



Victoria Government Gazette

No. S 209 Thursday 24 July 2008
By Authority, Victorian Government Printer

Retail Leases Act 2003

PREMISES NOT CONSTITUTING RETAIL PREMISES

This Determination is made under Section 5(1) (e) of the **Retail Leases Act 2003**.

- A. I determine that each of the following kinds of leases is a lease to which section 4(2)(h) of that Act applies:
- (a) a lease of premises by a Council within the meaning of the **Local Government Act 1989** under which the premises may be used wholly or predominantly for any one or more of the following purposes:
 - i. public or municipal purposes;
 - ii. charitable purposes;
 - iii. as a residence of a practising minister of religion;
 - iv. for the education and training of persons to be ministers of religion;
 - v. as a club for or a memorial to persons who served in the First or Second World War or in any other war, hostilities or special assignment referred to in the **Patriotic Funds Act 1958**;
 - vi. for the purposes of the Returned Services League of Australia;
 - vii. for the purposes of the Air Force Association (Victoria Division);
 - viii. for the purposes of the Australian Legion of Ex-Servicemen and Women (Victorian Branch);
 - (b) a lease of premises by a Council within the meaning of the **Local Government Act 1989** (including in its capacity as a committee of management within the meaning of the **Crown Land (Reserves) Act 1978**) under which the premises are used wholly or predominantly by a body, corporate or unincorporate, that exists for the purposes of providing or promoting community, cultural, sporting, recreational or similar facilities or activities or objectives and that applies its profits in promoting its objects and prohibits the payment of any dividend or amount to its members;
whether or not the premises are occupied by the tenant, held by the tenant in trust for the occupant or sub-leased by the tenant to another person.
- B. A certificate signed by the Small Business Commissioner shall be sufficient evidence that a lease is a kind of lease to which paragraph A of this Determination applies.
- C. This Determination is in addition to and does not replace any other Determination and, particularly but without limitation, is to be read subject to the Ministerial Determination dated 20 August 2004 made by the Minister for Small Business and notified in the Victoria Government Gazette No. S184 Monday 23 August 2004 to the extent that any premises, tenant or lease is subject to that Determination.
- D. Nothing in this Determination is to be taken to prevent its application to any sub-lease of any lease in respect of which this Determination applies in any way, in addition to its application to any such lease.
- E. Further, nothing in this Determination is to be taken as limiting the powers of the Small Business Commissioner under Part 10 of the **Retail Leases Act 2003**.

This determination comes into effect on 1 August 2008.

Dated 22 July 2008

JOE HELPER MP
Minister for Small Business

SPECIAL

craftsmanpress

The *Victoria Government Gazette* is published by The Craftsman Press Pty Ltd with the authority of the Government Printer for the State of Victoria

© State of Victoria 2008

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order**Mail Order****Victoria Government Gazette**

Level 1 520 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001
DX 106 Melbourne

**Telephone**

(03) 9642 5808

**Fax**

(03) 9600 0478

email

gazette@craftpress.com.au

**Retail & Mail Sales****Victoria Government Gazette**

Level 1 520 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001

**Telephone**

(03) 9642 5808

**Fax**

(03) 9600 0478

**Retail Sales****Information Victoria**

505 Little Collins Street
Melbourne 3000

**Telephone**

1300 366 356

**Fax**

(03) 9603 9920

Price Code A