

Commercial Tenancy (Retail Shops) Agreements Act 1985

**Commercial Tenancy (Retail Shops) Agreements
Amendment Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 21 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Commercial Tenancy (Retail Shops) Agreements Regulations 1985**.

[* Reprinted as at 24 November 2000.

For amendments to 26 November 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 49.*]

4. Regulations 7 and 8 repealed

Regulations 7 and 8 are repealed.

5. Schedule amended

- (1) The Schedule Forms 4 and 5 are deleted.
- (2) The Schedule Form 6 is amended as follows:
 - (a) under the heading “DISCLOSURE STATEMENT (s.6)” in the paragraph commencing “You can go to” by deleting “Commercial Tribunal” and inserting instead —
“ **State Administrative Tribunal** ”;
 - (b) under the heading “TENANT GUIDE (s.6A)” in the paragraph commencing “You can go to” by deleting “Commercial Tribunal” and inserting instead —
“ **State Administrative Tribunal** ”;
 - (c) under the heading “TERM OF THE RETAIL SHOP LEASE (s.13)” in the paragraph commencing “The

tenure you negotiate” by deleting “Registrar” and inserting instead —

“ State Administrative Tribunal ”;

- (d) under the heading “STRUCTURING YOUR LEASE” in the paragraph commencing “The Act empowers the” by deleting “Registrar of the Commercial Tribunal” and inserting instead —

“ State Administrative Tribunal ”;

- (e) under the heading “RENT REVIEW (s.11)” by deleting the heading “The role of the Act and the Registrar” and inserting the following heading instead —

“

The role of the Act and the State Administrative Tribunal

”;

- (f) under the heading “RENT REVIEW (s.11)” in the paragraph commencing “In the case of disagreement” by deleting “Commercial Registrar” and inserting instead —

“ State Administrative Tribunal ”;

- (g) under the heading “RENT REVIEW (s.11)” in the paragraph commencing “Until both parties” by deleting “Registrar” in both places where it occurs and inserting instead —

“ Tribunal ”;

- (h) under the heading “RENT REVIEW (s.11)” in the paragraph commencing “Until both parties” by deleting “Registrar’s” and inserting instead —

“ Tribunal’s ”;

- (i) under the heading “CONTRIBUTION TO LANDLORD EXPENSES (s.12)” in the paragraph commencing “The Registrar of the Commercial Tribunal” by deleting “The Registrar of the Commercial Tribunal” and inserting instead —

“ The State Administrative Tribunal ”;

- (j) under the heading “HOURS OF OPERATION (s.12C)” in the paragraph commencing “As you have the discretion” by inserting before “Tribunal” —

“ State Administrative ”;

- (k) under the heading “COMPENSATION BY LANDLORD (s.14)” in the paragraph commencing “Only after your written request” by deleting “Commercial Tribunal” and inserting instead —

“ State Administrative Tribunal ”;

- (l) under the heading “DISPUTES BETWEEN THE LESSEE (TENANT) AND LESSOR (LANDLORD)” by deleting all of the words, headings and paragraphs

after “authorises the” to and including “contemplated by the parties.” and inserting instead —

“

State Administrative Tribunal to deal with these disputes as “a question arising”. Either the lessee or the lessor may initiate this action with the Tribunal by making an application to the Tribunal and paying the appropriate fee. A matter or question may be dealt with through a compulsory conference or mediation process under the *State Administrative Tribunal Act 2004*.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
