

## SHORT-TERM RENTAL ACCOMMODATION BILL 2024

### *Second Reading*

Resumed from an earlier stage of the sitting.

**HON DR BRAD PETTITT (South Metropolitan)** [5.09 pm]: Before question time, I was talking about the role of short-term accommodation in our very tight rental market. This might be a good time to quote Hon Sue Ellery, who said —

There is no easy fix when it comes to addressing Western Australia’s tight rental market, which is why our Government continues to develop reforms aimed at boosting housing supply.

That is consistent with what we have heard throughout debates not only today, but across the board. The point I make is that although no-one would argue that boosting our housing supply is an important part of the solution, that measure will not come quickly. In fact, it is difficult to get houses built in this environment. We need more short to medium-term outcomes to get houses back into the long-term market where they are desperately needed.

In his contribution, Hon Matthew Swinbourn referred to the incentive scheme, which is, in many ways, the other side of this bill. The government announced a \$10 000 incentive for up to 270 short-term accommodation home owners to put their properties back on the long-term market. As I said before question time, from memory, that is a \$7 million scheme. The problem with the scheme is that it involves only 270 homes in an environment in which on average, each month, 120 homes go from the long-term market onto the short-term market. That is the rate at which the short-term market is growing. Despite the government spending that money, we will continue to go backwards because in just over two months, the equivalent of each of those homes will go into the short-term market. I will unpack that a little. As I said to the Leader of the House before the break, I am interested to know the latest numbers on this. The most recent public data is that the government’s scheme received 227 applications from short-term accommodation owners to put their properties back into the long-term market. So far, it has paid for 109 properties, including 66 properties in the Perth metropolitan area and 41 properties in regional WA. With 120 properties being added to Airbnb and other short-term accommodation platforms, all of a sudden we can see how quickly this will be stripped back and how we will continue to go backwards. My point is that although the incentive scheme is welcome, it is pretty underwhelming. The money has already been spent and the scheme is coming to an end. It is part of a tide that is seeing more long-term housing ending up in the short-term market. I was really hoping that the bill before us today would deal with this by finding ways to restrict and regulate what is going on in the long-term market and providing a series of disincentives for that flow from long-term to short-term. Unfortunately, this bill—I refer to the term that is used again and again—is a light-touch approach that is about setting up a register. I give credit where credit is due. A light touch is a fair description if the primary outcome of this bill is to set up a register because it really will not do much at all. I guess it can be argued that the cost for people who put their property on that register might be a small disincentive for some, but it will not be material for the almost 20 000 dwellings that are in the short-term market. This leads to a series of questions that we can unpack during the Committee of the Whole. I assume that the cost of registration will be between \$10 000 and \$20 000. Who will enforce the registrations, ensure that they are up to date and deal with complaints?

I will give members an example. I am obviously familiar with the City of Fremantle. It set up a register in 2008–09. When I was mayor, we added a differential rate so that we could charge a small fee to short-term accommodation providers, partly to discourage short-term accommodation. Fremantle is obviously quite a popular tourist destination, and we could see that without providing some disincentives, there was the danger that a high number of properties would move to the short-term rental market. We do not want our much-loved destinations to end up like many places in Europe that have been forced to crack down more strongly. I was in Lisbon relatively recently. It is now pushing back after whole areas in which residents had lived for a long time had become almost devoid of long-term residents. We have seen the same thing happen in Venice and in many parts of historic Europe where, sadly, thriving communities have been replaced with short-term accommodation due to a lack of regulation. Those cities have had to put measures in place to slowly wind that back. I had hoped that this bill would provide measures to get in front of that and discourage, especially in the middle of a housing crisis, the move towards short-term accommodation. That could be done by limiting the number of nights to 90 or 60 days, imposing a tax as a disincentive or a vacancy tax for places that are not often rented. It would be fair to say that I was a little bit astounded yesterday afternoon after the briefing. At the end of it, I thought, “What is the purpose of this bill?” other than the government trying to look like it is doing something about what is clearly a problem. We can all identify the problem; I go back to where I started. The state has fewer than 2 000 properties available for long-term rental and somewhere between 10 000 and 20 000 available for short-term rental. That is the problem. The rental crisis is pushing up rents and people are queuing for a limited number of available rentals. Sadly, we are also seeing too many people pushed into homelessness. That is the problem. I was hoping that this bill would deal with that. I am happy to be told that I have got this wrong.

