
CONSUMER PROTECTION

CP301

Residential Parks (Long-stay Tenants) Act 2006
Residential Tenancies Act 1987

Commerce Regulations Amendment (Family Violence) Regulations 2019

Made by the Lieutenant-Governor and Administrator in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Commerce Regulations Amendment (Family Violence) Regulations 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Residential Tenancies Legislation Amendment (Family Violence) Act 2019* section 3 comes into operation.

**Part 2 — Residential Tenancies Regulations 1989
amended**

3. Regulations amended

This Part amends the *Residential Tenancies Regulations 1989*.

4. Regulation 6A inserted

After regulation 6 insert:

**6A. Modified application of s. 71AD(2) of Act when
Housing Authority is lessor of premises**

- (1) This regulation applies to a residential tenancy agreement under which the Housing Authority is the lessor.
- (2) Under section 6(a) of the Act it is provided that section 71AD(2) of the Act applies to a residential tenancy agreement as if it were modified by deleting “7 days” and inserting:

14 days

5. Regulation 7A amended

- (1) In regulation 7A(2) delete “section 45” and insert:

section 45(1)

- (2) In regulation 7A(4) delete “section 45(a)” and insert:

section 45(1)(a)

Note: The heading to amended regulation 7A is to read:

Modified application of s. 45(1) of Act

6. Regulation 7C amended

In regulation 7C(2) delete “section 60” and insert:

section 60(1)

Note: The heading to amended regulation 7C is to read:

Modified application of s. 60(1) of Act

7. Regulation 12B amended

In regulation 12B(2) delete “section 45(a)” and insert:

section 45(1)(a)

Note: The heading to amended regulation 12B is to read:

Means to secure residential premises prescribed for s. 45(1)(a) of Act

8. Regulation 12BA inserted

After regulation 12B insert:

12BA. Prescribed alterations for s. 47(4) of Act

For the purposes of section 47(4) of the Act, prescribed alterations are the following —

- (a) the renovation, alteration or addition of any of the following —
 - (i) security alarms and cameras;
 - (ii) locks, screens and shutters on windows;
 - (iii) security screens on doors;
 - (iv) exterior lights;
 - (v) locks on gates;
- (b) the pruning of shrubs and trees to improve visibility around the residential premises.

9. Regulation 12CA inserted

After regulation 12C insert:

12CA. Prescribed person for s. 71AB(2)(d)(vi) of Act

For the purposes of section 71AB(2)(d)(vi) of the Act, the following are prescribed —

- (a) a person in charge of an Aboriginal legal, health or welfare organisation;
- (b) an officer as defined in the *Children and Community Services Act 2004* section 3 who is authorised for the purposes of this paragraph by the CEO as defined in that section;
- (c) a person employed as a family support worker by another person with whom the Minister administering the *Children and Community Services Act 2004* has entered into an agreement under section 15 of that Act.

10. Schedule 4 Form 1AA amended

In Schedule 4 Form 1AA Part B:

(a) in item 24.8 delete “entry.” and insert:

entry;

(b) after item 24.8 insert:

24.9 in accordance with the *Residential Tenancies Act 1987* section 46(6A) and (6B).

(c) after item 33 insert:

33A. For the purposes of the *Residential Tenancies Act 1987* section 47(4), the tenant may make the following prescribed alterations:

33A.1 the renovation, alteration or addition of any of the following —

- security alarms and cameras;
- locks, screens and shutters on windows;
- security screens on doors;
- exterior lights;
- locks on gates;

33A.2 the pruning of shrubs and trees to improve visibility around the residential premises.

33B. Under the *Residential Tenancies Act 1987* section 47(5):

33B.1 the cost of making the prescribed alterations must be borne by the tenant; and

33B.2 the tenant must give written notice to the lessor of the tenant’s intention to make the prescribed alterations; and

33B.3 work on the prescribed alterations must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed; and

33B.4 the prescribed alterations must be effected having regard to the age and character of the property and any applicable strata company by-laws; and

33B.5 the tenant must restore the premises to their original condition at the end of the residential tenancy agreement if the lessor requires the tenant to do so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson’s invoice within 14 days of that work having been performed.

