# THE QUEENSLAND LAWYER

## Volume 29, Number 2

## October 2008

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This article examines key provisions of the <i>Retail Shop Leases Act 1994</i> and is also intended to provide a critique of that Act. The author has taken the position that the purpose of the Act is not being achieved and that the Act benefits lessees who are experienced and skilled enough and have the required bargaining power to negotiate an equitable lease without the protection of the Act. Broader exceptions to the application of the Act are warranted so as to restore freedom of contract to leasing transactions.	92
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   <sup>1</sup> Hayton D, "Unique Rules for the Unique Institution, The Trust" in Degeling S and Edelman J (eds), *Equity in Commercial Law* (Lawbook Co, Sydney, 2005) p 284.
- <sup>2</sup> Hayton, n 1, p 286.
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    - <sup>4</sup> Trindade and Smith, n 3 at 358-359.
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