



Victoria Government Gazette

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Retail Leases Act 2003

DETERMINATION UNDER SECTION 5

Premises Not Constituting Retail Premises

I, Russell Northe MP, Minister for Small Business, and Minister responsible for administering the **Retail Leases Act 2003** (the Act), determine under section 5(1)(e) of the Act –

1. The following kinds of leases are leases of premises to which section 4(2)(h) of the Act applies, being premises which are not ‘retail premises’:
 - (a) A lease of premises under which the rent payable is not greater than \$10,000 per annum and under which the premises are used wholly or predominantly for any one or more of the following purposes –
 - (i) public or municipal purposes;
 - (ii) charitable purposes;
 - (iii) the education and training of persons to be ministers of religion;
 - (iv) as a residence of a practising minister 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 **Veterans Act 2005**;
 - (vi) the purposes of the Returned Services League of Australia;
 - (vii) the purposes of the Air Force Association (Victoria Division); or
 - (viii) the purposes of the Australian Legion of Ex-Servicemen and Women (Victorian Branch).
 - (b) A lease of premises under which the rent payable is not greater than \$10,000 per annum and under which the premises are used wholly or predominantly by a body or association, whether incorporated or unincorporated –
 - (i) that exists for the purposes of (and which uses the premises for) providing or promoting community, cultural, sporting, recreational or similar facilities or activities or objectives; and
 - (ii) that applies its profits in promoting its objects; and
 - (iii) that prohibits the payment of any dividend or other 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.
2. The Ministerial Determination dated 22 July 2008 made by the Minister for Small Business and notified in the Victoria Government Gazette No. S209 on Thursday 24 July 2008 (the former Determination) is revoked.
3. The revocation of the former Determination by this Determination does not affect the operation of the former Determination in relation to leases to which the former Determination applied. Accordingly, any leases to which the former Determination applied, that was in force immediately before 31 December 2014, continues to be excluded from the definition of **retail premises** in section 4 of the **Retail Leases Act 2003** until –
 - (a) the lease expires or is terminated under the Act; or
 - (b) it is no longer possible, under the terms of the lease, for the tenant to exercise an option to renew the lease.

This Ministerial Determination comes into effect on 1 January 2015.

Dated 6 October 2014

THE HON. RUSSELL NORTHE MP
Minister for Small Business

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