(d) in item 34.2 delete “other; and” and insert:

other or except in accordance with clause 34.4; and

(e) in item 34.3 delete “that consent.” and insert:

the consent referred to in clause 34.2; and

(f) after item 34.3 insert:

34.4 a tenant may alter or add any lock or other means of securing the residential premises in accordance with the *Residential Tenancies Act 1987* section 45(2)(a), and the tenant and lessor must comply with section 45(2)(b) and (c) in relation to copies of keys to altered or added locks or other means of securing the residential premises.

(g) after item 41 insert:

ENDING A TENANT’S INTEREST IN A RESIDENTIAL TENANCY AGREEMENT BECAUSE OF FAMILY VIOLENCE

41A. A tenant’s interest in a residential tenancy agreement may be ended:

41A.1 by the tenant under the *Residential Tenancies Act 1987* section 60(1)(ba) if the tenant or a dependant of the tenant is, during the tenancy period, likely to be subjected or exposed to family violence; or

41A.2 by the tenant under the *Residential Tenancies Act 1987* section 60(1)(bb) if the tenant receives a copy of a notice of a termination referred to in item 41A.1 from another tenant; or

41A.3 by a court under the *Residential Tenancies Act 1987* section 60(1)(bc) if a family violence order is in force against a tenant to protect another tenant or if the court is satisfied that the tenant has committed family violence against another tenant or their dependant during the tenancy period.

11. Schedule 4 Form 1AB amended

In Schedule 4 Form 1AB Part B:

(a) in item 26.8 delete “entry.” and insert:

entry;

(b) after item 26.8 insert:

26.9 in accordance with the *Residential Tenancies Act 1987* section 46(6A) and (6B).

(c) after item 35 insert:

35A. For the purposes of the *Residential Tenancies Act 1987* section 47(4), the tenant may make the following prescribed alterations:

35A.1 the renovation, alteration or addition of any of the following —

- security alarms and cameras;
- locks, screens and shutters on windows;
- security screens on doors;
- exterior lights;
- locks on gates;

35A.2 the pruning of shrubs and trees to improve visibility around the residential premises.

35B. Under the *Residential Tenancies Act 1987* section 47(5):

35B.1 the cost of making the prescribed alterations must be borne by the tenant; and

35B.2 the tenant must give written notice to the lessor of the tenant's intention to make the prescribed alterations; and

35B.3 work on the prescribed alterations must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed; and

35B.4 the prescribed alterations must be effected having regard to the age and character of the property and any applicable strata company by-laws; and

35B.5 the tenant must restore the premises to their original condition at the end of the residential tenancy agreement if the lessor requires the tenant to do so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson's invoice within 14 days of that work having been performed.

(d) in item 36.2 delete "other; and" and insert:

other or except in accordance with clause 36.4; and

(e) in item 36.3 delete “that consent.” and insert:

the consent referred to in clause 36.2; and

(f) after item 36.3 insert:

36.4 a tenant may alter or add any lock or other means of securing the residential premises in accordance with the *Residential Tenancies Act 1987* section 45(2)(a).

(g) after item 43 insert:

ENDING A TENANT’S INTEREST IN A RESIDENTIAL TENANCY AGREEMENT BECAUSE OF FAMILY VIOLENCE

43A. A tenant’s interest in a residential tenancy agreement may be ended:

43A.1 by the tenant under the *Residential Tenancies Act 1987* section 60(1)(ba) if the tenant or a dependant of the tenant is, during the tenancy period, likely to be subjected or exposed to family violence; or

43A.2 by the tenant under the *Residential Tenancies Act 1987* section 60(1)(bb) if the tenant receives a copy of a notice of a termination referred to in item 43A.1 from another tenant; or

43A.3 by a court under the *Residential Tenancies Act 1987* section 60(1)(bc) if a family violence order is in force against a tenant to protect another tenant or if the court is satisfied that the tenant has committed family violence against another tenant or their dependant during the tenancy period.

