

Western Australia

Residential Tenancies Amendment Bill 2015

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 46 amended	2
5.	Section 79 amended	2
6.	Section 85 amended	3
7.	Schedule 1 clause 8 amended	4

Western Australia

LEGISLATIVE ASSEMBLY

Residential Tenancies Amendment Bill 2015

A Bill for

An Act to amend the *Residential Tenancies Act 1987*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Residential Tenancies Amendment Act 2015*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
- 7 (b) the rest of the Act — on a day fixed by proclamation,
8 and different days may be fixed for different provisions.

9 **3. Act amended**

10 This Act amends the *Residential Tenancies Act 1987*.

11 **4. Section 46 amended**

12 (1) In section 46(1) insert in alphabetical order:

13

14 *notice* means notice in a form approved by the
15 Commissioner;

16

17 (2) In section 46(4) delete “before the lessor gives notice under
18 subsection (2) of a proposed entry to the premises,” and insert:

19

20 if it would unduly inconvenience the tenant for the lessor to
21 enter the premises as specified in a notice given under
22 subsection (2),

23

24 **5. Section 79 amended**

25 (1) In section 79(2) delete the Penalty and insert:

26

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

28

- 1 (2) Delete section 79(3) and insert:
2
- 3 (3) A lessor who stores goods under subsection (2) must
4 cause notice in or to the effect of the form approved by
5 the Commissioner for the purposes of this
6 subsection —
- 7 (a) to be given to the tenant within 7 days after the
8 day on which the goods were stored; or
- 9 (b) to be —
- 10 (i) made publicly available in any manner
11 prescribed for the purposes of this
12 paragraph, including (without
13 limitation) by means of a website within
14 7 days after the day on which the goods
15 were stored; and
- 16 (ii) posted in a prominent position on the
17 premises that were subject to the former
18 agreement within 9 days after the day
19 on which the goods were stored.

20 Penalty for this subsection: a fine of \$5 000.
21

22 **6. Section 85 amended**

- 23 (1) In section 85(1):
- 24 (a) in paragraph (b) delete “business.” and insert:
25
26 business; or
27
- 28 (b) after paragraph (b) insert:
29
- 30 (c) with the consent of that person or in other
31 circumstances specified in the regulations, be

s. 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

given or served by electronic means in accordance with the regulations.

(2) In section 85(3):

(a) delete “Any notice or document required or authorised to be given under this Act to any person whose address is unknown” and insert:

If a notice or document required or authorised to be given under this Act cannot be given or sent to a person in accordance with subsection (1), it

(b) in paragraph (a) after “throughout” insert —

all, or most of,

(c) in paragraph (b) delete “effected.” and insert:

effected; or

(d) after paragraph (b) insert:

(c) it is made publicly available in any manner prescribed for the purposes of this paragraph, including (without limitation) by means of a website.

7. Schedule 1 clause 8 amended

(1) In clause 8(3) delete “prescribed form,” and insert:

form approved by the Minister,

1 (2) In clause 8(4)(b) delete “prescribed form” and insert:

2

3 form approved by the Minister

4

5

6

=====