

# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 17 MARCH 2017

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## WESTERN AUSTRALIAN LABOR PREMIER ANNOUNCES NEW CABINET

Mark McGowan, Western Australia's new Labor Premier, yesterday announced the make up of his [Cabinet](#) following a comprehensive election win on 11 March 2017. Bill Johnston, a former Secretary of the Shop Assistant's Union, has been appointed as the Minister for Commerce and Industrial Relations. If portfolio responsibilities remain similar to previous arrangements, Mr Johnston is expected to have primary carriage of retail leasing and trading hours matters. It has been reported that Kate Doust, the then Shadow Minister for Commerce and Industrial Relations - who pitched strong opposition to the previous Government's efforts to further liberalise trading hours, including by seeking an inquiry through Parliament into previous trading hours reforms - will be appointed President or Deputy President of the Legislative Council and is not a member of the Cabinet. Paul Papalia has been appointed as the Minister for Small Business, Rita Saffioti as the Minister for Transport and Planning, and Ben Wyatt as Treasurer and Minister for Energy. The new Cabinet will be sworn in today with Parliament to resume in the coming weeks.

## SUBMISSIONS TO NSW BOXING DAY REVIEW DELAYED TWO WEEKS

The closing date for submissions to the review of the *NSW Retail Trading Amendment Act 2015* ([Shop Talk 24/02/17](#)), which facilitated a trial of widespread trading on Boxing Day 2015 and 2016, has been delayed by two weeks, with submissions now due on 24 March 2017. Although only a short delay, we hope that this pause in momentum does not stall the trajectory of the review, which looked to be progressing well in advance of its legislated reporting deadline (the review report is required to be tabled in the Parliament by 1 September 2017). Assuming that the reviewer, Mr Percy Allan, recommends that the Parliament legislates for widespread Boxing Day in 2017, we will be urging that the Parliamentary process to be resolved as soon as possible to allow sufficient time to all centres and their retailers to plan for Boxing Day 2017.

## AUSTRALIAN CONSUMER LAW REVIEW INTERIM REPORT SUBMISSIONS

Submissions in response to the Interim Report of the review of the Australian Consumer Law (ACL) have been published on the review website. The Shopping Centre Council has been engaged in the ACL review since the release of review Issues Paper in early 2016 ([Shop Talk 17/06/2016](#)), including having made a number of [submissions](#). We are seeking greater clarity, and more appropriate limits, with regard to the operation of the new unfair contract terms law which extended the existing business to consumer unfair contract term protections in the ACL to business to business contracts. This new law commenced in November 2016. We are seeking to have the law amended to provide certainty that a term of a contract which 'meets the minimum standards of' state and territory legislation, such as retail leasing legislation, will be exempt from the attention of the new law. A final review report is expected to be provided to Consumer Affairs Ministers this month.

## NSW CONTAINER DEPOSIT SCHEME (CDS) REGULATION RELEASED

The operational details of the NSW Container Deposit Scheme (CDS) ([Shop Talk 10/2/17](#)) have been finalised with the release of the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017*. The Regulation provides a framework for the Government to select a suitable Scheme Coordinator and Network Operator, as well as details the approval process for collection point arrangements. Further provisions will be added to the Regulation once the Scheme Coordinator and Network Operator are selected later this year ([Shop Talk 10/3/17](#)).

## SHOPPING CENTRE NEWS BIG GUNS AWARD WINNERS ANNOUNCED

Congratulations to the 2017 Big Guns Awards winners. Top MAT (Moving Annual Turnover) - Chadstone \$1.5 billion, top MAT/m2 - Broadway Sydney \$14,477/m2, top specialty MAT/m2 - Westfield Sydney \$21,168/m2.

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