

**DRAFT SECOND READING SPEECH**  
**HON ELISE ARCHER MP**  
*Repeal of Regulations Postponement Bill 2021*

*\*check Hansard for delivery\**

Mr Speaker, I move that the Bill now be read a second time.

The purpose of this Bill is to postpone the automatic repeal of the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 until 1 January 2023.

Mr Speaker, the Code of Practice for Retail Tenancies Regulations establish a range of obligations on parties who enter into retail lease agreements, including leases in shopping centres. Such obligations include requirements regarding market rent, disclosure statements, methods for determining rent adjustments, the negotiation of adjustments, renewal and termination of leases, security deposits and indemnities.

The Regulations were first made in 1998 under the Fair Trading Act 1990 and then reinstated in 2008 for a period of two years by the Fair Trading (Reinstatement of Regulations) Act 2008. In 2010, the Regulations were again re-made, this time by section 49 of the Australian Consumer Law (Tasmania) Act 2010, affording them a new repeal date of 1 January 2021.

Section 25 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provided for the postponement by one year of all regulations and rules specified within Schedule 1 of that Act, including these Regulations. This now means that the Regulations will be repealed on 1 January 2022.

Stakeholders have been critical of the Regulations in recent years for being out-dated and not having kept pace with modern business or leasing practices. It is for this reason that as the Minister responsible, I tasked my Department to commence a review into the regulation of retail leases in Tasmania in 2019. This review and public consultation attracted a range of views in late 2019.

In the intervening period, significant resources were committed to assisting retail and commercial tenants due to impacts of the COVID-19. It is for this reason the Tasmanian Government put in place protections for commercial tenants via the COVID-19 Disease Emergency (Commercial Leases) Act 2020. These measures provided vital and timely support to Tasmanian businesses.

Mr Speaker, COVID-19 continues to have a significant impact on Tasmanian businesses.

Following the 2019 review and consultation into the regulation of retail leases in Tasmania, a new Retail Leases Bill is in the process of being drafted. This new Retail Leases Bill will seek to provide a modern and effective framework for the regulation of retail leases in Tasmania.

Mr Speaker, it is essential for our Government to provide Tasmanian businesses and stakeholders with sufficient time to review and comment on the new draft Retail Leases Bill. This is even more the case in light of what Tasmanian businesses have experienced throughout the last almost two years.

The Repeal of Regulations Postponement Bill 2021 will continue the current Code of Practice for Retail Tenancies Regulations for a period of 12 months to ensure that Tasmanian businesses are provided sufficient time to review and provide feedback on the new Retail Leases Bill. The Code of Practice Regulations will continue to work as they do currently, and will continue to ensure that Tasmanian businesses are afforded the minimum standards and protections that the Regulations provide.

Mr Speaker, I commend the Bill to the House.