

Queensland



Retail Shop Leases Act 1984

RETAIL SHOP LEASES REGULATION 1990

**Reprinted as in force on 1 June 1992
(Regulation not amended up to this date)**

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Regulation is reprinted as at 1 June 1992. The opportunity has been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- correct spelling, and use different spelling consistent with current legislative drafting practice, as permitted by section 26(1) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use the names for instruments and provision units permitted by section 31 of that Act;
- insert the reference to the empowering Act permitted by section 33 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by sections 36 and 40 of that Act;
- omit unnecessary referential words as permitted by section 41 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**RETAIL SHOP LEASES REGULATION
1990**

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RETAIL SHOP LEASES REGULATION 1990

[reprinted as in force on 1 June 1992²]

PART 1—PRELIMINARY

Citation

1. This regulation may be cited as the *Retail Shop Leases Regulation 1990*³⁻⁴.

Forms

5.(1) The forms set forth in Schedule 1 shall be used for the purposes for which they are respectively applicable.

(2) A form prescribed by this regulation shall be completed in accordance with such directions as are specified in the prescribed form.

(3) In this regulation, a reference to a form by number is a reference to the form in Schedule 1 which bears that number.

Fees

6. The fees set forth in Schedule 2 shall be the fees payable in respect of the matters specified in the Schedule.

PART 2—REGISTRIES

Hours of inspection

7. The registry of the Retail Shop Lease Mediation Panel and the registry of Retail Shop Lease Tribunals shall be open between the hours of 9 a.m. and 4 p.m. Monday to Friday other than on public holidays.

Payment of filing fees

8. The Registrar shall not accept for filing any document not accompanied by the fee payable under this regulation in respect of the filing of such document.

SCHEDULE 1

FORMS

FORM 1

QUEENSLAND

Retail Shop Leases Act 1984 (s.24(1))
Retail Shop Leases Regulation 1990

NOTICE INSTITUTING REFERENCE OF DISPUTE

TO: The Registrar
Retail Shop Lease Mediation Panel and Tribunal
G.P.O. Box 1141
BRISBANE Q 4001

1. Full name of party referring dispute: *(Also indicate whether Tenant or Landlord)*

MAILING ADDRESS: _____

TELEPHONE NO. _____

2. Full name of party against whom the dispute is lodged:

MAILING ADDRESS:

TELEPHONE NO. _____

3. Details of Premises in dispute: Shop No. _____

FULL ADDRESS:

4. If Lease is registered, give Registered Lease No. _____

Otherwise indicate date of entering into Lease or date of Lease _____

5. Is this dispute at present the subject of any proceedings before a Court,
Tribunal or Arbitration? YES / NO

Retail Shop Leases Regulation 1990

6. Set out in reasonable detail and as simply as possible the main points of the dispute. *(If insufficient space, attach additional sheet).*

7. Designation of person completing this Form.

SIGNATURE: _____ DATE:

If party referring dispute is a corporation this Form may be executed by any person duly authorised by the corporation.

Retail Shop Leases Regulation 1990

FORM 2

QUEENSLAND

*Retail Shop Leases Act 1984 (s.27(1))
Retail Shop Leases Regulation 1990*

NOTICE OF REFERENCE OF DISPUTE TO A RETAIL SHOP LEASE TRIBUNAL BY
MEDIATOR

TO: The Registrar
Retail Shop Lease Mediation Panel and Tribunal
G.P.O. Box 1141
BRISBANE Q 4001

I hereby refer to a Tribunal for determination a reference of dispute
No. _____ dated _____ 19____, between

as landlord

and

as tenant

for the following reason—
(*strike out those not applicable*)

- (a) a solution to the dispute cannot be reached by way of mediation;
- (b) a party to the dispute failed to attend the hearing;
- (c) the mediation agreement signed by the parties has been breached by 1
of the parties to the dispute;
- (d) the dispute has not been settled within 120 days of the date of filing of the
reference of dispute in the registry.

DATED at _____ this _____

day of _____ 19____.

