

South Australia

Retail and Commercial Leases (Prescribed Lessee) Variation Regulations 2021

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 (Prescribed Lessee) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which they are made.

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

Regulation 4—before subregulation (2) insert:

- (1) Pursuant to section 4(2)(g)(ii) of the Act, in respect of a lessor who is a municipal or district council or other authority with the powers and functions of local government, a lessee who is a party to a lease under which the amount of rent payable under the lease does not exceed \$50 000 per annum (exclusive of GST) and who—
 - (a) is registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth;
or

- (b) is an entity that is not carried on for the purposes of profit or gain to its individual members and that is, by the terms of its constitution, prohibited from making any distribution, whether in money, property or otherwise, to its members; or
- (c) uses the premises the subject of the lease for the provision of health, welfare, community, cultural, sporting or recreational services on a non-commercial basis,

is prescribed for the purposes of section 4(2)(g) of the Act.

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 22 April 2021

No 42 of 2021