Commercial tenancies negotiations
(Under the Commercial Tenancies (COVID-19 Response) Act 2020)

Determine if tenant is eligible
- Lease is a small commercial lease; and
- tenant is eligible for JobKeeper or can show same loss in turnover (30 per cent for business or 15 per cent not-for-profit).

Tenant to request rent relief
- Tenant to write to landlord to request rent relief.
- Tenant to include sufficient and accurate evidence to show:
  - the tenant is an eligible tenant; and
  - the reduction in the tenant's turnover.

Landlord to offer rent relief
- Within 14 days of receiving request landlord to make written offer of rent relief.
- Rent relief to be proportionate to tenant's loss in turnover:
  - at least 50 per cent of rent relief to be a waiver; and
  - balance of rent relief to be deferred rent.

Parties to negotiate in good faith
- Parties to negotiate in good faith to agree on:
  - rent relief - including whether more than 50 per cent should be waived;
  - repayment of deferred rent (to commence after end of emergency period or end of lease, whichever is earlier, and be over a minimum period of 24 months); and
  - any extension of the lease term.

Dispute Resolution

Small Business Commissioner
- Parties may seek assistance from the Small Business Commissioner (and Small Business Development Corporation) to resolve a dispute about rent relief, or another matter under the Commercial Tenancies (COVID-19 Response) Act 2020.
- If alternative dispute resolution is unsuccessful the Commissioner can issue a certificate allowing the matter to proceed to the State Administrative Tribunal.

State Administrative Tribunal
- An application may be made to the State Administrative Tribunal (SAT) for resolution of a dispute.
- The SAT has power to mediate and make a broad range of orders to resolve a dispute.