

# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

MONDAY 3 SEPTEMBER 2018

## AMENDMENTS MADE TO STANDARD INSTRUMENT LOCAL ENVIRONMENTAL PLAN

The NSW Government announced a number of retail-specific amendments to the Standard Instrument Local Environmental Plan ([Shop Talk 6/4/18](#)). Five new or amended definitions have been [progressed](#), specifically 1) an amended definition of *garden centre*, 2) a new definition for *artisan food and drink industry*, 3) a new definition for *local distribution premises*, 4) a new definition for *neighbourhood supermarket*, and 5) a new definition for *specialised retail premises* which will replace the definition of *bulky goods premises*. The Shopping Centre Council has been critical of the Government's approach, including the role played by the Retail Expert Advisory Committee ([Shop Talk 10/11/17](#)) and the apparent disconnect with the activities and directions set by the Greater Sydney Commission via the *Greater Sydney Region Plan*, and associated District Plans ([Shop Talk 23/3/18](#)). We are constantly surprised at the NSW Government's willingness to facilitate all sorts of supposed changes in retail models and trends, while doing very little to drive investment in its preferred locations (i.e. activity centres). A Retail Strategy for NSW is still under development.

## OVERVIEW OF KEY CHANGES IN THE FEDERAL GOVERNMENT RESHUFFLE

Josh Frydenberg has been appointed Treasurer and Stuart Robert as Assistant Treasurer in the Morrison Government Cabinet. As detailed in a recent [media release](#), while (among other things) the Treasurer will have oversight of the Australian Competition and Consumer Commission (ACCC), the Assistant Treasurer will have day to day management responsibility for competition and consumer policy. Michaelia Cash has been appointed as the Minister for Small and Family Business, Skills and Vocational Education, a role which has been elevated to Cabinet. Small business representatives have praised this move, with Kate Carnell AO, the Australian Small Business and Family Enterprise Ombudsman (ASBFEO), welcoming the change in a [media release](#), noting "it's great to have the small business portfolio back in Cabinet...".

## ACCC CHAIR DETAILS VIEW ON UNFAIR CONTRACT TERMS LAW

At a small business conference last week, the Chair of the ACCC, Rod Sims, provided a detailed view on the business-to-business unfair contract terms law ([Shop Talk 4/11/16](#)). In his [speech](#), Mr Sims noted that "currently, the Australian Consumer Law...allows a potentially unfair contract term to be challenged in a court so it can be declared void but it does not prohibit such a term being included in a contract". Mr Sims also noted that "by making unfair contract terms illegal, the ACCC would be able to seek pecuniary penalties and issue infringement notices". In an associated [media release](#), Mr Sims provided this summary: "the law simply isn't strong enough. Unfair contract terms should be illegal". The law, which commenced in late 2016, is due to be reviewed later this year.

## AUSTRALIAN CONSUMER LAW AMENDMENT BILL PASSES PARLIAMENT

The [Treasury Laws Amendment \(2018 Measures No. 3\) Bill 2018](#) recently passed Federal Parliament. The Bill increases the maximum financial penalties under the Australian Consumer Law ([Shop Talk 23/2/18](#)). ACCC Chair, Rod Sims, [stated](#) "companies will now face more serious financial consequences for breaching consumer law that align with competition law breaches".

## 2018 SCCA MARKETING AWARDS: FINALISTS ANNOUNCED!

Congratulations to the 2018 SCCA Marketing Awards [finalists](#)! Thank you to our 15 first-round judges. Entries will now be judged by our finalist judges: Emeritus Professor Roger Layton, UNSW; Group Executive Director, Brand Strategy and Communications, Victoria Doidge from Event Hospitality and Entertainment (EVT Limited); and Board Director and Executive Coach, Robyn Stubbs. Tickets for the SCCA Marketing Awards Gala Dinner are available for purchase [here](#). This year, the Gala Dinner will be held on Wednesday 17 October 2018 from 6pm at Doltone House, Jones Bay Wharf, Sydney. More information can be found on the Awards [website](#).

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