What we largely have before us here is a bill that will create a list, and a list that does not seem to do much other than to be a list—a list for the sake of a list. This is where Hon Neil Thomson and I diverge. I hope this bill is the start of something much more ambitious that the government is not talking about, otherwise I am not sure what the point of it is. What is the point of creating a list? Most of the information about short-term rentals—how many there are and where they are—is not hard to find. Google will give people 90 per cent of the answer within two minutes. What is the point of this list other than a whole layer of red tape and bureaucracy? Will it better regulate, constrain and actually properly regulate this sector, which I do not want to see continue to grow at a rate that outpaces long-term housing? That is not the intent here because it is light touch. There is a real danger that this just ends up just being performative and substance free. Again, I am really happy to be dissuaded if it is not, but I do not see anything that this does other than create a very expensive list that will add a layer of bureaucracy and red tape and not actually deal with the real issue that the second reading speech talked about and then fails to deliver on, which is actually dealing with the housing crisis and getting on top of short-term accommodation as something that could be, and should be, one of the solutions. It is a solution that, frankly, has been set aside after 270 dwellings have been pushed back despite the tide running in the other direction. In the middle of a housing crisis, that is disappointing. I am inclined to support the bill on the vague hope that sometime after the next election, something could be done with this list and there is a start to cracking down on short-term accommodation. That is a reason to support this. But to just stop at this and do nothing else seems really like a bill that runs against the anti-red tape rhetoric we hear a lot about and runs against what really needs to be done. They are my concerns. I have plenty of questions for the Committee of the Whole. Certainly, the bill is pretty unsatisfactory in its current form.

**HON WILSON TUCKER (Mining and Pastoral)** [5.21 pm]: I rise to support this bill. I support the passage of the second reading but I do have some concerns about this bill. I understand the intention of this bill and what the government is trying to achieve. I think given this housing crisis in WA, it has now again taken the dubious title of the tightest rental market in the country. I understand the desire to explore different levers to create additional housing stock. Pointing a magnifying glass at short-term stays, while obviously not the panacea or the silver bullet, could be something that the government explores. First, we need to measure the problem to determine if it is a problem and then go from there. I understand the intention. I do share a lot of the other members' concerns that this is a lot of red tape. It begs the question is there any other way in which the government can collect this information without using Parliament to legislate it, which seems like a very heavy-handed and expensive approach.

A few members mentioned that local government already has access to this information. This will be something that I will explore during the committee phase. I feel that if local government already has this information, it is just duplicated effort. Why do we need Parliament to legislate this? It feels like one hand of government is not talking to the other. There are examples within the public sector and local government. The Office of Digital Government is actually collecting a lot of log file information to help inform local government about cyber risks and allow them to respond appropriately. That is a patent that has already been sold. Information is being collected at local government and then given and collated at the state government level. It begs the question, firstly, has that been looked at? Has that been explored? What are the barriers? One barrier I can visualise here potentially as a roadblock is data privacy legislation in which there are not these uniform rules governing how the public sector in different departments talk to each other, classify information, store, access and share it. If that is the case, then I would like to know. I think everyone should be given some confidence that this option was at least explored, and then here we are with this heavy-handed approach of red tape and more regulation.

This information is already available. Other members have commented on this. If we go to the short-term stay websites and applications, we can see the listings. In the second reading speech, it said, "limited data is available to inform policy regarding STRA". But it is limited data; that data is all there. If the listing is listed, it is available. Obviously, there is some grunt work, or behind-the-scenes work, required to collate that across multiple applications and websites, but, surely, we could task someone from the public sector to do that work. If it is a manual job and takes time to do it, has that option been explored? How much does it cost to pay someone to go through the websites? Better yet, why not just automate it? Why not create an application that scrapes those websites? It can then be collated so as to use some other various metadata from those sites.

