged to repeal the legislation if elected in March 2019. Aside from the generally disappointing position of not supporting trade on a day which has demonstrated consumer demand, much of Labor’s commentary appears to be poorly informed and included statements which were factually incorrect. They also demonstrated a poor understanding of the retail sector. Much of their commentary repeated well-worn prejudices against landlords, and was nothing more than bluster. A key outcome of the Bill is the continuation of legislative safeguards which enable the right for workers to work, and for retailers to open, voluntarily and without pressure or coercion. The Shopping Centre Council and the National Retail Association provided a statement to the Government that both organisations support and understand the legislative safeguards. The Government will now engage with stakeholders, including retailers, unions and industry organisations, and launch an information campaign to ensure broad awareness of the trading and safeguard framework.

WA MINISTER APPROVES 12-MONTH SUNDAY TRADING TRIAL IN GERALDTON

This week, the Western Australian Minister for Commerce and Industrial Relations, Bill Johnston, [approved](#) a 12-month trial of extended trading hours in the major regional town of Geraldton, which includes the ability to trade on Sundays. The local council, the City of Greater Geraldton, unanimously approved having a 12-month trial, which ultimately required approval by the Government. The Government consulted with relevant parties. As part of this process, the City completed a survey which highlighted broad (74%) community support for the trial, which was even stronger across the age groups of 16-29 (81%) and 30-44 (81%). The Shopping Centre Council supported the City’s application. In addition to highlighting key centre-metrics as evidence of Sunday trading being a major success in Perth since its widespread introduction in August 2012, our analysis identified that retail trade jobs in Western Australia have grown 9.2% between 2012 and 2016. This is the highest level of growth across all jurisdictions. We also identified that, in a regional location ‘similar’ to Geraldton (in another jurisdiction), there was a 13% increase in monthly consumer demand in one of our members’ centres when Sunday trading was introduced in that location. While the formal Order under the legislation has not yet been gazetted, it is anticipated that the trial will commence in October – in time for the Christmas trading period. There is a requirement for a ‘comprehensive review’ of the trial for further consideration.

ACCC LAUNCHES SECOND LEGAL ACTION UNDER UNFAIR CONTRACT TERMS LEGISLATION

The Australian Competition and Consumer Commission (ACCC) has [launched](#) its second court action under the unfair contract terms legislation, following its initial action launched against JJ Richards recently. The ACCC has instituted proceedings against Servcorp, a supplier of serviced office space. There are various terms which the ACCC alleges are unfair, including terms which allow Servcorp to automatically renew a customer’s contract and increase contract price without prior notice.

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