



New South Wales

Retail Leases Regulation 2022

under the

Retail Leases Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Retail Leases Act 1994*.

VICTOR DOMINELLO, MP
Minister for Small Business

Explanatory note

The objects of this Regulation are—

- (a) to prescribe businesses at premises as retail shops for the purposes of the *Retail Leases Act 1994*, and
- (b) to provide for transitional arrangements for premises that become retail shops, and
- (c) to make a consequential amendment to the *Retail Leases Act 1994*.

This Regulation is made under the *Retail Leases Act 1994*, including sections 3(1), definition of **retail shop**, paragraph (a), 84B(2) and 85, the general regulation-making power, and Schedule 3, clause 17(2).

Schedule 2 is made under the *Retail Leases Act 1994*, Schedule 3, clause 17(2), a Henry VIII provision.

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Retail Leases Regulation 2022

under the

Retail Leases Act 1994

1 Name of Regulation

This Regulation is the *Retail Leases Regulation 2022*.

2 Commencement

This Regulation commences on 1 January 2023.

3 Definition

In this Regulation—

the Act means the *Retail Leases Act 1994*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

4 Retail shop businesses—the Act, s 3(1)

For the Act, section 3(1), definition of *retail shop*, paragraph (a), the businesses specified in Schedule 1 are prescribed.

5 Transitional provision—the Act, s 84B(2)

If premises become a retail shop because of the commencement of this Regulation, the Act, Part 8, Division 2 applies to—

- (a) a lease of the premises entered into before the commencement of this Regulation, and
- (b) a lease of the premises entered into under an option granted or agreement made before the commencement of this Regulation.

Schedule 1 Retail shop businesses

section 4

Adult books and toy shops
Aged care product shops
Amusement and entertainment services
Antique shops
Art galleries
Art supplies shops
Arts and crafts shops
Baby supplies shops
Bakeries or bread shops
Balloon shops
Bar accessories shops
Barbecue equipment shops
Barbers
Batteries shops, other than motor vehicle batteries
Beach wear shops
Beauticians
Beauty shops
Beauty therapists
Beer, wine and spirit shops
Bicycle accessories shops
Bicycle shops
Biscuit bar shops
Bookshops
Boot and shoe repairers
Bridal wear sales and hire shops
Building supplies shops
Business machines and equipment shops
Butcher shops
Cake shops
Camping equipment shops
Candle shops
Cards shops
Carpet shops
Chandler shops

Cigarette shops
Clock shops
Coffee, tea and other non-alcoholic beverage shops
Coins and coin collections shops
Comic shops
Confectionery shops
Convenience food shops
Cookie shops
Cosmetics shops
Costumes and formal wear hire shops
Curtain shops
Delicatessen shops
Department stores
Dinnerware shops
Disposals shops
Drapery shops
Dry cleaners, collection centres for dry cleaning or laundry services
Duty free shops
Electrical appliance shops
Electronic equipment and supplies shops
Engravers
Equestrian wear shops
Equipment hire shops
Fairy shops
Fast food shops
Fast-photo processors
Firearms shops
Flag shops
Floor covering shops
Florist shops
Flower shops or allied goods and services
Fruit and vegetable shops
Fruit juice shops
Funerary goods shops, including incense and joss sticks
Furniture shops
Games and hobbies shops
General stores

Gift shops
Gift-wrapping shops
Golf equipment shops
Greengrocer shops
Grocery shops
Gymnasiums and fitness centres, including yoga, barre, pilates and dance studios
Haberdashery shops
Hairdressers
Hardware shops
Health food shops
Hearing aid shops
Hot water system shops
Household appliance and house appliance repairs shops
Household fixtures and fittings shops
Ice cream shops
Interior decoration shops
Internet cafes
Jewellery shops
Key cutting shops
Kitchenware shops
Knick-knack shops and novelties shops
Leather goods shops
Lighting shops
Linen shops
Lingerie shops
Lottery agencies
Manchester shops
Map shops
Martial arts supplies shops
Mixed business shops
Motor vehicle and motor cycle accessories shops, excluding tyre shops and batteries shops
Music or musical equipment shops
Nail bars
Newsagency shops
Nut bar shops
Office equipment shops
Optical goods or services shops

Optometrists

Organ shops

Paint and paper shops

Party shops

Patisserie or pastry shops

Pawnbroking shops

Perfume shops

Pet shops, pet grooming and supplies shops and aquarium shops

Pharmacy shops

Photocopy shops

Photographic equipment and supplies shops

Picture frames shops

Plumbing supplies shops

Pools and spas shops

Poultry shops, including fresh, frozen or cooked poultry

Precious stones shops

Prints and posters shops

Religious goods shops

Restaurants, cafeterias, coffee lounges, food courts and other eating places

Retail post offices

Rubber stamp supply shops

Seafood shops

Second-hand goods shops

Sewing machine shops, including sewing materials, needlepoint and craft-related items

Shoe and boot repair shops

Shoe shops

Shops selling or engaged in providing any one or more of the following goods or services in relation to any person—

- (a) accessories,
- (b) baby wear,
- (c) bags,
- (d) caps,
- (e) clothing,
- (f) clothing alterations,
- (g) underwear,
- (h) sunshades

Shops selling or renting any one or more of the following goods—

- (a) cassettes,

- (b) musical instruments,
- (c) pre-recorded tapes,
- (d) records,
- (e) video tape and pre-recorded music libraries downloading,
- (f) CDs,
- (g) DVDs,
- (h) other similar products

Shops selling or renting any one or more of the following goods—

- (a) telecommunications, including mobile phones or services,
- (b) televisions,
- (c) videos,
- (d) home entertainment systems,
- (e) software,
- (f) electronic games,
- (g) computers,
- (h) computer products,
- (i) household appliances

Silverware shops

Sleepwear shops

Small bars with a maximum patron capacity of 120

Smallgoods shops

Snack bars

Soft drink shops

Soft furnishing shops

Souvenir, trophy and memorabilia shops

Specialised food shops

Sporting goods shops

Stamps and stamp collection shops, whether for purchase or sale or both

Stationery shops

Supermarkets

Surfboard shops

Surfing accessories shops

Takeaway food shops

Tobacconist shops

Toy and game repair shops

Toy shops

Travel agency or travel services

Umbrella shops

Underwear shops

Variety stores

Vitamin shops

Wall decorations shops

Watch shops

Water filter shops

Wig shops

Writing materials shops

Schedule 2 Amendment of Retail Leases Act 1994 No 46

Schedule 1 Retail shop businesses

Omit the Schedule.