

FACT SHEET

Repeal of Regulations Postponement Bill 2021

The Government has introduced legislation into Parliament to provide for the postponement of the repeal of the *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998*, which are due to be repealed on 1 January 2022. The Bill postpones the repeal date until 1 January 2023.

The *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998* provide the minimum standards and requirements for applicable retail leases in Tasmania, and establish a range of obligations on parties entered into such lease agreements.

The Regulations were first made in 1998 under the now repealed *Fair Trading Act 1990*. The Regulations were reinstated by the *Fair Trading (Reinstatement of Regulations) Act 2008* for a period of two years from 4 December 2008. Section 49(2) of the *Australian Consumer Law (Tasmania) Act 2010* then provided that the Regulations were taken to be regulations made under that Act. Due to the effect of section 49(2) of the *Australian Consumer Law (Tasmania) Act 2008* the Regulations were then due to repeal on 1 January 2021 by virtue of section 11(2) of the *Subordinate Legislation Act 1992*. Section 25 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* provided for the postponement by one year of the repeal of the regulations and rules specified in Schedule 1 of that Act, which included the *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998*.

The Government carried out a review into the regulation of retail leases in Tasmania during 2019. Following this review, a new Retail Leases Bill has been developed, and is soon to be released for stakeholder and public review and consultation. Stakeholder views may have changed since 2019, due to the impacts experienced during the COVID-19 pandemic. COVID-19 drew attention to retail and commercial lease agreements and the minimum standards afforded to tenants who are party to such agreements.

To provide Tasmanian businesses with sufficient time to review and comment on the new Retail Leases Bill, the *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998* are to be extended. Without a postponement to the repeal of the Regulations, the minimum standards established by the Regulations would not be available for tenants entering into new leases in Tasmania.

The Bill will extend the Regulations for an additional twelve-month period.

The Bill will now become law on a date it receives Royal Assent.