



Queensland

Retail Shop Leases and Another Regulation Amendment Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 230

made under the

Queensland Civil and Administrative Tribunal Act 2009

Retail Shop Leases Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Retail Shop Leases and Another Regulation Amendment Regulation (No. 1) 2010*.

2 Commencement

Part 2 commences on 1 January 2011.

Part 2 Amendment of Retail Shop Leases Regulation 2006

3 Regulation amended

This part amends the *Retail Shop Leases Regulation 2006*.

4 Replacement of s 3 (Prescribed particulars for lessor's disclosure statement)

Section 3—

omit, insert—

‘3 Prescribed particulars for lessor's disclosure statement

‘The prescribed particulars for a disclosure statement given by a lessor of a retail shop under section 22 or 22C(1) of the Act are the following—

- (a) the names of the lessor and lessee;
- (b) the address of the leased shop;
- (c) the term of the lease;
- (d) the date or estimated date the lease starts;

- (e) the date the lessee is entitled to occupy the leased shop, if different to the date or estimated date the lease starts;
- (f) details of any option to renew the lease, including—
 - (i) the date by which the lessee must exercise the option; and
 - (ii) the option period;
- (g) the following details about the rent—
 - (i) the starting annual base rent;
 - (ii) the method of payment;
 - (iii) any rent free period;
 - (iv) for any rent adjustment, the method for calculation and when it is calculated;
- (h) if turnover rent is payable, the method for calculating the turnover rent;
- (i) if turnover rent is not payable, whether or not the lessee is required to give information to the lessor about turnover of the lessee's business;
- (j) details of any payments to be made by the lessee under the lease for the lessor's outgoings, including the date the payments commence;
- (k) details of the lessee's liability to pay costs arising under the lease, including—
 - (i) promotion amounts; and
 - (ii) amounts under section 48(2) of the Act;
- (l) the core trading hours for the leased shop;
- (m) identification of any provision in the lease about—
 - (i) demolishing the leased shop, leased building or the retail shopping centre in which the leased shop is or is to be situated; or
 - (ii) relocating the lessee's business to different premises;

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- (n) the lessee's permitted use of the leased shop and whether or not the use is exclusive to the lessee;
- (o) if the leased shop is, or is to be, situated in a retail shopping centre, each of the following details—
 - (i) the name and address of the centre;
 - (ii) the number of retail shops in the centre when the disclosure statement is given;
 - (iii) the centre's lettable area or estimated lettable area;
 - (iv) whether or not the lessor gives any assurance to the lessee about the nature of other businesses operating in the retail shopping centre;
- (p) the leased shop's area or estimated area;
- (q) whether or not a survey of the leased shop's area will be undertaken;
- (r) details of any available parking bays, including the number of bays reserved for the lessee's use;
- (s) details of any services or facilities to be provided by the lessor for the benefit of the leased shop;
- (t) details of any structures, fixtures, plant or equipment to be provided by the lessor;
- (u) details of any works to be carried out by the lessor before the lease starts;
- (v) an estimate of any contribution to be made by the lessee to the cost of the lessor's works;
- (w) details of any fit out works to be carried out by the lessee;
- (x) any contribution to be made by the lessor to the cost of the lessee's fit out;
- (y) any requirements the lessee must comply with relating to the quality or standard of the shopfront or fit out;
- (z) any alteration works the lessor knows are to be carried out by or for the lessor to any of the following—

- (i) the leased shop;
- (ii) the leased building;
- (iii) the retail shopping centre in which the leased shop is or is to be situated;
- (iv) the roads surrounding the leased shop, leased building or the retail shopping centre;
- (za) the lessee's entitlement, if any, to access the leased shop outside core trading hours, including any cost payable by the lessee;
- (zb) details of any current legal proceeding in relation to the lawful use of the leased shop, leased building or the retail shopping centre in which the leased shop is or is to be situated.'.

Part 3

Amendment of Queensland Civil and Administrative Tribunal Regulation 2009

5 Regulation amended

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

6 Amendment of sch 2 (Other fees)

Schedule 2, item 7—

omit, insert—

- '7 Fee for application (under section 97(2) of the Act) for a notice requiring a person to attend at a stated hearing of a proceeding to give evidence or produce a stated document or other thing to the tribunal 16.00'.

ENDNOTES

- 1 Made by the Governor in Council on 26 August 2010.
- 2 Notified in the gazette on 27 August 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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