Do we need Parliament to look at this? What other solutions have been looked at and costed out, as opposed to what feels like a very heavy-handed approach to this bill? I will leave it there as part of the second reading debate. Like I said, I am happy to support the passage of this bill, but I do have some questions that I think are best teased out during the committee phase.

**HON SUE ELLERY (South Metropolitan — Minister for Commerce)** [5.26 pm] — in reply: I thank members for their support of the bill and their contributions to date. I want to take a few minutes to address the issues that were raised certainly by the first two speakers around the issue of housing supply more generally. While it does not go to the specifics in the bill, I think this bill needs to be seen in the context of the other measures that government is putting in place because if we just read this bill and assume that this is all that this government is doing to address housing supply and the rental market, then we may well draw a negative conclusion. But, of course, that is not the

case. I want to, if members permit me, spend a minute to put this in the context of the other things and the other policies and levers that the government is pulling.

It is certainly the case that the residential market and the rental market post-COVID has significantly changed. That is not just the state government saying that; it is the view of those who watch trends in this area as well. The report by CoreLogic from March 2023 stated that the rental market has been rocked by the pandemic and that the rental market has arguably sustained the most significant and lasting change from the pandemic.

Peter Martin, who is a fellow in the school of public policy at ANU, said —

What did change during COVID, according to the research department of the Reserve Bank, was the average number of people per household.

The change doesn't sound big—the average fell from a bit above 2.6 residents per household to a bit below 2.55—but applied to millions of households it meant about 140,000 more houses and apartments were needed than would have been.

A huge number of homes will be occupied by first-time buyers who are currently living in rentals. The Bankwest Curtin Economic Centre *Housing Affordability in Western Australia 2023* report said that we can expect to see an additional 10 000 rental properties open up as these new homes are completed.

Right now in WA, our economy and most industries are very strong. Australian Bureau of Statistics data on housing construction in WA confirms what we already know—a record volume of construction not seen since 1957. Thanks to our government's responsible management of our finances, we have record levels of unemployment across the state as the economy continues to bounce back strongly post-COVID. We have taken a number of steps ourselves to keep the construction industry working and provide greater protections. We are doubling the cap on individual payouts through the home indemnity insurance scheme; smoothing the pipeline of government projects to free up skilled labour for the private sector; investing in a range of measures to attract skilled workers to WA, as well as build a skilled local workforce; introducing security of payment legislation, strengthening protections for subcontractors, suppliers and builders; revamping the call for submissions for new builders to assist us to deliver our target of 4 000 social homes and reforming Keystart home loans to create more affordable housing options available to Western Australians entering the property market. We also introduced a \$30 million financial relief scheme to assist head contractors with the rising costs of Department of Finance and Department of Communities projects, which face unforeseen supply chain impacts. Rise and fall provisions will be included in future government contracts where appropriate to reduce the risk for tendering builders and a landmark registration scheme for building engineers will be created to strengthen public safety, industry accountability and professional recognition.

Members might ask what that has to do with STRA. I am trying to put the STRA legislation in the context of all the policy levers that we are pulling to assist the residential construction market, because ensuring the building industry remains stable is a key priority for the state government. We are keeping a close watch on the industry and are working with relevant construction groups as well.

Another measure that we are putting in place is creating the WA rental relief program, which offers financial assistance to households at risk of eviction, providing relief to those most in need. The most recent amount that I have received is that \$1.9 million has gone out to assist more than 200—I will check that figure—households that were at risk of eviction. We are rolling out our first build-to-rent project and have modernised the tenancy laws through the bill that we just passed previously.

I think it is also important to note whether we are alone in this and what is happening in other jurisdictions. The information available from Domain as of January 2024 on vacancy rates across Australia shows that every jurisdiction except Canberra and Darwin has a vacancy rate of below one per cent. Members might think that Darwin and Canberra must be doing something special. Bear in mind, a “healthy” vacancy rate is between two to three per cent. Canberra is at 1.5 per cent and Darwin is at 1.4 per cent. Every other jurisdiction is below one per cent. This is not a Western Australian problem; this is a problem that we are facing across the nation. Most Australian jurisdictions currently have a rental vacancy rate below one per cent.

