

Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Small Business and Retail Shop Legislation Amendment Act 2011* section 32 comes into operation.

3. Regulations amended

These regulations amend the *Commercial Tenancy (Retail Shops) Agreements Regulations 1985*.

4. Regulation 10 inserted

After regulation 9 insert:

10. Application to SAT - matters to which section 25D(1) does not apply

Section 25D(1) of the Act does not apply in respect of the matters set out in the Table.

Table

Item	Section of the Act	Description of matter
1.	12(1)(b)	Application for approval for proportion of operating expenses of a landlord payable by a tenant under a retail shop lease to be greater than the relevant proportion

Item	Section of the Act	Description of matter
2.	12A(3)(e)(ii)	Submission of a scheme of repayment for approval under section 12A(4) of the Act
3.	12B(3)(e)(ii)	Submission of a scheme of repayment for approval under section 12B(4) of the Act
4.	13(3)(a)	Application for approval for variation of the period during which an option to renew a lease is exercisable
5.	13(7)	Application to approve of the inclusion in a retail shop lease of a provision under which a landlord may determine the lease at a time that is before the expiry of the term that may be obtained by a tenant under section 13(1) of the Act
6.	13(7b)	Application for an order that an option of renewal does not arise under section 13(1) of the Act
7.	16(1)	Referral of a question between the parties to a lease which a party believes to be a question arising under the lease, but only if urgent relief in the form of an order for a party to the lease to do, or refrain from doing, something is sought in conjunction with the referral

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.