

South Australia

# **Retail and Commercial Leases (Miscellaneous) Variation Regulations 2020**

under the *Retail and Commercial Leases Act 1995*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Retail and Commercial Leases (Miscellaneous) Variation Regulations 2020*.

### **2—Commencement**

These regulations come into operation on the day on which the *Retail and Commercial Leases (Miscellaneous) Amendment Act 2019* comes into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Retail and Commercial Leases Regulations 2010***

### **4—Variation of regulation 4—Exclusions from application of Act**

- (1) Regulation 4(1)—delete subregulation (1)
  - (2) Regulation 4(2)—delete "section 4(3)" and substitute:
    - section 4(5)
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## **5—Insertion of regulation 8A**

After regulation 8 insert:

### **8A—Prescribed fee**

For the purposes of section 20K(4) of the Act, the prescribed fee payable to the Commissioner for a certificate under section 20K(3) of the Act is \$200.

## **6—Variation of regulation 12—Retail Shop Leases Advisory Committee**

- (1) Regulation 12(1)(b)—delete "- South Australia Division"
- (2) Regulation 12(1)(c)—delete paragraph (c)
- (3) Regulation 12(1)(e), (f) and (g)—delete paragraphs (e), (f) and (g) and substitute:
  - (e) AHA SA Hotels;
  - (f) Australian Lottery and Newsagents Association;
  - (g) Lease1.com.au Pty Ltd;
  - (h) the Law Society of South Australia;
  - (i) the Pharmacy Guild of Australia;
  - (j) the Real Estate Institute of South Australia Incorporated;
  - (k) Savills Australia;
  - (l) Scentre Shopping Centre Management (SA) Pty Ltd;
  - (m) South Australian Independent Retailers Incorporated;
  - (n) South Australian Employers' Chamber of Commerce and Industry Incorporated.

## **7—Variation of regulation 14—Modification of Landlord and Tenant Act**

Regulation 14(1)(b), substituted section 56(3) of *Landlord and Tenant Act 1936*—delete "\$40 000" and substitute:

\$100 000

## **8—Variation of Schedule 1—Form of disclosure statements**

- (1) Schedule 1, Form 1, clause 7—delete clause 7 and substitute:

### **7—Consequences of breach**

The legal consequences of a breach of a term of the lease (including the consequences of early termination of the lease by the lessee) as set out in *[insert clause numbers or other identification of relevant components of lease]* of the lease are as follows:

*[Insert brief description.]*

- (2) Schedule 1, Form 1, Appendix A, clause 5, table—after "local government rates and charges" insert on next line:

emergency services levy

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 14 May 2020

No 57 of 2020