In my finance portfolio, we put in place a range of tax reforms to drive investment in housing, such as the amendments to the Duties Act to extend transfer duty rebates for off-the-plan and to expand the criteria of refunds for foreign buyers. We have introduced legislation in the Parliament to provide a 50 per cent land tax exemption to eligible build-to-rent developments to reduce the cost of build-to-rent developments and increase the supply of rental properties and are amending the Land Tax Assessment Act to provide land tax relief for home owners who are affected by construction delays.

We have made significant changes to planning laws in Western Australia to cut red tape and streamline processes for complex development proposals. In addition to that, the \$80 million infrastructure development fund is helping to remove barriers to housing development. That is the fund that assists local government and developers to offset the costs of providing those utilities like sewerage, water and electricity services to the new housing developments.

We have undertaken a range of reforms to speed up the delivery of social housing, whether that is the new statewide modular housing panels or streamlining procurement to encourage small and medium businesses to make the most of our government's major pipeline of investments. The statewide panel includes 85 businesses, with a range of small, mum-and-dad and Indigenous businesses, that will be able to benefit from these record investments. We recently reopened the panel for its annual refresh and simplified criteria to encourage participation, particularly for smaller scale and regional contractors.

Wait, there is more! We are also seeking to boost housing supply through land release, releasing affordable, development-ready land for housing across regional WA. There has been \$166 million invested in the Regional Land Booster program, which has already seen 626 lots of residential housing released to the market under contract across 78 regional towns. Through DevelopmentWA, we have 780 residential lots for sale in the regions across all land release programs.

We have also allocated \$6.6 million to DevelopmentWA to deliver 35 residential lots in Kalgoorlie in recognition that development costs substantially exceed market values in the region. Civil works were undergone to bring a further 62 residential lots to market at Karratha's Madigan estate last year in 2023. There will be 553 lots delivered by the four further stages of Madigan to meet market demand.

We announced \$80 million for the Infrastructure Development Fund to unlock more land for housing. The funding is split, \$40 million for the regions and \$40 million for the metropolitan area, to support the development of new apartments and regional worker accommodation facilities. We have seen the housing diversity pipeline changes announced by Minister Carey that will see under-utilised government land holdings released to market, with the government seeking innovative proposals from the private sector to maximise the potential housing outcome. That can be seen at the Smith Street site in Perth, which is WA's first build-to-rent project utilising a long-term ground lease model.

I make those points not because they pertain to the particular details of the bill in front of us now, but because there is a much broader context to this bill. This bill sits in a package of measures that attempt to mitigate the impacts of a phenomenon that is being felt in every state and territory in Australia. We are trying to match our initiatives and programs to the particular needs of Western Australia. It is inaccurate and unfair to look at this particular piece of legislation and say that it is all the government is doing to address the squeeze on long-term rentals, because it is not all it is doing. We need to recognise that we are doing a lot of things and that we need to continue to do that. We cannot sit down and say "We have done 27 things. That's it. We can't do anymore." We need to keep working at this because across the nation, and indeed across the world, we are all in this at the same time together. We are all in it. Those record low rental vacancy numbers tell the story. This is not a function of government policy in Western Australia; this is a function of what happened to the market post-COVID around the world.

I thank members for indulging me and letting me put that into some context. I will now turn to the details that members raised in their comments. It is also worth noting that, separate to this bill, the Department of Planning, Lands and Heritage is currently consulting with key stakeholders, including local governments, booking platforms and key STRA and tourism stakeholders, on draft amendments to the Planning and Development (Local Planning Schemes) Regulations 2015. Those amendments will seek to implement the other reforms that we announced back in November 2023, including new and revised definitions to ensure that short-term rental accommodation is considered a dedicated land-use class in planning schemes, a statewide exemption for hosted short-term rental accommodation and a 90-night cumulative exemption for unhosted short-term rental accommodation within the Perth metropolitan area. The consultation process is still open for submissions—it will close on 10 May 2024—and it is intended that the regulations will be finalised and operational in July 2024.

