

INFORMATION PACKAGE FOR BOOKING PLATFORM PROVIDERS

SHORT STAY ACCOMMODATION ACT 2019

This Information Package has been approved by the Minister for Planning to provide information to booking platform providers to assist with understanding and complying with the requirements for the *Short Stay Accommodation Act 2019*.

Overview of Short Stay Accommodation Act

The *Short Stay Accommodation Act 2019* (SSA Act) serves two important roles by ensuring that everyone is 'playing by the rules' in relation to the current planning requirements for short stay accommodation and to give a clear indication of the extent of conversions and use of housing for short stay accommodation in Tasmania.

The SSA Act places obligations on the owners or occupiers of premises used for certain types of short stay accommodation (the "short stay premises provider") and the booking platform provider that advertises and takes bookings for accommodation.

The SSA Act came into effect on 4 June 2019.

Requirements for booking platform providers

The booking platform provider must not enter into a formal agreement with a short stay premises provider to advertise and take bookings for short stay accommodation, unless the short stay premises provider has supplied all information required by the SSA Act.

The booking platform provider must display the relevant planning permit number of each premises, or a statement that a planning permit is not required or that the premises otherwise has existing use rights. [Appendix I](#) provides a template for displaying this information.

New and existing short stay premises providers are required to supply this information to the booking platform provider.

The booking platform provider is also required to supply to the Director of Building Control at the end of each financial quarter:

- all information received from the short stay premises provider for each premises listed on the platform; and
- identify the period that the premises was displayed on the platform during that financial quarter.

A summary of the information requirements is included below.

SUMMARY OF INFORMATION REQUIREMENTS		
<p>INFORMATION REQUIRED FROM SHORT STAY PREMISES PROVIDERS</p> <ul style="list-style-type: none"> Confirmation that the premises has the required planning permit (including the permit number), does not require a planning permit, or has existing use rights established under section 12 of the <i>Land Use Planning and Approvals Act 1993</i>. Street address of the premises. Number of bedrooms used for short stay accommodation. Whether the premises comprises all or part of the primary place of residence of the short stay premises provider. 	<p>INFORMATION TO BE DISPLAYED ON BOOKING PLATFORM FOR EACH PREMISES</p> <ul style="list-style-type: none"> Planning permit number for the premises; Statement that the premises does not require a planning permit; or Statement that the premises has existing use rights established under section 12 of the <i>Land Use Planning and Approvals Act 1993</i>. 	<p>INFORMATION TO BE SUPPLIED TO DIRECTOR OF BUILDING OF CONTROL FOR EACH PREMISES</p> <ul style="list-style-type: none"> Planning permit number (where applicable), or a statement that the premises, does not require a planning permit, or has existing use rights established under section 12 of the <i>Land Use Planning and Approvals Act 1993</i>. Street address of the premises. Number of bedrooms used for short stay accommodation at the premises. Whether the premises comprises all or part of the primary place of residence of the short stay premises provider. Period that the premises was displayed on the platform during each financial quarter.

FREQUENTLY ASKED QUESTIONS

Which booking platforms are applicable?

For the purposes of the SSA Act, a booking platform is an online platform that provides a means for advertising and booking short stay accommodation for multiple premises, such as Airbnb and HomeAway.

It does not include:

- platforms that only advertise and provide no booking service for short stay accommodation, such as newspaper classifieds, Gumtree and Facebook;
- websites that provide price comparisons for short stay accommodation with links to separate platforms for booking accommodation;
- websites operated by the short stay premises provider that provide a means of booking accommodation; or
- platforms that provide a booking service but do not provide a means of advertising multiple premises, such as booking platforms that only provide booking add-on software to websites operated by the short stay premises provider, such as Newbook, Channel Manager and Resonline.

Who qualifies as a short stay premises provider?

A short stay premises provider is the owner or occupier of a premises who uses, or seeks to use, it for short stay accommodation.

The owner or occupier may engage an agent to act on their behalf. An agent is not a short stay premises provider for the purposes of the SSA Act.

What types of short stay accommodation are applicable?

The SSA Act applies to short stay accommodation let out to guests through a dedicated booking platform, such as Airbnb or HomeAway, if it is located within any of the following planning scheme zones:

- General Residential Zone
- Inner Residential Zone
- Low Density Residential Zone
- Rural Living Zone
- Environmental Living Zone
- Village Zone
- Activity Area 1.0 Inner City Residential (Wapping)

The SSA Act does not apply to hotels, motels or caravan parks.

How can the zoning of the premises be determined?

The planning scheme zone can be determined by viewing the planning scheme zone maps available on the Land Information System Tasmania (the LIST).

To access the planning scheme zone maps:

1. Load LISTmap (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).
2. Add the layers for 'Tasmanian Interim Planning Scheme Zoning' or 'Sullivans Cove Planning Zones', whichever is applicable.
3. Search the address of the premises and click on the map to determine the current zone.

