



Western Australia

Short-Term Rental Accommodation Act 2024

Short-Term Rental Accommodation Regulations 2024

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**Schedule 1 — Prescribed offences
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Division 1 — Offences under Act

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Schedule 2 — Forms

Defined terms

Short-Term Rental Accommodation Regulations 2024

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Short-Term Rental Accommodation Regulations 2024*.

2. Commencement

These regulations come into operation on the day on which the *Short-Term Rental Accommodation Act 2024* section 50 comes into operation.

3. Terms used

In these regulations —

community titles scheme has the meaning given in the *Community Titles Act 2018* section 3(1);

strata titles scheme has the meaning given in the *Strata Titles Act 1985* section 3(1).

4. Hosted accommodation

(1) In this regulation —

ancillary dwelling has the meaning given in the R-Codes Volume 1 Appendix 1;

R-Codes means the Residential Design Codes prepared as a State planning policy under the *Planning and Development Act 2005* Part 3;

title means a certificate of title created under the *Transfer of Land Act 1893*.

- (2) Short-term rental accommodation is hosted accommodation if —
 - (a) it is an ancillary dwelling; and
 - (b) during the short-term rental arrangement, the accommodation provider resides on residential premises that are comprised in the same title as the ancillary dwelling.
- (3) Short-term rental accommodation is not hosted accommodation if it is comprised in a title which does not also comprise the residential premises on which the accommodation provider ordinarily resides.

5. Premises to which Act does not apply

- (1) In this regulation —

serviced apartment has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38;

tourist development has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38.
- (2) The Act does not apply to any of the following —
 - (a) premises that are used exclusively for the provision of accommodation by or on behalf of an agency (as defined in the *Public Sector Management Act 1994* section 3(1));
 - (b) premises that are used exclusively for the provision of short-stay accommodation for Aboriginal people;
 - (c) premises that are a tourist development;
 - (d) premises that are a serviced apartment.

6. Information to be included in applications for registration

An application made under section 17 of the Act must include the information set out in regulation 10.

7. Suspension or cancellation of registration

- (1) The Commissioner may cancel or suspend the registration of residential premises under section 24(b) of the Act on the ground that the accommodation provider has contravened a provision of an Act that is listed in column 1 of the Table to this regulation.
- (2) Despite the *Interpretation Act 1984* section 46, a reference in this regulation to an Act does not include a reference to regulations made under that Act unless those regulations are listed in column 2 of the Table.

Table

Column 1 Act	Column 2 Regulations
<i>Building Act 2011</i>	<i>Building Regulations 2012</i>
<i>Bush Fires Act 1954</i>	<i>Bush Fires Regulations 1954</i>
<i>Caravan Parks and Camping Grounds Act 1995</i>	<i>Caravan Parks and Camping Grounds Regulations 1997</i>
<i>Community Titles Act 2018</i>	
<i>Electricity Act 1945</i>	<i>Electricity Regulations 1947</i>
<i>Emergency Management Act 2005</i>	

Column 1 Act	Column 2 Regulations
<i>Emergency Services Levy Act 2002</i>	
<i>Environmental Protection Act 1986</i>	<i>Environmental Protection (Noise) Regulations 1997</i>
<i>Fair Trading Act 2010</i>	
<i>Fire and Emergency Services Act 1998</i>	<i>Fire and Emergency Services Regulations 1998</i>
<i>Fire Brigades Act 1942</i>	<i>Fire Brigades Regulations 1943</i>
<i>Food Act 2008</i>	<i>Food Regulations 2009</i>
<i>Health (Miscellaneous Provisions) Act 1911</i>	<i>Fly Eradication Regulations</i>
	<i>Sewerage (Lighting, Ventilation and Construction) Regulations 1971</i>
<i>Liquor Control Act 1988</i>	
<i>Metropolitan Redevelopment Authority Act 2011</i>	<i>Metropolitan Redevelopment Authority Regulations 2011</i>
<i>Planning and Development Act 2005</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<i>Public Health Act 2016</i>	<i>Public Health Regulations 2017</i>

Column 1 Act	Column 2 Regulations
<i>Strata Titles Act 1985</i>	
<i>Swan Valley Planning Act 2020</i>	
<i>Work Health and Safety Act 2020</i>	<i>Work Health and Safety (General) Regulations 2022</i>

8. Changes to be notified to Commissioner

For the purposes of section 28(f) of the Act, an accommodation provider for registered premises must notify the Commissioner of a change to particulars relating to the registered premises that are included in the Register under —

- (a) section 31(3)(b), (e) or (h) of the Act; or
- (b) regulation 10(c), (d), (e) or (f).

