

# DRAFT SHORT STAY ACCOMMODATION BILL 2018: AN OVERVIEW

## Overview

On 7 August 2018, the Government announced that it would seek to introduce new legislation to address compliance concerns relating to short stay accommodation to ensure compliance with existing regulations.

The proposed legislation is intended to serve two important purposes; to ensure everyone is 'playing by the rules' and to paint a clear picture of home sharing across Tasmania. The legislation will produce meaningful data to fully understand the short stay accommodation sector in Tasmania.

The intent of the proposed legislation is to require anyone listing their investment property on an online booking platform to show details of their planning permit, when it is required under the *Land Use Planning and Approvals Act 1993*.

The draft Short Stay Accommodation Bill 2018 proposes to achieve the intent of the Government by; introducing measures to encourage compliance with short stay accommodation planning permit requirements, supporting improved enforcement by planning authorities and collecting data that will lead to a better understanding of the impact of short stay

accommodation on the broader housing market.

## What does the Draft Bill do?

The Bill proposes to introduce measures to require short stay accommodation providers to list relevant planning permit information on their chosen online booking platform.

The Bill proposes to require online booking platforms to list relevant information on their platform where the information relates to compliance matters and also for these online booking platforms to share data with Government at regular intervals.

## The Draft Bill in detail

The Bill contains 10 sections and the intent of each section of the draft Bill is outlined below:

### 1. Short Title

Lists the title of the Bill

### 2. Commencement

Establishes when the Bill will become effective.

### 3. Interpretation

This section provides defined terms to enable effective operation of the Bill.

The definitions of ‘applicable premises’, ‘excluded premises’, ‘short stay premises’ and ‘short stay purposes’ are used to collectively describe a house that is intended to be used, or partly used, to provide accommodation for visitors who are paying a fee for the service. Other definitions are then used to connect this service to online booking platforms.

The intent of the definitions is to exclude a primary place of residence or a shack used by its owner, a hotel, motel or caravan park, or other premises prescribed in Regulations.

### 4. Relevant information in relation to short stay premises

This section identifies information that will need to be supplied for each short stay premises before listing on an online booking platform.

This information includes –

- a. the planning permit number, or whether a permit is not required;
- b. the number of bedrooms used for the short stay accommodation;
- c. the address of the short stay accommodation; and
- d. whether all or part of the dwelling is used for short stay accommodation.

Further details of when a short stay accommodation place is exempt from needing a planning permit can be found at:

[www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au).

This information will assist the State Government and local government in determining compliance with the requirements of the *Land Use Planning and Approvals Act 1993* and allow for ongoing analysis of potential impacts on the broader housing market. There are limitations on how this information may be used by the Government (see section 8 of the draft Bill).

### 5. Booking providers to ensure display of certain information

This section requires online booking platforms to obtain the relevant planning permit number and/or other specified compliance information from a short stay accommodation provider, or their agent, before listing a particular short stay accommodation place on the online booking platform.

This section also requires online booking platforms to not list a particular short stay accommodation place unless the booking platform is able to display the relevant planning permit number.

**6. Short stay premises provider to provide certain information to booking platform provider**

This section requires short stay accommodation providers, or their agent acting on behalf of a short stay accommodation provider, to provide online booking platforms with the relevant planning permit number and/or other specified compliance information identified in section 4 of the draft Bill when requesting a new online listing. It also requires all existing online listings for short stay accommodation in Tasmania to provide the specified compliance information. The draft Bill provides a transitioning period for all existing online listing to provide the necessary compliance information.

This section also requires that any information that is provided by the short stay accommodation provider to their agent or an online booking platform must not be false or misleading.

**7. Booking providers to provide relevant information to Director of Building Control**

This section requires online booking platforms to share with the Government, the relevant planning permit number and/or specified compliance information for each short stay accommodation place in Tasmania, on its website. This information is also required to include the number of days that a short stay

accommodation place was available on a listing platform.

This section also provides that within 30 days of each financial quarter, online booking platforms are required to share the relevant information with the Government.

**8. Use by Crown of relevant information**

This section provides a limitation on how Government can use the specified compliance information in order to protect the privacy of individual short stay accommodation owners.

This section specifies how the Government can make use of the information provided, which is –

- a) for analytical purposes in relation to housing policy;
- b) the purposes of sharing the information with planning authorities to enable compliance; and
- c) enforcement under the *Land Use Planning and Approvals Act 1993* and for housing policy development by Government.

**9. Regulations**

This section enables regulations to be made to aid in the application of the Bill.

**10. Administration of Act**

This Bill is to be administered by the Department of Justice.

## Are there any penalties for non-compliance?

The Bill provides a 6 month period for online booking platforms and short stay accommodation providers, or their agents, to update their information on the booking platform website, and/or obtain any necessary planning permits before they are liable for any penalties under this Bill.

The Bill proposes to introduce penalties for accommodation providers who knowingly make a false declaration or fail to provide permit and/or other specified compliance information for an online listing of short stay accommodation in Tasmania,

The Bill proposes to introduce penalties for online listing platforms that fail to publish permit and/or other specified compliance information for an online listing of short stay accommodation in Tasmania and these may be applied daily.

The Bill proposes to introduce penalties for online listing platforms that fail to share the relevant information with the Government within the required timeframes, regarding the relevant planning permit numbers and/or other specified compliance information for each online listing of short stay accommodation in Tasmania.

## Where do I find the Bill?

A copy of the Bill is available at the Tasmanian Planning Reform website at: [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au) or [www.justice.tas.gov.au](http://www.justice.tas.gov.au).

## Enquiries

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

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