Is it the responsibility of the booking platform provider to ensure the information provided is accurate?

No. The onus is on the short stay premises provider to provide accurate information. It is not the responsibility of the booking platform provider to check the accuracy of any information received.

Penalties apply to the short stay premises provider for providing false or misleading information.

How is existing short stay accommodation affected?

The SSA Act applies to both new and existing short stay premises providers that use, or seek to use, a booking platform for advertising and booking accommodation.

There is a six (6) month transition period from the commencement of the SSA Act to allow for existing short stay premises providers and the booking platform providers to comply with the new requirements. During this period the penalties do not apply.

The six-month transition period ends on 4 December 2019.

How is the relevant information to be supplied to the Director of Building Control?

The relevant information is to be supplied to the Director of Building Control in Microsoft Excel spreadsheet format. It must be submitted by email to cbos.info@justice.tas.gov.au within 30 days of the end of each financial quarter after the transition period ceases.

Appendix 2 outlines the relevant information to be supplied.

What happens to the information that is supplied?

The information will be made available to State and local government, or others acting on their behalf, for the following purposes:

- to assist with ensuring compliance with planning and building requirements;
- for analysis purposes in considering and determining policies on housing and the use of housing for short stay accommodation in Tasmania;
- reporting on short stay accommodation in Tasmania; and
- any other purposes prescribed by Regulation in the future.

The privacy of short stay premises providers will be protected. The information cannot be published in a form that enables individual premises or owners/occupiers to be identified.

Are there penalties if a booking platform provider does not comply with the requirements?

Yes. Penalties apply to a booking platform provider for listing premises without receiving or displaying the relevant information from the short stay premises provider. Penalties also apply if the relevant information is not supplied to the Director of Building Control at the end of each financial quarter.

SHORT STAY ACCOMMODATION ACT 2019
INFORMATION PACKAGE FOR BOOKING PLATFORM PROVIDERS

The following penalties apply:

Offence	Entering into a formal agreement with a short stay premises provider without receiving the required information	Not displaying the required information on the booking platform for each premises	Not providing the required information to the Director of Building Control on each premises with 30 days of the end of each financial quarter
Penalty	Up to 100 penalty units (currently \$16,800) per premises. Recurring penalty of up to 10 penalty units (currently \$1680) per day if the offence continues.	Up to 100 penalty units (currently \$16,800) per premises. Recurring penalty of up to 10 penalty units (currently \$1680) per day if the offence continues.	Up to 50 penalty units (currently \$8400) per premises

Enquiries

Further information on the *Short Stay Accommodation Act 2019* is available on the Tasmanian Planning Reform website: <https://www.planningreform.tas.gov.au/home>

Any enquiries can be directed to the Planning Policy Unit within the Department of Justice at Planning.Unit@justice.tas.gov.au or by telephoning (03) 6166 1429.

August 2019

Appendix I – Template for relevant information to be included on booking platform

The following provides a suggested template for displaying the relevant information for each premises listed on the booking platform. Each applicable listing in Tasmania must include the following information.

Planning Permit Number

Insert the planning permit number supplied by short stay premises provider.

<e.g. PLN-17-255>

OR

Insert the following statement if the short stay premises provider states that a planning permit is not required.

<A planning permit is not required for this premises.>

OR

Insert the following statement if the short stay premises provider states that section 12 of the Land Use Planning and Approvals Act 1993 is applicable to the premises.

<A planning permit is not required for this premises as section 12 of the Land Use Planning and Approvals Act 1993 applies.>

Appendix 2 – Relevant information to be supplied to Director of Building Control

Short Stay Premises Address			Planning permit number	Number of bedrooms used	Primary Residence of Short Stay Premises Provider	Relevant listing period
Street address	Suburb	Postcode				
12 Smith Street	Smithtown	7999	<p>Insert supplied planning permit number, or the relevant statement supplied by the short stay premises provider that a planning permit is not required.</p> <p><e.g. PLN-17-255></p> <p>OR</p> <p><A planning permit is not required for this premises.></p> <p>OR</p> <p><A planning permit is not required for this premises as section 12 of the Land Use Planning and Approvals Act 1993 applies.></p>	<p>Insert number of bedrooms used for short stay accommodation at the premises.</p> <p><e.g. 4 bedrooms></p>	<p>Insert answer supplied by short stay premises provider.</p> <p><e.g. Yes, comprises all or part of premises></p> <p>OR</p> <p><No></p>	<p>Insert period that the premises was displayed on the booking platform during that financial quarter.</p> <p><e.g. entire financial quarter></p> <p>OR</p> <p><e.g. 24/02/2019 to 31/03/2019></p>