12. Schedule 4 Form 1AD amended

In Schedule 4 Form 1AD:

(a) in item 23.8 delete “entry.” and insert:

entry;

(b) after item 23.8 insert:

23.9 in accordance with the *Residential Tenancies Act 1987* section 46(6A) and (6B).

(c) after item 32 insert:

32A. For the purposes of the *Residential Tenancies Act 1987* section 47(4), the tenant may make the following prescribed alterations:

32A.1 the renovation, alteration or addition of any of the following —

- security alarms and cameras;
- locks, screens and shutters on windows;
- security screens on doors;
- exterior lights;
- locks on gates;

32A.2 the pruning of shrubs and trees to improve visibility around the residential premises.

32B. Under the *Residential Tenancies Act 1987* section 47(5):

32B.1 the cost of making the prescribed alterations must be borne by the tenant; and

32B.2 the tenant must give written notice to the lessor of the tenant's intention to make the prescribed alterations; and

32B.3 work on the prescribed alterations must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed; and

32B.4 the prescribed alterations must be effected having regard to the age and character of the property and any applicable strata company by-laws; and

32B.5 the tenant must restore the premises to their original condition at the end of the residential tenancy agreement if the lessor requires the tenant to do so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson's invoice within 14 days of that work having been performed.

(d) in item 33.2 delete "other; and" and insert:

other or except in accordance with clause 33.4; and

(e) in item 33.3 delete "that consent." and insert:

the consent referred to in clause 33.2; and

(f) after item 33.3 insert:

- 33.4 a tenant may alter or add any lock or other means of securing the residential premises in accordance with the *Residential Tenancies Act 1987* section 45(2)(a), and the tenant and lessor must comply with section 45(2)(b) and (c) in relation to copies of keys to altered or added locks or other means of securing the residential premises.

(g) after item 40 insert:

ENDING A TENANT'S INTEREST IN A RESIDENTIAL TENANCY AGREEMENT BECAUSE OF FAMILY VIOLENCE

40A. A tenant's interest in a residential tenancy agreement may be ended:

- 40A.1 by the tenant under the *Residential Tenancies Act 1987* section 60(1)(ba) if the tenant or a dependant of the tenant is, during the tenancy period, likely to be subjected or exposed to family violence; or
- 40A.2 by the tenant under the *Residential Tenancies Act 1987* section 60(1)(bb) if the tenant receives a copy of a notice of a termination referred to in item 40A.1 from another tenant; or
- 40A.3 by a court under the *Residential Tenancies Act 1987* section 60(1)(bc) if a family violence order is in force against a tenant to protect another tenant or if the court is satisfied that the tenant has committed family violence against another tenant or their dependant during the tenancy period.

13. Schedule 4 Form 2 inserted

In Schedule 4 after Form 1C insert:

FORM 2

Notice of termination of tenant's interest in residential tenancy agreement on grounds of family violence <i>Residential Tenancies Act 1987</i> s. 67(2), 71AB(1) <i>Residential Tenancies Regulations 1989</i> r. 18		Part A
Lessor	Family name:	
	Other names:	
Tenant	Family name:	
	Other names:	
Residential premises	Address:	Postcode:

Notice	I, the tenant, give notice of the termination of my interest in the residential tenancy agreement on the grounds that I am, or my dependant is, likely to be subjected or exposed to family violence. The last day of my tenancy will be _____ (a day that is not less than 7 days after the giving of this notice). I will move out of the residential premises on or before this day.	
Accompanying document(s)	I attach 1 or more of the following: <input type="checkbox"/> a DVO; <input type="checkbox"/> a Family Court injunction or an application for a Family Court injunction; <input type="checkbox"/> a copy of a prosecution notice or indictment containing a charge relating to violence against the tenant or a court record of a conviction of the charge; <input type="checkbox"/> a report of family violence under the <i>Residential Tenancies Act 1987</i> s. 71AB(2)(d).	
Signature	Tenant: _____	Date: _____
Further information	See Part B of this form and also refer to the <i>Residential Tenancies Act 1987</i> or contact the Department of Mines, Industry Regulation and Safety — Consumer Protection Division on 1300 304 054 or at www.commerce.wa.gov.au/consumer-protection . For Translating and Interpreting Services please telephone TIS on 131 450 and ask to speak to the Department of Mines, Industry Regulation and Safety (1300 304 054) for assistance.	

