

c2025-178F
OPP--Opposition

LEGISLATIVE ASSEMBLY

Tobacco Legislation (Closure Orders) Amendment Bill 2025

First print

Proposed amendments

✓ No. 1

Cancellation of leases and licences

Page 10, Schedule 1[20], proposed section 50G(3)(c), lines 21 and 22. Omit “the *Retail Leases Act 1994*, section 45A”. Insert instead “section 50IA”.

✓ No. 2

Cancellation of leases and licences

Page 11, Schedule 1, proposed Part 6A. Insert after line 18—

50IA Termination of certain leases and licences

- (1) If a closure order is in effect for a premises, the lease or licence for the premises is taken to include a provision allowing the lessor or licensor to terminate the lease or licence because of the making of the order by giving not less than 28 days written notice to the lessee or licensee.
- (2) If a lessor relies on this section to terminate a lease, the termination is taken to be for repudiation of the lease by the tenant.
- (3) A lessee or licensee is not entitled to bring proceedings against a lessor or licensor because of the termination of a lease or licence under this section.
- (4) To avoid doubt—
 - (a) the following do not apply in relation to the termination of a lease or licence under this section—
 - (i) the *Real Property Act 1900*, Parts 13 and 14,
 - (ii) the *Retail Leases Act 1994*, Part 8,
 - (iii) the *Small Business Commissioner Act 2013*, Part 2, Division 2, and
 - (b) a lessee or licensee is not prevented from bringing proceedings on grounds unrelated to the termination of a lease under this section, and
Example— a claim by the lessee or licensee arising from a breach of the lease or licence, prior to the termination, by the lessor or licensor
 - (c) a lessor or licensor is not liable for damages or compensation to any person because of the termination of a lease or licence under this section, and
 - (d) this section does not limit or affect another power of a lessor or licensor to terminate a lease or licence.
- (5) In this section—

lease means an agreement under which a person grants another person for value a right of occupation of premises for the purpose of the use of the premises as a retail shop.

lessor has the same meaning as in the *Retail Leases Act 1994*.

licence means an agreement under which a person gives another person permission to occupy or use premises as a retail shop without exclusive possession of the premises.

✓ No. 3

Cancellation of leases and licences

Page 16, Schedule 1. Insert after line 38—

[24A] Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

**Part Provision consequent on enactment of
Tobacco Legislation (Closure Orders)
Amendment Act 2025**

Termination of certain leases and licences

(1) Section 50IA applies to a lease or licence whether entered into before or after the commencement of that section.

(2) In this section—

lease means an agreement under which a person grants another person for value a right of occupation of premises for the purpose of the use of the premises as a retail shop.

licence means an agreement under which a person gives another person permission to occupy or use premises as a retail shop without exclusive possession of the premises.

No. 4

Penalty notice offences

Page 19. Insert after line 22—

**Schedule 1A Amendment of Public Health (Tobacco)
Regulation 2022**

Schedule 2 Penalty notice offences

Insert in appropriate order in the table under the heading **Offences under the Act**—

Section 6(1)	\$22,000	\$22,000
Section 7(1)	\$22,000	\$22,000
Section 8(1)	\$4,400	\$22,000

✓ No. 5

Retail leases

Page 20, Schedule 2, lines 1–14. Omit all words on the lines.

✓ No. 6

Abandoned property of lessee or licensee

Page 21, Schedule 3. Insert after line 26—

3.4 Uncollected Goods Act 1995 No 68

Section 5 When goods uncollected for purposes of Act

Insert after section 5(2)(e1)—

- (e2) a lessor or licensor reasonably believes the goods have been abandoned or left behind by a lessee or licensee after termination, under the *Public Health (Tobacco) Act 2008*, section 50IA, of a lease or licence, or