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**Retail and Commercial Leases Update:**

Tuesday 13 October 2009

8.45am–1.00pm

Grace Hotel , 77 York Street, Sydney

Course cost includes tuition, materials and refreshments  **\$352**I cannot attend but please provide the papers  **\$165**Total Price includes GST **Total \$** **Payment Options**

I enclose a cheque payable to "CLE, UNSW",

or Payment by credit card  Mastercard  Visa

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with your payment to:****CLE,  
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**Programme Variation:** The Director of CLE retains the right to vary the programme to deal with unforeseen circumstances. This includes cancelling or re-scheduling a programme and changing speakers or content if occasion obliges us to do so.**Cancellation Policy:** Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund.**Privacy note:** The information you have provided on this form will only be used by UNSW to distribute information about University courses and activities to you.**Office Use Only:**

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THE UNIVERSITY OF  
NEW SOUTH WALESFACULTY OF LAW  
CONTINUING LEGAL EDUCATION**Retail and  
Commercial  
Leases Update**

Tuesday 13 October 2009

8.45am–1.00pm

Grace Hotel , 77 York Street  
Sydney**www.cle.unsw.edu.au**

## Audience

- Solicitors in General Practice
- Commercial Property Lawyers
- Accredited Property Lawyers
- Conveyancing and Leasing Specialists
- Corporate Counsel or Company Secretaries
- Senior Executives of Financial & Property Corporations
- Precedent managers

## Object

This seminar will be conducted by leading practitioners in this field and is aimed at providing practitioners with guidance and insights into some key and current issues involved in commercial leases and retail leases. The program will cover topics of increasing importance for practitioners in the current market for commercial leasing and will include a timely review of relevant cases and legislation.

## About CLE/CPD

The CLE/CPD programme is an important link between the Law School at UNSW and the professional community. The programme consists of a series of quality short courses assisting lawyers, accountants, financial planners, executives and other professionals whose work demands up-to-date knowledge of, and skills in, the relevant areas.

# Retail and Commercial Leases Update

Tuesday 13 October 2009

## 8.45am Introduction and Welcome

**Chair:** David SHARPE, Partner, Dibbs Barker

## 8.55am

### Topic 1: Recent Cases on Termination of Leases including Damages and Options to Renew

**Speaker:** Gary NEWTON, Partner  
Colin Biggers & Paisley Lawyers

- The covenant to pay rent as an essential term
- Cases on damages for breach of lease and mitigation
- Cases on notices of termination pursuant to s.129
- Terminating and damages where tenant makes alterations without landlord approval
- Cases on options to renew and on relief against forfeiture of options to renew

## 9.50am

### Topic 2: Green Buildings and Green Leasing

**Speaker:** Sebastian BUSA, Senior Associate  
Baker & McKenzie

- Proposed new laws requiring disclosure of office building energy efficiency
- Emission reporting requirements for landlords and occupants
- Commonly used 'Green' rating tools
- The nature of 'green' lease covenants and their impact on building use and costs

## 10.45am Morning Tea

## 11.05am

### Topic 3: Permitted Use

**Speaker:** Tony CAHILL, Commentator and Author

- Importance of accurate identification of use
- Shifting and "evolving" uses
- Enforceability of covenants to trade
- Strata by-laws as a mechanism for restricting use

## 12.00pm

### Topic 4: Recent Decisions relating to Retail Leases

**Speaker:** Dennis BLUTH, Partner, HWL Ebsworth Lawyers

- Valuation disputes – *Perri v Exego* – inadequate valuation, denial of natural justice and s.32A review, setting aside appointment of specialist retail value – *Rowinadon v Ward*
- Novation of lease – *Vale v Rosychamp*
- Pre-lease misrepresentation running with the land – *AWPF Management v Red Roll* – liability under s.10(1)
- Jurisdiction – what is a retail shop? – *Sassine v McGlenn* and *Car City Minchinbury* – appropriate approach to determination of jurisdiction under the *Retail Leases Act*

## 12.55pm Questions

## 1.00pm Close

For more information visit our website: [www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)