



Western Australia

Residential Tenancies Amendment Act 2016

As at 01 Dec 2016

No. 42 of 2016

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Residential Tenancies Amendment Act 2016

No. 42 of 2016

An Act to amend the *Residential Tenancies Act 1987*.

[Assented to 1 December 2016]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Residential Tenancies Amendment Act 2016*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Act amended

This Act amends the *Residential Tenancies Act 1987*.

4. Section 46 amended

- (1) In section 46(1) insert in alphabetical order:

notice means notice in a form approved by the Commissioner;

- (2) In section 46(4) delete “before the lessor gives notice under subsection (2) of a proposed entry to the premises,” and insert:

if it would unduly inconvenience the tenant for the lessor to enter the premises as specified in a notice given under subsection (2),

5. Section 79 amended

- (1) In section 79(2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$5 000.

- (2) Delete section 79(3) and insert:
- (3) A lessor who stores goods under subsection (2) must cause notice in or to the effect of the form approved by the Commissioner for the purposes of this subsection —
- (a) to be given to the tenant within 7 days after the day on which the goods were stored; or
 - (b) to be —
 - (i) made publicly available in any manner prescribed for the purposes of this paragraph, including (without limitation) by means of a website within 7 days after the day on which the goods were stored; and
 - (ii) posted in a prominent position on the premises that were subject to the former agreement within 9 days after the day on which the goods were stored.

Penalty for this subsection: a fine of \$5 000.

6. Section 85 amended

- (1) In section 85(1):
- (a) in paragraph (b) delete “business.” and insert:

business; or
 - (b) after paragraph (b) insert:

- (c) with the consent of that person or in other circumstances specified in the regulations, be given or served by electronic means in accordance with the regulations.

(2) In section 85(3):

- (a) delete “Any notice or document required or authorised to be given under this Act to any person whose address is unknown” and insert:

If a notice or document required or authorised to be given under this Act cannot be given or sent to a person in accordance with subsection (1), it

- (b) in paragraph (a) after “throughout” insert —

all, or most of,

- (c) in paragraph (b) delete “effected.” and insert:

effected; or

- (d) after paragraph (b) insert:

- (c) it is made publicly available in any manner prescribed for the purposes of this paragraph, including (without limitation) by means of a website.

7. Schedule 1 clause 8 amended

- (1) In clause 8(3) delete “prescribed form,” and insert:

form approved by the Minister,

- (2) In clause 8(4)(b) delete “prescribed form” and insert:

form approved by the Minister

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