Important information about this notice	Part B
The types of tenancy agreements to which this notice applies	
This notice applies to all tenancy agreements under the <i>Residential Tenancies Act 1987</i> .	
Period of notice by tenant	
A tenant can give the lessor this notice if the tenant, or a dependant of the tenant, is likely to be exposed or subjected to family violence during the term of the residential tenancy agreement. The period of the notice must not be less than 7 days before the termination day.	
Co-tenants	
A lessor must give a copy of this notice (but not an accompanying document) to any co-tenants named on the residential tenancy agreement within 7 days after receiving this notice. A co-tenant may, within 7 days after receiving a copy of this notice, give the lessor notice of termination of the co-tenant's interest in the residential tenancy agreement. This period of notice must not be less than 21 days before the termination day.	
Notice by co-tenant to terminate their interest in the residential tenancy agreement	
A co-tenant does not need to use a specific form to notify the lessor that they wish to terminate their interest in the residential tenancy agreement. They simply need to notify the lessor in writing.	
Co-tenant remaining in residential premises	
Any co-tenants who wish to remain in the residential premises are entitled to do so and the existing tenancy agreement will continue to apply to them.	
Documents must be kept confidential	
A lessor must not disclose information contained in this notice or an accompanying document to another person except as allowed by the <i>Residential Tenancies Act 1987</i> or another written law. A penalty of a fine of up to \$5 000 applies for failure to comply with this requirement. A lessor must ensure that information given to them in this notice and an accompanying document is kept in a secure manner so far as it is reasonably practicable to do so. A penalty of a fine of up to \$5 000 applies for failure to comply with this requirement.	

14. Schedule 5 amended

In Schedule 5 in the table:

(a) after the row relating to section 34(1) insert:

s. 45(3)	Failing to give lessor copy of key within 7 days	\$1 000
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(b) after the row relating to section 59F(2) insert:

s. 59F(2A)	Lessor breaching term referred to in s. 45(2)(c)	\$2 000
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(c) after the row relating to section 63(3) insert:

s. 71AB(3)	Lessor disclosing information referred to in s. 71AB(2)	\$1 000
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s. 71AB(4)	Lessor failing to ensure information referred to in s. 71AB(2) is kept in secure manner	\$1 000
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Part 3 — *Residential Parks (Long-stay Tenants) Regulations 2007* amended

15. Regulations amended

This Part amends the *Residential Parks (Long-stay Tenants) Regulations 2007*.

16. Regulation 13 amended

(1) In regulation 13(1):

(a) delete “this regulation —” and insert:

subregulations (2) to (4) —

(b) in paragraph (b) delete “section 38(d)” and insert:

section 38(1)(d)

(2) After regulation 13(4) insert:

(5) For the purposes of section 38(2) of the Act, the prescribed form of a notice under section 45A(1) of the Act is set out in Schedule 10 Division 4.

Note: The heading to amended regulation 13 is to read:

Notice of termination (s. 38(1)(d) and (2) of Act)

17. Regulation 13A inserted

After regulation 13 insert:

13A. Prescribed person for s. 45A(2)(d)(vi) of Act

For the purposes of section 45A(2)(d)(vi) of the Act, the following are prescribed —

- (a) a person in charge of an Aboriginal legal, health or welfare organisation;
- (b) an officer as defined in the *Children and Community Services Act 2004* section 3 who is authorised for the purposes of this paragraph by the CEO as defined in that section;
- (c) a person employed as a family support worker by another person with whom the Minister administering the *Children and Community Services Act 2004* has entered into an agreement under section 15 of that Act.