Mediator
Retail Shop Lease
Mediation Panel

Retail Shop Leases Regulation 1990

FORM 4

QUEENSLAND

Retail Shop Leases Act 1984(s.21(1))

Retail Shop Leases Regulation 1990

REFERENCES OF DISPUTES REGISTER

Date of Reference of Dispute _____

No. _____

Filed by _____

Landlord _____

Landlord
represented by _____

Tenant _____

Tenant
represented by _____

Date of Hearing by Mediator _____

Date Number
and particulars
of Mediation
Hearing

Date of Hearing by Tribunal _____

Date Number
and particulars
of Order of Retail
Shop Leases
Tribunal

Signature of Registrar _____

Retail Shop Leases Regulation 1990

FORM 6

QUEENSLAND

*Retail Shop Leases Act 1984 (s.13(1)(c))
Retail Shop Leases Regulation 1990*

NOTIFICATION TO LANDLORD EXERCISING OPTION TO RENEW LEASE

TO: *(Name(s) and address of landlord):*

Full name(s) and address of tenant:

Name and/or number of retail shop:

Shop situated in premises located at:

Registered Lease No. or Lease dated:

Date on which existing tenancy expires:

The tenant referred to above hereby exercises the option to renew pursuant to section 13(1) of the Retail Shop Leases Act.

DATED at _____ this _____
day of _____ 19 .

Tenant: _____

If the tenant is a corporation, this Form may be executed by any person duly authorised by the corporation.

Retail Shop Leases Regulation 1990

FORM 7

QUEENSLAND

*Retail Shop Leases Act 1984 (s. 13(3)(a))
Retail Shop Leases Regulation 1990*

REQUEST BY TENANT TO LANDLORD TO RENEW LEASE

TO:

(Landlord)

Shopping Centre

(Address) _____

Full Name of Tenant: _____

Name and/or number of retail shop: _____

Shop situated in premises located at: _____

Permitted use: _____

Registered Lease No.: _____ /Lease dated: _____

Date on which existing tenancy expires: _____

The tenant referred to above hereby requests the landlord to renew the lease of the above premises for a further term of _____ years from the above date of expiry.

DATED at _____ this _____
day of _____ 19 .

Tenant: _____

If the Tenant is a corporation, this Form may be executed by any person duly authorised by the corporation.

This Form should be completed in duplicate and a copy retained for future reference.

Retail Shop Leases Regulation 1990

FORM 8

QUEENSLAND

*Retail Shop Leases Act 1984 (s.13(3)(b))
Retail Shop Leases Regulation 1990*

NOTICE BY LANDLORD TO TENANT IN RELATION TO RENEWAL OF LEASE

TO THE TENANT: _____
(Full Name and Address)

(Name and/or Number of Shop)

_____ Shopping Centre

Full Name of Landlord:

Name of Shopping Centre: _____

Name and/or No. of Shop: _____

Date on which existing tenancy expires: _____

*(A) (i) The Landlord referred to above hereby offers to the tenant referred to above
the option of renewal of the existing lease of the above premises—

*(a) on the following terms and conditions:

Proposed Lease Term: _____

Options (if any): _____

Commencement Date: _____

Rent: _____

Rent Reviews: _____

Area of Shop: _____

Outgoings %: _____

Permitted Use: _____

Special Conditions: _____

Retail Shop Leases Regulation 1990

Merchants Assoc: _____

Promotions Fund: _____

*(b) in terms of the draft lease attached hereto.

or

*(B) The Landlord referred to above hereby declines to renew the term of the above lease as requested by the Tenant.

DATED at _____ this _____

day of _____ 19 .

Landlord: _____

If the Landlord is a corporation, this Form may be executed by any person duly authorised by the corporation.

This Form should be completed in duplicate and a copy retained for future reference.

