

Australian Capital Territory

Leases (Commercial and Retail) Amendment Regulation 2026 (No 1)

Subordinate law SL2026–5

made under the

Leases (Commercial and Retail) Act 2001

EXPLANATORY STATEMENT

Overview

This explanatory statement relates to the *Leases (Commercial and Retail) Amendment Regulation 2026 (No 1)* (the Regulation). It has been prepared to assist the reader of the Regulation.

The purpose of the Regulation is to prescribe exempt leases for the purposes of the *Leases (Commercial and Retail) Act 2001* (the Leases Act). The Regulation prescribes the lease of the premises known as GIO Stadium between the Australian Sports Commission (ASC) and the Territory; the licence granted by the ASC to the Territory to use any of the land identified as “car parks”; and for leases between the Territory and a tenant for the purposes of providing services to the Territory at the premises known as Exhibition Park I Canberra, GIO Stadium and Manuka Oval.

Background

The application of the Leases Act to the lease of the premises known as GIO Stadium and to the land identified as “car parks” is inappropriate to the nature of the relationship between the ASC and the Territory as Landlord and Tenant, respectively, and any service provider the Territory might engage at the prescribed premises.

The key principles of the lease and licence are inconsistent with the rights and obligations imposed by the Leases Act. Specifically, the Leases Act creates conflict between ASC and the Territory over responsibility for the maintenance of GIO Stadium. Under existing arrangements, the Territory is responsible for keeping GIO Stadium in a safe and useable condition; however, if the Leases Act were applied, then the ASC may be obligated for this maintenance as the Landlord. It is the preference of both the Territory and the ASC that these obligations are not imposed.

Service agreements between the Territory and a service provider often permits access to office spaces, outlets, kitchens and such. The application of the Leases Act to these

contracts has a series of obligations and restrictions that are inconsistent with the negotiated terms on the contracts. The Regulation obviates these potential inconsistencies across the prescribed premises to allow the Territory to enter into service agreements with service providers.

The Leases Act is ambiguous about the nature of “car parks” as commercial, retail, or vacant spaces, and how the legislation applies obligations, protections, and restrictions for “car parks” if not otherwise specified in a lease. The Regulation resolves the uncertainties for the car park and the lease at GIO Stadium and service agreements at all prescribed premises.

Outline

Regulatory impact statement

A regulatory impact statement is not required for this regulation as it does not impose any appreciable costs on the community, or part of the community.

Human Rights Implications

The regulation does not engage the *Human Rights Act 2004*.

Detail

Clause 1 (Name of Regulation) names the Regulation - the *Leases (Commercial and Retail) Amendment Regulation 2026 (No 1)*.

Clause 2 (Commencement) provides that the regulation commences on the day after its notification day.

Clause 3 (Legislation amended) provides that the regulation amends the *Leases (Commercial and Retail) Regulation 2002*.

Clause 4 (New section 4 (1) (l) to (m)) inserts three new paragraphs into section 4 (1) that exempt the following leases and licenses from the operation of the *Leases (Commercial and Retail) Act 2001*. The leases and licenses are:

1. A lease of the premises known as GIO Stadium between the Australian Sports Commission (lessor) and the Territory (as tenant);
2. A licence granted by the Australian Sports Commission to the Territory to use any of the land identified as “car park”; and
3. A lease between the Territory (lessor) and a tenant if the lease provides for the tenant to use any part of the premises known as Exhibition Park in Canberra, the premises known at GIO Stadium and the premises known as Manuka Oval for the purpose of providing services to the Territory

Clause 5 (New section 4 (2)) inserts a new definition of Australian Sports Commission for the purpose of the new section 4 (1) (l) and (m) above