18. Regulation 22 inserted

After regulation 21 insert:

22. Prescribed alterations for Sch. 1 cl. 14(4) of Act

For the purposes of Schedule 1 clause 14(4) of the Act, prescribed alterations are the following —

- (a) the renovation, alteration or addition of any of the following —
 - (i) security alarms and cameras;
 - (ii) locks, screens and shutters on windows;
 - (iii) security screens on doors;
 - (iv) exterior lights;
 - (v) locks on gates;
- (b) the pruning of shrubs and trees to improve visibility around the agreed premises.

19. Schedule 10 Division 4 inserted

After Schedule 10 Division 3 insert:

Division 4 — Termination by tenant of tenant's interest in on-site home agreement

Notice of termination of tenant's interest in on-site home agreement on grounds of family violence <i>Residential Parks (Long-stay Tenants) Act 2006 s. 38(2), 45A(1)</i> <i>Residential Parks (Long-stay Tenants) Regulations 2007 r. 13(5)</i>		Part A
Park operator	Family name: Other names:	
Tenant	Family name: Other names:	
On-site home	Address: Postcode:	
Notice	I, the long-stay tenant, give notice of the termination of my interest in the on-site home agreement on the grounds that I am, or my dependant is, likely to be subjected or exposed to family violence. The last day of my tenancy will be _____ (a day that is not less than 7 days after the giving of this notice). I will move out of the on-site home on or before this day.	
Accompanying document(s)	I attach 1 or more of the following: <input type="checkbox"/> a DVO; <input type="checkbox"/> a Family Court injunction or an application for a Family Court injunction; <input type="checkbox"/> a copy of a prosecution notice or indictment containing a charge relating to violence against the tenant or a court record of a conviction of the charge; <input type="checkbox"/> a report of family violence under the <i>Residential Parks (Long-stay Tenants) Act 2006 s. 45A(2)(d)</i> .	
Signature	Long-stay tenant:	Date:
Further information	See Part B of this form and also refer to the <i>Residential Parks (Long-stay Tenants) Act 2006</i> or contact the Department of Mines, Industry Regulation and Safety — Consumer Protection Division on 1300 304 054 or at www.commerce.wa.gov.au/consumer-protection . For Translating and Interpreting Services please telephone TIS on 131 450 and ask to speak to the Department of Mines, Industry Regulation and Safety (1300 304 054) for assistance.	

Important information about this notice		Part B
The types of on-site agreements to which this notice applies		
This notice applies to on-site home agreements under the <i>Residential Parks (Long-stay Tenants) Act 2006</i> .		
Period of notice by tenant		
A long-stay tenant can give the park operator this notice if the tenant, or a dependant of the tenant, is likely to be exposed or subjected to family violence during the term of the on-site home agreement. The period of the notice must not be less than 7 days before the termination day.		
Co-tenants		
A park operator must give a copy of this notice (but not an accompanying document) to any co-tenants named on the on-site home agreement within 7 days after receiving this notice. A co-tenant may, within 7 days after receiving a copy of this notice, give the park operator notice of termination of the co-tenant's interest in the on-site home agreement. This period of notice must not be less than 21 days before the termination day.		

Notice by co-tenant to terminate their interest in the on-site home agreement

A co-tenant does not need to use a specific form to notify the park operator that they wish to terminate their interest in the on-site home agreement. They simply need to notify the park operator in writing.

Co-tenant remaining in on-site home

Any co-tenants who wish to remain in the on-site home are entitled to do so and the existing on-site home agreement will continue to apply to them.

Documents must be kept confidential

A park operator must not disclose information contained in this notice or an accompanying document to another person except as allowed by the *Residential Parks (Long-stay Tenants) Act 2006* or another written law. A penalty of a fine of up to \$5 000 applies for failure to comply with this requirement.

A park operator must ensure that information given to them in this notice and an accompanying document is kept in a secure manner so far as it is reasonably practicable to do so. A penalty of a fine of up to \$5 000 applies for failure to comply with this requirement.

R. NEILSON, Clerk of the Executive Council.