# **Commercial Real Estate**

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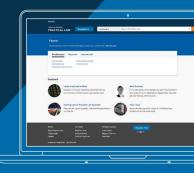
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November 2022

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- Standard form: Contract for Commercial Lots in a Community Titles Scheme
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- Standard form: Contract for sale of land general conditions and contract by offer and acceptance 2018 editions (WA)
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- Standard form: Contract of sale (NT)
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- Standard form: Contract for Houses and Residential Land 17th edition (Qld)
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- Standard form: Contract for the sale and purchase of land 2022 edition (NSW)
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- Existing work order: purchaser to comply (NSW)
- Home Building Act: excluded dwelling statement (NSW)
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- COVID-19: Australian commercial real estate transactions: legislation and resources tracker
- COVID-19: Taxes and charges affecting commercial real estate transactions: Australian legislation and policies tracker

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- COVID-19: Taxes and charges affecting commercial real estate transactions:
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- Settlement checklist: commercial real estate (NSW)
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- Settlement instruction sheet: Purchaser commercial real estate (NSW)
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- Priority notices
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- Identifier certificate: paper conveyancing (WA)
- Identifier declaration: e-conveyancing (WA)
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  - Sunset dates for off-the-plan contracts (NSW)
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- Determination of lease by re-entry form: preparation and registration requirements
- Ending a lease: overview
- Ending a lease: practical considerations
- Surrender of lease forms: preparation and registration requirements
- Surrenders of lease
- Termination and forfeiture of leases
- Transfer of lease forms: preparation and registration requirements
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- Annual estimate of outgoings: Form 13 (Qld)
- Assignee disclosure statement to assignor: Form 15 (Qld)
- Assignee disclosure statement to lessor: Form 16 (Qld)
- Assignor disclosure statement (NT)
- Assignor disclosure statement (SA)
- Assignor disclosure statement: assigned lease where ongoing business (Vic)
- Assignor disclosure statement: Form 9 (Qld)
- Assignor's disclosure statement (NSW)
- Audited annual statement of outgoings: Form 14 (Qld)
- Deed of assignment of lease and landlord's consent
- Deed of partial surrender and variation of lease
- Deed of surrender of lease: no sublease or replacement tenant
- Deed of variation of lease
- Deed of assignment of lease and landlord's consent (WA)
- Deed of partial surrender and variation of lease (WA)
- Deed of surrender of lease: no sublease or replacement tenant (WA)
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- Deed of partial surrender and variation of lease (NSW)
- Deed of surrender of lease: no sublease or replacement tenant (NSW)

Deed of variation of lease (NSW)

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- Financial advice report: Form 11 (Qld)
- Landlord's and tenant's disclosure statements relating to retail shop lease (NT)
- Landlord's break notice
- Landlord's notice to quit a periodic tenancy
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- Legal advice report: Form 12 (Qld)
- Lessee disclosure statement: Form 8 (Qld)
- Lessor and lessee's disclosure statements (NSW)
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- Lessor disclosure statement: Form 7 (Qld)
- Letter requesting landlord's consent to an assignment of lease
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- Notice of breach of a lease under section 10 of the Landlord and Tenant Act 1936 (SA)
- Notice of breach of a lease under section 124 of the Property Law Act 1974 (Qld)
- Notice of breach of a lease under section 129 of the Conveyancing Act 1919 (NSW)
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- Building Energy Efficiency Disclosure (BEED) obligations
- Entering into a lease
- Guide to commercial lease negotiations in response to COVID-19
- Guide to reviewing a commercial lease (landlord focus)
- Guide to reviewing a commercial lease (tenant focus)
- Land registry resources
- Lease forms: preparation and registration requirements
- PPSA: Landlords and property leases
- Property legislation across Australia
- Tenant expansion and contraction rights

#### Standard documents

- Commercial lease incorporating terms of an existing lease or registered memorandum
- Commercial lease: part of building
- Commercial lease review template (long form)
- Commercial lease review template (short form)
- Guarantee and indemnity: single guarantor, tenant obligations under a lease
- Heads of agreement: lease
- Lease side deed
- Lease side letter (binding)
- Standard form: Commercial Lease: Law Society of New South Wales (NSW)
- Short-term licence to occupy
- Standard form: Commercial Lease: Law Society of New South Wales 2021 edition (NSW)

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- Agreement for the grant of a lease subject to FIRB approval

