

Western Australia

## **Residential Tenancies Amendment Bill 2015**

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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**

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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

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- 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**

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1 given or served by electronic means in  
2 accordance with the regulations.  
3

4 (2) In section 85(3):

5 (a) delete “Any notice or document required or authorised  
6 to be given under this Act to any person whose address  
7 is unknown” and insert:  
8

9 If a notice or document required or authorised to be  
10 given under this Act cannot be given or sent to a person  
11 in accordance with subsection (1), it  
12

13 (b) in paragraph (a) after “throughout” insert —  
14

15 all, or most of,  
16

17 (c) in paragraph (b) delete “effected.” and insert:  
18

19 effected; or  
20

21 (d) after paragraph (b) insert:  
22

23 (c) it is made publicly available in any manner  
24 prescribed for the purposes of this paragraph,  
25 including (without limitation) by means of a  
26 website.  
27

28 **7. Schedule 1 clause 8 amended**

29 (1) In clause 8(3) delete “prescribed form,” and insert:  
30

31 form approved by the Minister,  
32

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

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3               form approved by the Minister

4

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