



Western Australia

Residential Tenancies Act 1987

**Residential Tenancies Amendment Regulations
(No. 2) 2023**

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Residential Tenancies Amendment Regulations (No. 2) 2023

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Residential Tenancies Amendment Regulations (No. 2) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Residential Tenancies Regulations 1989*.

4. Regulation 5ABA inserted

After regulation 5AB insert:

5ABA. Modified application of Act s. 27A — lessor may enter into agreement amended to reflect lawful terms

Under section 6(a) of the Act it is provided that section 27A of the Act applies to any written residential tenancy agreement as if it were modified by:

- (a) deleting “A lessor” and inserting:
 - (1) A lessor
- (b) inserting at the end of section 27A:
 - (2) However, the lessor does not commit an offence against subsection (1) if the written residential tenancy agreement has been amended only to the extent necessary to —
 - (a) reflect the terms that lawfully apply to the agreement; or
 - (b) make incidental changes because the agreement has been amended under paragraph (a).

5. Regulation 6B inserted

After regulation 6A insert:

6B. Exemption from Act s. 45(2)(b) if Housing Authority is lessor

Under section 6(a) of the Act it is provided that section 45(2)(b) of the Act does not apply to a residential tenancy agreement if the Housing Authority is the lessor.

6. Regulation 7A amended

- (1) In regulation 7A(1) delete the definition of *Register of Heritage Places*.
- (2) In regulation 7A(3)(a) delete “the Register of Heritage Places; or” and insert:

the State Register of Heritage Places maintained under the *Heritage Act 2018* section 35(1); or

- (3) In regulation 7A(4) delete “prescribed in the regulations; and” and insert:

prescribed; and”

7. Regulation 7FA inserted

After regulation 7F insert:

7FA. Modified application of Act s. 85 for Housing Authority

- (1) This regulation applies if the Housing Authority is the lessor of residential premises.
- (2) Under section 6(b) of the Act it is provided that section 85(1) of the Act applies to the premises as if it were modified by inserting after paragraph (b):

- (ba) if the Housing Authority gives the notice or document in relation to premises of which the Authority is the lessor — be given by leaving it at that premises; or

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V. MOLAN, Clerk of the Executive Council

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