COMMERCE

CM301*

Residential Tenancies Act 1987

Residential Tenancies Amendment Regulations 2016

Made by the Governor in Executive Council.

1.   Citation

These regulations are the *Residential Tenancies Amendment Regulations 2016*.

2.   Commencement

These regulations come into operation as follows —

(a)   regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b)   the rest of the regulations — on 1 September 2016.

3.   Regulations amended

These regulations amend the *Residential Tenancies Regulations 1989*.

4.   Regulation 7H inserted

At the end of Part 2 insert:

7H.   Modified application of Schedule 1 clauses 5A and 5 of the Act

(1)   Under section 6(a) and (b) of the Act it is provided that Schedule 1 clause 5A of the Act shall apply in respect of a residential tenancy agreement for residential premises that are managed by a property manager as if it were modified by deleting subclause (2) and inserting:

(2)   The payment must be made —

(a)   if subclause (3) applies, either directly or by lodging the amount with an authorised agent of the bond administrator; or

(b)   otherwise, using the Bonds Online eTransactions system administered by the bond administrator and available on the

website maintained by the Department at www.commerce.wa.gov.au/consumer-protecti on/bondsonline.

(3)   This subclause applies if —

    (a)   the tenant does not have one or more of the following —

        (i)   a mobile telephone number used exclusively by the tenant;

        (ii)   an email address used exclusively by the tenant;

        (iii)   internet access to check their email account;

        (iv)   competence in the use of a mobile telephone or email;

        (v)   a sound understanding of the English language;

        or

    (b)   the payment is made by way of the transfer of a security bond from one property to another property; or

    (c)   the bond administrator or an authorised agent has approved the making of the payment in accordance with subclause 2(a).

(2)   Under section 6(a) and (b) of the Act it is provided that Schedule 1 clause 5 of the Act shall apply in respect of a residential tenancy agreement for residential premises that are managed by a property manager as if it were modified —

    (a)   in subclause (1)(a) before "an application" by inserting:

        if subclause (1A) applies,

    (b)   by deleting subclause (1)(b) and inserting:

        (b)   if an order has been made under clause 8, a copy of that order; or

        (c)   otherwise, an application made by all parties to the residential tenancy agreement to which the security bond relates using the Bonds Online eTransaction system administered by the bond administrator and available on the website maintained by the Department at www.commerce.wa.gov.au/consumer-protecti on/bondsonline,

(c) after subclause (1) by inserting:

(1A) This subclause applies if —

    (a) the tenant does not have one or more of the following —

        (i) a mobile telephone number used exclusively by the tenant;

        (ii) an email address used exclusively by the tenant;

        (iii) internet access to check their email account;

        (iv) competence in the use of a mobile telephone or email;

        (v) a sound understanding of the English language;

    or

    (b) the application relates to the disposal of a security bond to an overseas bank account; or

    (c) the application relates to the transfer of a security bond from one property to another, or from one property manager to another property manager; or

    (d) the bond administrator or an authorised agent has approved the lodging of an application in accordance with subclause (1)(a)(ii).

K. H. ANDREWS, Clerk of the Executive Council.