9. Certificate evidence

- (1) The Commissioner may approve a form (the *approved form*) for the certificate referred to in section 29 of the Act.
- (2) If the Commissioner approves a form under subregulation (1) —
 - (a) the Commissioner must ensure that the approved form is made publicly available on a website maintained by the Department; and
 - (b) a certificate issued under section 29 of the Act must be in the approved form.
- (3) The designation of an officer by a local government under section 29(4) of the Act must be made on behalf of the local government by its chief executive officer.

10. Information to be included in Register

The Commissioner must include in the Register the following information provided by the accommodation provider in relation to registered premises —

- (a) whether the accommodation provider is an owner or a tenant of the premises and, if a tenant, whether the terms of the residential tenancy agreement prohibit the use of the premises as short-term rental accommodation;
- (b) whether the premises are included in land that is subdivided by a strata titles scheme or a community titles scheme and, if so, whether the scheme by-laws prohibit the use of the premises as short-term rental accommodation;
- (c) whether at least 2 residual current devices (as defined in the *Electricity Regulations 1947* regulation 12) are installed on the premises;
- (d) whether there are smoke alarms installed in the premises in compliance with the *Building Regulations 2012* Part 8 Division 3;
- (e) whether there is a private swimming pool (as defined in the *Building Regulations 2012* regulation 3) on, or available to occupants of, the premises and, if so, whether any barrier to that pool has been inspected under the *Building Regulations 2012* Part 8 Division 2 during the 4 years ending on the date of the most recent application for registration, or renewal of registration, of the premises;
- (f) whether it is intended to provide food for occupants of the premises and, if so, whether a food business (as defined in the *Food Act 2008* section 10) is conducted at the premises and, if so, whether the local government has been notified under that Act.

11. Disclosure of information: health and safety

The Commissioner may disclose information kept in the Register to any person if the Commissioner considers the disclosure necessary or desirable for the health or safety of a person to whom short-term rental accommodation is provided in registered premises.

12. Disclosure of information: community titles schemes and strata titles schemes

- (1) In this regulation —
scheme corporation means —
 - (a) in relation to a registered premises that is comprised in a community titles scheme — the community corporation (as defined in the *Community Titles Act 2018* section 3(1)) for the scheme; and
 - (b) in relation to a registered premises that is comprised in a strata titles scheme — the strata company (as defined in the *Strata Titles Act 1985* section 3(1)) for the scheme.
- (2) A scheme corporation for a registered premises that is comprised in a community titles scheme or a strata titles scheme may request the Commissioner in writing to disclose information kept in the Register that relates to the registered premises.
- (3) In response to a request made under subregulation (2) the Commissioner may disclose to the scheme corporation information kept in the Register that the Commissioner is satisfied is reasonably required in connection with the management of the scheme in accordance with —
 - (a) the *Community Titles Act 2018* or the *Strata Titles Act 1985*, as the case may be; and
 - (b) the scheme by-laws.

13. Particulars of short-term rental arrangements to be notified to Commissioner

(1) In this regulation —

application programming interface (API) means an interface between software applications that enables the exchange of data between the applications;

notifiable particulars, in relation to a short-term rental arrangement, means —

- (a) the check-in and check-out dates of the arrangement; and
- (b) the number of persons to be accommodated under the arrangement.

(2) For the purposes of this regulation a booking platform is *electronically integrated* if it is capable, by means of an API, of exchanging information with a software application that supports the Register.

(3) Not later than 24 hours after a short-term rental arrangement is made in relation to a registered premises by means of an electronically integrated booking platform, the booking platform provider must, by means of an API —

- (a) notify the Commissioner of the notifiable particulars of the arrangement; and
- (b) obtain confirmation that the premises to which the notification relates is a registered premises.

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

(4) Not later than 24 hours after a change is made to a booking affecting particulars that have been notified under subregulation (3), the booking platform provider must, by means of an API —

- (a) notify the Commissioner of the changed particulars; and

- (b) obtain confirmation that the premises to which the notification relates is a registered premises.