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- Better Buildings Partnership: Compliance and costs Dispute resolution standard template clauses
- Better Buildings Partnership: Compliance and costs Rent review standard template clause
- Better Buildings Partnership: Compliance and costs Assignment standard template clause
- Better Buildings Partnership: Cooperation and works Social Initiatives standard template clauses
- Better Buildings Partnership: Cooperation and works Sustainability management collaboration standard template clauses
- Better Buildings Partnership: Cooperation and works Environmental initiatives standard template clauses
- Better Buildings Partnership: Cooperation and works Premises design for performance - standard template clauses
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- Better Buildings Partnership: Cooperation and works Enabling upgrade works - standard template clauses
- Better Buildings Partnership: leasing standard template clauses
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- Better Buildings Partnership: Management and consumption Sustainable procurement standard template clauses
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- Better Buildings Partnership: Management and consumption Sustainable utilities - standard template clauses
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- Better Buildings Partnership: Reporting and standards Metering and monitoring standard template clauses
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- Better Buildings Partnership: Reporting and standards Performance rating standard template clauses
- Better Buildings Partnership: Reporting and standards Performance standards standard template clauses
- Better Buildings Partnership: Reporting and standards Comfort standard template clauses
- Better Buildings Partnership: Reporting and standards Design/development rating - standard template clauses
- COVID-19 rent abatement (long form)
- COVID-19: rent abatement (short form)
- Exclusion of implied covenants: commercial and retail leasing
- Grant of lease subject to FIRB approval
- Landlord right to subdivide (Qld)
- Market rent review: landlord friendly
- Market rent review: tenant friendly
- Outgoings: Landlord to provide audited statement
- Outgoings: Semi-gross lease
- Tenant contraction right
- Tenant expansion right: option to renew lease and expansion lease
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- Tenant expansion right: right of first refusal
- Tenant occupational safety and health obligations (WA)

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- COVID-19: Australian commercial real estate transactions: legislation and resources tracker
- COVID-19: Commercial tenancies in financial distress: key Australian legislation, legislative instruments and policies
- COVID-19: Taxes and charges affecting commercial real estate transactions:
  Australian legislation and policies tracker
- Commercial and retail leases comparison chart
- Quick guide: National Cabinet's principles and code of conduct for commercial tenancies in financial distress due to COVID-19
- Tenant expansion rights: right of first refusal and right of first offer comparison chart

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- Better Buildings Partnership Leasing Standard
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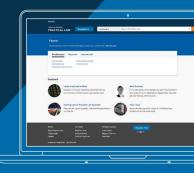
- Practice notes
  - Entering into a green lease: key provisions
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  - Better Buildings Partnership Leasing Standard
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  - Sublease forms: preparation and registration requirements
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  - Consent to sublease a commercial lease: step-by-step guide (landlord focus)
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- Assignor disclosure statement: assigned lease where ongoing business (Vic)
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- Lease side deed
- Lease side letter (binding)
- Legal advice report: Form 12 (Qld)
- Lessee disclosure statement: Form 8 (Qld)
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- Landlord's disclosure statement: renewal of lease (Vic) (NEW)
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- Standard form: Retail Lease: Law Society of New South Wales (NSW)
- Standard form: Retail Lease: Law Society of New South Wales 2021 edition (NSW)

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- Grant of lease subject to FIRB approval
- Landlord right to subdivide (Qld)
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  - Establishing a strata or community title scheme (NSW)
  - Legal structure of a construction or engineering project
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  - Partnering or alliancing on a construction or engineering project
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  - Guide to reviewing a commercial lease (landlord focus)
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  - Hotel sale contracts and transactions (NEW)
- Practice note: overview
  - Due diligence for commercial property acquisitions
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  - Commercial and retail leases comparison chart
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  - Lease due diligence: freehold or leasehold acquisitions
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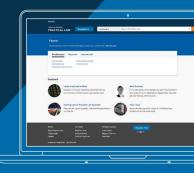
- Commercial lease review template (short form)
- Legal due diligence report: commercial property acquisition (single freehold property)
- Material contract review template (commercial property)
- Requests for information (RFIs) template: commercial property acquisition due diligence
- Toolkit
  - Commercial property due diligence: acquisitions
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  - Top ten practical tips for legal due diligence

### General property resources

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  - Foreign investment in Australian land: due diligence checklist

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  - National Mortgage Form: Completion, execution and certification
  - PPSA: Landlords and property leases
  - Taking security over real property: mortgages
  - Taking security over real property: overview of security types available for land
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### **Execution formalities**

- Practice notes
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  - Execution of deeds and documents by foreign corporations
  - Execution of deeds and documents by companies incorporated under the Corporations Act 2001 (Cth)
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- Power of attorney (ACT): general or specific powers
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- Template email for remote signings: Approach 1 (print and sign entire document)
- Template email for remote signings: Approach 2 (print and sign signature page only)
- Template email for remote signings: Approach 3 (sign signature page in advance): attaching signature pages
- Template email for remote signings (authority to close): Approach 3 (sign signature page in advance): authority to close

#### Standard clauses

- Execution block (agreement): attorney for trustee of a trust
- Execution block (agreement): company as trustee of a trust
- Execution block (agreement): company: by common seal
- Execution block (agreement): company: by signature of authorised representative
- Execution block (agreement): company: by signature of sole director who is also sole company secretary
- Execution block (agreement): company: by signature of two directors OR one director and one company secretary
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- Execution blocks: land dealings (NSW)

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- Electronic signatures: practice points
- Execution of documents by foreign entities and foreign corporations
- Flowchart: Protocols for remote or virtual signings
- Powers of attorney
- Powers of attorney: registration
- Quick guide to execution and witnessing of documents (ACT)
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- Deed of waiver and release (existing indebtedness or obligations)
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- Notice of termination of contract for breach
- Notice of termination of contract for convenience
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- Commencement and term
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- Blockchain and smart contracts
- Consumer guarantees
- Contractual capacity
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