Retail Shop Leases Regulation 1990

FORM 9

QUEENSLAND

*Retail Shop Leases Act 1984 (s. 13(3)(c))
Retail Shop Leases Regulation 1990*

ACCEPTANCE BY TENANT OF TERMS AND CONDITIONS OF RENEWAL OF LEASE

TO:

The Landlord _____

_____ Shopping Centre

(Address)

Full Name of Tenant: _____

Name and/or No. of Shop: _____

Shop situated in premises located at: _____

(A) The tenant referred to above hereby accepts the offer of the landlord to renew
the lease of the above premises.

on the following terms and conditions:—

Proposed Lease Term: _____

Options (if any): _____

Commencement Date: _____

Rent: _____

Rent Reviews: _____

Area of Shop: _____

Outgoings %: _____

Permitted Use: _____

Special Conditions: _____

Merchants Assocn: _____

Retail Shop Leases Regulation 1990

Promotions Fund: _____

(2) in terms of the draft lease submitted to the tenant.

DATED at _____ this _____

day of _____ 19 .

Tenant: _____

If the Tenant is a corporation, this Form may be executed by any person duly authorised by the corporation.

This Form should be completed in duplicate and a copy retained for future reference.

Retail Shop Leases Regulation 1990

FORM 10

QUEENSLAND

*Retail Shop Leases Act 1984 (s. 12(1)(b))
Retail Shop Leases Regulation 1990*

NOTICE TO TENANT—ANNUAL ESTIMATE OF OPERATING EXPENSES

TO:

Shopping Centre

As Landlord of the abovementioned Shopping Centre, I hereby give you notice that the Annual Estimate of net operating expenses for the centre for the year commencing has been calculated as follows—

	\$	\$
Local Authority		
Charges	.....	.....
General	.....	.....
Cleansing	.....	.....
Water	.....	.....
Sewerage	.....	.....
Other	.....	.....
Land Tax	.....	.....
Insurances	.....	.....
Ground Rent	.....	.....
Air-Conditioning		
Maintenance	.....	.....
Operation	.....	.....
Cleaning and Refuse Removal	.....	.....
Caretaking	.....	.....
Car parking—General	.....	.....
Energy Costs—		
Electricity	.....	.....
Aux. Power	.....	.....
Gas	.....	.....
Oil	.....	.....
Fire Protection	.....	.....
Fire Levy	.....	.....
Lifts and Escalators		
Operation	.....	.....
Maintenance
Pest Control
Repairs and Maintenance—General
Wages and Salaries

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Building and Energy Management Systems
Security
Sewerage and Sullage
Telephones
P.A. and Background Music	.....
Gardening	.....
Child Minding	.....
Management and Administration	.....
Audit Fees	.....
Advertising and Promotion	.....
Other Expenses	.....
.....
.....
.....
.....
TOTAL NET OPERATING EXPENSES	\$ _____

DATED at _____ this _____ day of _____ 19 .

Landlord: _____

If the Landlord is a corporation, this Form may be executed by any person duly authorised by the corporation.

This form should be completed in duplicate and a copy retained for future reference.

Retail Shop Leases Regulation 1990

FORM 11

QUEENSLAND

Retail Shop Leases Act 1984 (s. 12(1)(c))
Retail Shop Leases Regulation 1990

ANNUAL AUDITED STATEMENT OF OPERATING EXPENSES

TO:

(Tenant)

Shopping Centre

As Auditor of the books of account of the abovementioned Shopping Centre,

I hereby certify that the Annual Audited Statement of operating expenses for the Centre for the year ended 19 is as follows—

\$

- Advertising and Promotion
Air Conditioning—Maintenance
Air Conditioning—Operating Costs
Caretaking
Cleaning
Electricity
Fire Levy
Fire Protection
Insurance
Land Tax
Lifts and Escalators
Local Authority Rates
—Cleansing
—General
—Water
—(Other)
Management
Repairs and Maintenance
Security
Telephone
Wages
General Expenses
Other Expenses (list)

TOTAL

\$

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DATED at _____ this _____
day of _____ 19 .

Public Accountant: _____

This form should be completed in duplicate and a copy retained for future reference.