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

- (5) Not later than the 5th day of the calendar month immediately after the calendar month in which a short-term rental arrangement is made in relation to a registered premises other than by means of an electronically integrated booking platform, the accommodation provider must notify the Commissioner of the notifiable particulars of the arrangement.

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

- (6) Not later than the 5th day of the calendar month immediately after the calendar month in which a change is made to a booking affecting particulars that have been notified under subregulation (5), the accommodation provider must notify the Commissioner of the changed particulars.

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

- (7) Notifications under subregulations (5) and (6) must be made —
 - (a) by means of an API; or
 - (b) in another manner acceptable to the Commissioner.

14. Fees

- (1) In this regulation —
 - application fee** means the fee to accompany an application for the registration of residential premises under section 17 or 20 of the Act;
 - renewal fee** means the fee to accompany an application for renewal of the registration of residential premises under section 23 of the Act.
- (2) The application fee is \$250.
- (3) The renewal fee is \$100.

r. 15

- (4) The Commissioner may refund an application fee or a renewal fee in whole or in part if —
 - (a) the registration of the premises is cancelled under section 24(c) of the Act; or
 - (b) the Commissioner considers that special circumstances justify the refund.

15. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3)(a).

16. Authorised officers and approved officers

- (1) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (2) The Commissioner must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
- (3) An authorised officer may, for the purpose of showing that the authorised officer is authorised to issue an infringement notice, show a certificate, badge or identity card issued under subregulation (2) to the alleged offender.

17. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 2 are prescribed.

18. Transitional provision

- (1) In this regulation —
application fee has the meaning given in regulation 14(1);
fee waiver period means the period —
 - (a) commencing on the day on which Part 2 of the Act comes into operation; and
 - (b) continuing until the day that is 3 months after that day.
- (2) The Commissioner may waive, in whole or in part, the application fee in respect of an application made during the fee waiver period.

19. Building Regulations 2012 amended

- (1) This regulation amends the *Building Regulations 2012*.
- (2) In regulation 55(1) insert in alphabetical order:

short-term rental accommodation has the meaning given in the *Short-Term Rental Accommodation Act 2024* section 3;
- (3) At the beginning of regulation 58 insert:
 - (1) This regulation applies to a dwelling if either or both of the following conditions are satisfied —
 - (a) the dwelling is rented, or made available for rent, under a residential tenancy agreement;
 - (b) the dwelling is, or is made available as, short-term rental accommodation.

- (4) In regulation 58 delete “The owner of a dwelling rented under a residential tenancy agreement, or made available for such rent,” and insert:

(2) The owner of the dwelling

- (5) In regulation 58 delete the Penalty and insert:

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

- (6) In regulation 60(1) in the definition of *relevant day* after paragraph (b) insert:

(ba) in relation to a dwelling that is short-term rental accommodation, means the day on which a person is entitled to enter into occupation of the dwelling under a short-term rental arrangement (as defined in the *Short-Term Rental Accommodation Act 2024* section 4(1));

- (7) Delete regulation 60(2)(b) and insert:

- (b) each smoke alarm necessary to meet those requirements —
- (i) if an expiry date is provided on the alarm — has not reached that expiry date; or
 - (ii) if no expiry date is provided on the alarm — was installed less than 10 years before the relevant day;
- and

- (8) Delete regulation 62 and insert:

62. Requirement to maintain certain smoke alarms

- (1) This regulation applies to a person who is one or more of the following —
- (a) the lessor (as defined in the *Residential Tenancies Act 1987* section 3) of a dwelling;
 - (b) the owner of a dwelling that is, or is made available as, short-term rental accommodation;
 - (c) the owner of a dwelling that is hired or made available for hire.
- (2) The lessor or owner must, to the extent practicable, ensure that each smoke alarm installed in the dwelling is in working order.
Penalty for this subregulation: a fine of \$5 000.
- (3) If a smoke alarm installed in the dwelling was, at the time of its installation, required to be connected to the mains power supply, the lessor or owner must, to the extent practicable, ensure that the alarm is permanently connected to the mains power supply.
Penalty for this subregulation: a fine of \$5 000.
- (4) If a smoke alarm installed in the dwelling was, at the time of installation, not required to be connected to the mains power supply, the lessor or owner must, to the extent practicable, ensure that the alarm has a 10 year life battery that cannot be removed.
Penalty for this subregulation: a fine of \$5 000.
- (5) If an expiry date is provided on a smoke alarm installed in the dwelling, the lessor or owner must, to the extent

practicable, ensure that the alarm has not reached that expiry date.

