

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 3 MARCH 2017

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UNFAIR CONTRACT TERMS: 2017 ENFORCEMENT PRIORITY FOR THE ACCC

In a [speech](#) delivered last week, the ACCC Chairman, Rod Sims, confirmed that enforcement of the new unfair contract terms law ([Shop Talk 4/11/2016](#)) will be an Australian Competition and Consumer Commission (ACCC) enforcement priority for 2017. This will include terms that the ACCC has previously reviewed, including as part of their [Unfair terms in small business contracts](#) report released last year ([Shop Talk 11/11/16](#)). The terms cited in Mr Sims' speech include those "that allowed the large contract provider...": to unilaterally vary terms in an unconditional manner; potentially broad and unreasonable powers to protect themselves against loss or damage at the expense of the small business by imposing broad indemnities or excessive limitations of liabilities; an unreasonable ability to cancel or end an agreement as it suits them. Mr Sims' also noted "...common issues with roll over clauses, extended payment terms and exclusivity requirements". The Shopping Centre Council had positive [pre-compliance engagement](#) with the ACCC in the lead up to the commencement of the legislation. The ACCC has acknowledged that "...the SCCA and its landlord members were very proactive and fully cooperated...". The ACCC Deputy Chair, Dr Michael Schaper, has also previously [noted](#) that the "...quick steps...taken by the retail leasing industry are a guide for other sectors...".

WESTERN AUSTRALIAN LIBERALS TO MAKE SUNDAY TRADING FIRST LEGISLATIVE PRIORITY

The Western Australian Premier, Colin Barnett, has detailed that the first legislative priority of a returned Liberal Government will be extending trade on Sunday mornings to 9am. Extending Sunday trade has long been policy of the Government, subject to its re-election ([Shop Talk 18/8/16](#)). The Shopping Centre Council has previously provided the Government and Opposition analysis of the extended Sunday trade which typically occurs at Christmas which demonstrated there is strong consumer demand.

QLD TRADING HOURS BILL IN PARLIAMENT—EASTER SUNDAY REFORM ALREADY PASSED

The Queensland Minister for Industrial Relations, Grace Grace, has tabled the [Trading \(Allowable Hours\) Amendment Bill](#) in Parliament. This Bill follows the release of the Government's recent response to the independent review of the state's trading hours regime ([Shop Talk 17/2/17](#)). The Bill has been referred to the [Finance and Administration Committee](#) for review, with the Committee due to report by 28 April 2017. In a [media statement](#) which accompanied the tabling of the Bill, the Minister noted that "no-one will be made to work any of the additional hours allowed by the changes unless they have voluntarily agreed to do so". It is expected the Bill will return for debate in May sittings of Parliament. Although announced as part of the Government's reform package, [legislation](#) to allow for widespread trading across south east Queensland on Easter Sunday was pushed through the Parliament [yesterday](#) to deliver this flexibility for non-exempt shops in anticipation of Easter Sunday 2017 (16 April).

NSW CONTAINER DEPOSIT SCHEME: START DATE PUSHED BACK TO DECEMBER

The implementation date for the NSW '10 cent' container deposit scheme ([Shop Talk 10/02/2017](#)) has been deferred from 1 July to 1 December 2017. The Minister for the Environment, Gabrielle Upton, said the extension is to ensure "maximum possible state-wide coverage" on commencement. Although there is no regulatory obligation, shopping centres have been identified as a preferred deposit scheme location.

REVISED DATE – SCCA MARKETING AWARDS GALA DINNER CONFIRMED

The SCCA Marketing Awards Gala Dinner will be held on Wednesday 25 October at Doltone House, Jones Bay Wharf, Sydney. Please disregard the earlier advised date of 19 October. More information on the Awards program and the Gala Dinner will be available on the Awards [website](#) shortly.

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