

# Tenancy Tribunal Act 1994

## Variations to the Code of Practice

### Explanatory Statement

#### Outline

NO. 165 OF 1994

Under section 75 of the *Tenancy Tribunal Act 1994*, the Attorney-General has power to approve variations to the Commercial and Retail Leases Code of Practice. This Explanatory Statement explains the variations that are made by this first instrument to vary the Code of Practice. The variations are technical in nature.

#### Explanation of Provisions

**1. Page 1, Clause 2, 'definition of key-money'**

This variation ensures that the wording in the for the definition of 'key-money' is exactly the same as the definition used in the *Tenancy Tribunal Act 1994*.

**2. Page 8, Clause 18**

This variation is intended to ensure the requirements of clause 18 can apply to an existing tenant or a prospective tenant.

**3. Page 10, Clause 24**

This variation removes an incorrect reference to the *Tenancy Tribunal Act 1994* and replaces it with the correct reference.

**4. Page 17, Sub-clause 51(4)**

This variation clarifies the cross-reference referred to in subclause 51(4).

**5. Page 27, Clause 77**

This variation is intended to ensure that the language used in clause 77 is consistent. The first time that premises are mentioned in the clause, there is an additional reference to the building in which premises are located. This variation ensures that subsequent references to premises also include references to the building.

**6. Page 29, Clause 83(b)**

This variation corrects a typographical error.

**7. Page 41, Schedule 1, item 1**

This variation ensures that residential premises leased by incorporated associations are not inadvertently covered by the Code.

**8. Page 41, Schedule 1, item 2**

This variation ensures that residential premises leased by charitable organisations are not inadvertently covered by the Code.

**9. Page 41, Schedule 1, item 3**

This variation is designed to ensure that tenants who sublease or licence their leased premises to other businesses for the purposes of providing business accommodation and secretarial services, gain the protection of the Code. It is necessary to ensure that such tenants, who do not have control over the premises they lease, are in a position to carry out their own obligations as deemed 'owners' under the Code.