

DRAFT SECOND READING SPEECH

HON ROGER JAENSCH MP

Short Stay Accommodation Bill 2018

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Madam Speaker, I move that the Bill now be read a second time.

In response to the Housing Summit hosted by the Premier on 15 March 2018, the Government committed to a range of actions that would lead to an increase in the supply of affordable housing.

A key action of the Housing Summit was the establishment of data sharing partnerships between Government and website booking platform providers who host short stay accommodation, such as Airbnb and HomeAway to determine exact numbers of entire properties being converted to short stay accommodation, particularly in areas currently experiencing housing pressures.

Recent studies by the University of Tasmania, Institute for the Study of Social Change, suggest that compliance with planning requirements for short stay accommodation has been poor for a number of years. These studies also suggest that short stay accommodation has an impact on the housing affordability and availability in Tasmania.

Tasmanians have embraced the sharing economy and we are committed to ensuring it continues to play a positive role in our visitor economy and community. However, it is clear that there is an issue when it comes to compliance that is cause of concern for the community sector and the tourism and hospitality industries. Local government, the community housing sector and others have called for further action and the Government has listened.

It's important that those who benefit from the sharing economy are 'playing by the rules' in relation to the planning requirements. We need more detailed and accurate information about the use of homes for short stay accommodation to enable better policy informed by robust data.

This Bill establishes a process to collect certain information from short stay website booking platform providers. The legislation and the data collected will serve two important purposes: to ensure everyone is playing by the rules, and paint a clear picture of home sharing across Tasmania.

The Bill will also provide information to Government that will lead to a better understanding of the impact of short stay accommodation on the broader housing market, particularly the extent of conversion of entire houses in residential areas to short stay accommodation.

The draft Bill was released on 26 September 2018 for a five-week period of broad public consultation and targeted stakeholder consultation, which included the attendees of the Housing Summit, local government, State agencies, community housing groups, short stay booking platforms, infrastructure providers and other organisations. The submissions received

outlined significant support for the Bill and the feedback received was constructive and of great assistance to the Government in refining and framing the Bill.

Madam Speaker, I would now like to make a few comments about the specific provisions of the Bill.

It is important to note that the Bill does not aim to introduce new planning requirements or building, health and safety requirements for short stay accommodation. It also does not aim to introduce other requirements relating to property and liability insurance, tax, local council rates or codes of conduct for the operators.

The Bill will instead operate in conjunction with the existing planning requirements in planning schemes and Planning Directive No.6 and the existing enforcement provisions available to local planning authorities under the *Land Use Planning and Approvals Act 1993*.

It provides a coordinated approach for collecting information on short stay accommodation in Tasmania, will assist the State and local governments in determining compliance with the planning requirements, and provides a better understanding of the extent of short stay accommodation in Tasmania. It will also assist in determining compliance with existing building, health and safety regulations.

The Bill specifically focusses on short stay accommodation operating in the residential zones under the current planning schemes. This aligns with the planning requirements currently in place through Planning Directive No.6. While short stay accommodation exists in many of the planning zones, such as commercial, business and rural zones, impacts on housing is clearly the greatest in the residential zones.

The majority of short stay accommodation providers in Tasmania utilise a booking platform for advertising and booking purposes. Collecting information from the booking platforms provides greater scope for ensuring compliance with the existing planning requirements and understanding the extent of short stay accommodation in Tasmania.

By requiring booking platforms to advertise a permit number, or other relevant compliance information for each listed premises, it allows for easy investigation of non-compliance with planning requirements. Importantly, it also enables listings to be declined by the booking platform provider if relevant compliance information is not provided.

Madam Speaker, it is pertinent to mention the recently published independent review by the Australian Housing and Urban Research Institute (AHURI) on the impacts of short stay accommodation booking platforms on housing markets. This independent review specifically notes the advantages in using the booking platforms for checking compliance particularly through requiring the permit number to be included in the listing on the platform. This Bill seeks to do exactly this.

Specifically, the Bill:

- Requires short stay accommodation providers to supply certain information on their property to the booking platform provider before their premises is listed on the booking platform.

- Requires the booking platform provider to display on the platform the relevant planning permit number for the property, or a statement that a planning permit is not required or that the property otherwise has existing use rights.
- Requires the booking platform providers to supply information on the short stay accommodation listed on their platforms to the Director of Building Control at the end of each financial quarter.
- Includes penalties up to 50 penalty units (currently \$7950) per offence for short stay accommodation providers for not supplying the required information or for providing false or misleading information.
- Includes penalties up to 100 penalty units (currently \$15,900) per offence for each listing, with recurring penalties for non-compliance, for booking platform providers for listing properties without receiving or displaying the relevant information, and further penalties as outlined in the Bill if the relevant information is not supplied to the Director of Building Control.

The Bill includes a 6 month transition period after its commencement for existing short stay accommodation providers and booking platform providers to comply with the requirements.

The information collected will be used to ensure compliance with the existing planning requirements and to assist with further policy development on short stay accommodation in Tasmania. The information may also be used to ensure compliance with existing building, health and safety requirements. Aggregated and other non-privacy sensitive information may be published on the use and extent of short stay accommodation.

Enforcement of the Bill will be the responsibility of the Director of Building Control. Local planning authorities will retain their role in enforcing the planning requirements under the *Land Use Planning and Approvals Act 1993*. The Director of Building Control and local councils will also retain their roles in enforcing the building requirements under the *Building Act 2016*.

Implementation of the Bill will require coordination between booking platform providers and State and local government. A comprehensive implementation plan will be prepared and a range of information will be provided to support the operation of the Bill.

In conclusion Madam Speaker, the Bill delivers on the Government's commitment to ensure that those who benefit from the sharing economy make sure they are doing the right thing. Madam Speaker, I commend the Bill to the House.