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

- (6) If no expiry date is provided on a smoke alarm installed in the dwelling, the lessor or owner must, to the extent practicable, ensure that the alarm is not more than 10 years old.

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

20. *Electricity Regulations 1947* amended

- (1) This regulation amends the *Electricity Regulations 1947*.

- (2) In regulation 12 insert in alphabetical order:

short-term rental accommodation has the meaning given in the *Short-Term Rental Accommodation Act 2024* section 3;

- (3) After regulation 13(b) insert:

- (ba) before the owner makes some or all of the premises available as short-term rental accommodation; or

- (4) After regulation 14(b) insert:

- (ba) before the owner makes the premises available as short-term rental accommodation; or
(bb) before the owner makes the premises available for hire; or

Schedule 1 — Prescribed offences and modified penalties

[r. 15(1) and (2)]

Division 1 — Offences under Act

Provision	Description of offence	Modified penalty
s. 9	Entering into, or seeking to enter into, short-term rental arrangement for unregistered premises	For entering into a short-term rental arrangement — \$2 000
s. 13(2)	Failure to comply with s. 13(1) notice	\$2 000
s. 14(2)	Failure to comply with s. 14(1) notice	\$2 000
s. 15(2)	Failure to comply with s. 15(1) notice	\$2 000
s. 16(1)	False representation as to registration of premises	\$2 000
s. 16(2)	Display of false registration number for premises	\$2 000
s. 28	Failure to notify Commissioner of event	For failing to notify of an event mentioned in s. 28(a), (b), (c), (d) or (e) — \$500
s. 36(3)	Failure to comply with a s. 36 notice	\$2 000

Division 2 — Offences under regulations

Provision	Description of offence	Modified penalty
r. 13(3)	Booking made on electronically integrated booking platform — failure to notify particulars of booking and obtain confirmation of registration	\$500
r. 13(4)	Booking made on electronically integrated booking platform — failure to notify changed particulars of booking	\$500
r. 13(5)	Booking not made on electronically integrated booking platform — failure to notify particulars of booking	\$500
r. 13(6)	Booking not made on electronically integrated booking platform — failure to notify changed particulars of booking	\$500

Schedule 2 — Forms

[r. 17]

Form 1 — Infringement notice

<i>Short-Term Rental Accommodation Act 2024</i>		Infringement notice no.
INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Alleged offence	Date or period	
	Time	
	Place	
	Details of offence	
	Written law contravened	
Date	Date of notice	
Issuing officer	Name	
	Office	
	Signature	
Modified penalty	\$	
TAKE NOTICE	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Approved Officer within 28 days after the date of this notice.</p>	

Form 1

	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you should contact the Approved Officer at the address below.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / /</p> <p>and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.</p>	
<p>How to pay</p>	<p>By post</p>	<p><i>[Insert details for paying by post]</i></p>
	<p>In person</p>	<p><i>[Insert details for paying in person]</i></p>

Form 2 — Withdrawal of infringement notice

<i>Short-Term Rental Accommodation Act 2024</i>		Withdrawal no.
WITHDRAWAL OF INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
Alleged offence	Date or period	
	Time	
	Place	
	Details of offence	
	Written law contravened	
Approved Officer withdrawing notice	Name	
	Office	
	Signature	
Date	Date of withdrawal	
Withdrawal of infringement notice	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed</p>	

Form 2

<p><i>[*Delete whichever is not applicable]</i></p>	<p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p>Approved Officer — <i>Short-Term Rental Accommodation Act 2024</i></p> <p><i>[Insert address]</i></p>		
<p>Your signature</p>		<p>Date</p>	

K. COLLERAN, Clerk of the Executive Council

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
ancillary dwelling	4(1)
API.....	13(1)
application fee.....	14(1), 18(1)
application programming interface	13(1)
approved form.....	9(1)
community titles scheme.....	3
electronically integrated.....	13(2)
fee waiver period	18(1)
notifiable particulars	13(1)
R-Codes	4(1)
renewal fee.....	14(1)
scheme corporation	12(1)
serviced apartment	5(1)
strata titles scheme	3
title	4(1)
tourist development.....	5(1)

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