

CE318\*

Residential Tenancies Act 1987  
Criminal Procedure Act 2004

## **Residential Tenancies Amendment Regulations 2006**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Residential Tenancies Amendment Regulations 2006*.

**2. Commencement**

These regulations come into operation on the later of —

- (a) the day on which they are published in the *Gazette*; and
- (b) the day on which the *Criminal Procedure Amendment Regulations (No. 2) 2006* come into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Residential Tenancies Regulations 1989*\*.

[\* *Reprint 2 19 September 2003.*

*For amendments to 29 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 337 and Gazette 31 March 2006.]*

**4. Regulation 18 replaced**

Regulation 18 is repealed and the following regulation is inserted instead —

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**18. Forms**

The forms set out in Schedule 4 are prescribed in relation to the matters specified in those forms.

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**5. Regulation 20 inserted**

After regulation 19 the following regulation is inserted —

“

**20. Infringement notices**

- (1) The offences specified in Schedule 5 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 5 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (4) The Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

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## 6. Schedule 4 amended

Schedule 4 is amended after Form 5 by inserting the following forms —

“

### FORM 6

<i>Residential Tenancies Act 1987</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Alleged offence</b>	Description of offence _____	
	<i>Residential Tenancies Act 1987 s.</i> <i>Residential Tenancies Regulations 1989 r.</i>	
	Date        /        /20        Time        a.m./p.m.	
	Modified penalty \$ _____	
<b>Officer issuing notice</b>	Name	
	Signature	
	Office	
<b>Date</b>	Date of notice        /        /20	
<b>Notice to alleged offender</b>	<p>It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to ‘Approved Officer — <i>Residential Tenancies Act 1987</i>’) to: Approved Officer — <i>Residential Tenancies Act 1987</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at: Department of Consumer and Employment Protection 219 St George’s Terrace, Perth WA</p> <p><b>If you do not pay</b> 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 your driver’s licence and/or vehicle licence may be suspended.</p>	
	<p><b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p> <p><b>If you want this matter to be dealt with by prosecution in court</b>, sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>	

### FORM 7

<i>Residential Tenancies Act 1987</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	

<b>Infringement notice</b>	Infringement notice no.
	Date of issue / /20
<b>Alleged offence</b>	Description of offence
	<i>Residential Tenancies Act 1987 s.</i> <i>Residential Tenancies Regulations 1989 r.</i>
	Date / /20 Time a.m./p.m.
<b>Officer withdrawing notice</b>	Name
	Signature
	Office
<b>Date</b>	Date of withdrawal / /20
<b>Withdrawal of infringement notice</b>  [*delete whichever is not applicable]	<p>The above infringement notice issued against you 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> <p>or</p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:</p> <p style="text-align: center;">Approved Officer — <i>Residential Tenancies Act 1987</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>Signature / /20</p>

## 7. Schedule 5 inserted

After Schedule 4 the following Schedule is inserted —

“

### Schedule 5 — Prescribed offences and modified penalties

[r. 20]

Offences under <i>Residential Tenancies Act 1987</i>		Modified penalty
s. 27(1)	Charging unauthorised letting fee .....	\$200
s. 28(1)	Requiring more than 2 weeks rent during first 2 weeks of tenancy .....	\$200
s. 28(2)	Requiring rent in advance .....	\$200
s. 29(1)(a)	Requiring more than one security bond .....	\$200
s. 29(1)(b)	Requiring security bond of more than 4 weeks rent plus pet bond (if applicable) .....	\$200
s. 29(4)(a)	Failing to give receipt for security bond .....	\$800
s. 29(4)(b)	Failing to pay security bond to administrator or authorised financial institution .....	\$800
s. 29(4)(c)	Failing to keep records of security bonds .....	\$800
s. 29(4)(d)	Failing to give copy of bond record to payee .....	\$800
s. 33(1)	Failing to give receipt for rent .....	\$200
s. 34(1)	Failing to keep records of rent received .....	\$200
s. 45(2)	Owner or tenant changing locks without consent ...	\$800
s. 45(3)	Agent changing locks without consent .....	\$800
s. 51(1)	Failing to notify tenant of owner's details .....	\$200
s. 51(3)	Failing to notify tenant of change of ownership .....	\$200

<b>Offences under <i>Residential Tenancies Act 1987</i></b>		<b>Modified penalty</b>
s. 51(4)	Failing to notify tenant of change of owner's details .....	\$200
s. 53(1)	Giving false name or place of occupation .....	\$200
s. 53(2)	Failing to notify owner of change of place of occupation .....	\$200
s. 53(3)	Failing to provide forwarding address on vacating premises .....	\$200
s. 54(1)(a)	Failing to give tenant copy of lease .....	\$200
s. 54(1)(b)	Failing to give tenant copy of executed lease .....	\$200
s. 63(3)	Giving notice of termination on false grounds .....	\$400
s. 80	Entering leased premises to recover possession without court order .....	\$800
s. 86(1)	Agent demanding unauthorised letting fee .....	\$100
Sch 1		
cl. 7(2)	Failing to repay bond when required .....	\$200
<b>Offences under <i>Residential Tenancies Regulations 1989</i></b>		<b>Modified penalty</b>
r. 14(2)	Failing to give 'Information to Tenant' notice .....	\$20

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By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.