Retail Shop Leases Regulation 1990

FORM 12

QUEENSLAND

Retail Shop Leases Act 1984 (s. 6)
Retail Shop Leases Regulation 1990

NOTICE OF ELECTION BY TENANT REGARDING DETERMINATION OF RENT AS A FRACTION OF TURNOVER

TO: *(Name(s) and Address of Landlord):* _____

Full name(s) and address of tenant or prospective tenant:

Name and/or number of retail shop:

Shop situated in premises located at: _____

Period of lease or proposed lease: _____
Commencing date of lease: _____

The tenant or prospective tenant referred to above hereby elects that, subject to the specific details of rent calculation set out below, the rent payable under the lease above referred to shall or may be determined by calculating it either in whole or in part as a fraction of the turnover of the business carried on or to be carried on in the premises the subject of that lease.

Specific details of rent calculation: _____

DATED at _____ this _____
day of _____ 19 .

Tenant or prospective tenant: _____

If the tenant is a corporation, this Form may be executed by any person duly authorised by the corporation.

This form should be completed in duplicate and a copy retained for future reference.

Retail Shop Leases Regulation 1990

FORM 13

QUEENSLAND

*Retail Shop Leases Act 1984 (s.5A (1))
Retail Shop Leases Regulation 1990*

APPLICATION FOR EXEMPTION FROM ACT

TO: The Registrar
Retail Shop Lease Mediation Panel and Tribunal
G.P.O. Box 1141
BRISBANE Q 4001

The owner of the enterprise named in Item 2 below hereby makes application to the Hon. the Minister for the exemption of that enterprise from the provisions of the Retail Shop Leases Act.

1. Owner {Applicant}: _____

2. Name of enterprise: _____

3. Address of enterprise: _____

4. Principal activity of enterprise: _____

5. Summary of other activities conducted within the enterprise: _____

6. Details of all tenanted premises (or premises to be tenanted) situated within the enterprise used or to be used for the retailing of goods or the provision of shopping facilities to the public. (Attach list if insufficient space below).

Premises (tenanted or to be tenanted)	Nature of business conducted or to be conducted thereon

7. Details of the grounds upon which this application for exemption is based: (Attach list if insufficient space below).

DATED at _____ this _____
day of _____ 19 ____ .

Applicant: _____

Retail Shop Leases Regulation 1990

Copies of leases of premises listed in Item 6 above should accompany this application.

If the owner of the enterprise is a corporation this Form, if not executed under seal, shall be executed by a Director, Secretary or Executive Officer acting under the authority of the corporation.

SCHEDULE 2**FEES**

The following fees shall be paid to the Registrar in respect of the several matters referred to in this Schedule—

(i)	On filing a notice of reference of dispute	\$100.00
(ii)	On filing by 1 of the parties to a dispute of any other Form prescribed by this regulation	\$5.00
(iii)	For supplying a copy of any Form prescribed by this regulation and filed in the registry of the Panel or the Tribunals	\$5.00
(iv)	For inspection of the register of enterprises granted exemption from the provisions of the Act under section 5A of the Act, the References of Disputes Register, the Tribunals Orders Register or the records of the Tribunal in respect of a particular dispute referred to it, in each case	\$5.00
(v)	On filing an application for exemption (section 5A) of the Act	\$100.00

ENDNOTES

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2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. However, no amendments have commenced operation before that day. Future amendments of the *Retail Shop Leases Regulation 1990* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 List of legislation

Retail Shop Leases Regulation 1990
19 May 1990 pp 241-261

4 List of annotations

Key to abbreviations in list of annotations

RA	=	<i>Reprints Act 1992</i>
amd	=	amended
ins	=	inserted
om	=	omitted
renum	=	renumbered
sub	=	substituted
Pt hdg	=	Part heading
Div hdg	=	Division heading
Sdiv hdg	=	Subdivision heading
hdg prec	=	heading preceding
prov hdg	=	provision heading
cl	=	clause
pres	=	present
orig	=	original

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Repeal

s 2 om (see s 40 RA)

Arrangement

s 3 om (see s 36 RA)

Interpretation

s 4 om (see s 39 RA)