I think a couple of members mentioned the rent relief program. As at 15 April, the number of households that had been assisted—I was wrong—was 469, with the total value of payments made being \$1.9 million. As at 15 April 2024, there have been 260 applications for the STRA incentive. Of those, 203 have been completed and submitted, and 57 are in progress. To date, 118 grants have been paid. Members can say that that is not very many, but that is 118 more homes on the long-term rental market than were there before. That is a significant move.

Hon Neil Thomson asked how many properties we expect to register. The AirDNA website estimates that approximately 12 000 to 13 000 STRA properties are listed by Airbnb in WA. Airbnb is thought to comprise between 85 and 95 per cent of the market in WA, so it is expected that there will be in excess of 12 000 STRA registrations in Western Australia.

How will local laws that are not registration laws be affected? Local laws that are not registration schemes will not be affected if they are not inconsistent with the requirements of the registration scheme. This will include laws of general application that apply to STRA, such as noise, pool fencing or food safety regulations, and STRA-specific local laws dealing with amenity issues, such as parking or waste disposal. What are the implications for registration schemes operated by local government? To avoid duplication, registration schemes for STRA implemented at a local government level will become inoperable on 1 January 2025, when the statewide registration scheme becomes

mandatory. What are the arrangements for ceasing local government registration schemes implemented through local laws? Clause 47 will take effect from 1 January 2025, when registration on the proposed statewide register will become mandatory for STRA providers. This will have the effect of rendering inoperable provisions in local laws currently operating in the City of Fremantle—I will come back and talk about the City of Fremantle in a minute—the City of Busselton and the Shire of Murray, to the extent that they provide for a registration scheme for STRA. The Consumer Protection division engaged in early consultation with the relevant local governments to provide lead time for local governments to plan for either amendment or repeal of their local laws.

How can local governments enforce amenity and other issues relating to STRA in their area, such as noise, parking and waste disposal? Nothing in the STRA bill will preclude local government authorities from making local laws to address amenity or other issues relating to STRA, provided they are not inconsistent with the STRA bill, as outlined in clause 47(2). Laws of general application that apply to STRA, such as noise, pool fencing or food safety regulations, and STRA-specific local laws dealing with amenity issues, such as parking or waste disposal, will not be inconsistent with the STRA bill. To the extent that local governments have local laws in place to address amenity or other STRA issues, contravention of such laws would be grounds for suspension or cancellation of registration on the basis that they are a breach of a local law made under the Local Government Act, which will be prescribed in the regulations.

It is worth noting that in consultation with the City of Fremantle, concerns around enforcement of amenity and other issues relating to STRA were not expressly raised. In February 2022, the Fremantle council endorsed a submission by the City of Fremantle supporting the government’s proposal for a light-touch statewide registration scheme. I think it is worth noting that back in 2019, the City of Fremantle, then led by Hon Dr Brad Pettitt, who was the mayor at the time, welcomed the Airbnb report from Parliament—the one done by the Legislative Assembly. I need to know what I am about to quote. It might be the good old *Fremantle Herald*, but I cannot tell; I will check that. It states —

Fremantle Mayor Brad Pettitt said the recommendations ... echoed the system the City of Fremantle already has in place to manage short-stay accommodation.

“The evidence the City of Fremantle gave to inquiry was advocating for a ‘light touch’ registration system along the lines of our existing local law,” Mayor Pettitt said.

We have all been misquoted by the media from time to time, so the member will have the opportunity to say that they got it badly wrong. However, it seems to me that that is what he was calling for back then.

Hon Neil Thomson, and other members broadly, raised a question around which other Australian jurisdictions had implemented registers for STRA. New South Wales is the only Australian jurisdiction with a statewide register for premises provided for STRA. Tasmania has a framework for booking platforms to provide information to the government, without a register.

Hon Neil Thomson also made some comments about the fees for registration and renewal. It is proposed that applications for registration will cost \$250 and applications for renewal of registration will cost \$100. The level of the fees has been determined with the objective of achieving close to full cost recovery and setting the fees at amounts that are affordable for the cross-section of accommodation providers that operate in the STRA sector. The fees were calculated in line with the government’s policy of cost recovery. The calculations factored in the fee-free period of three months. The details of the calculations will be included, as required, in attachment 1 of the Premier’s circular relating to subsidiary legislation—that is, regulations. It is proposed that to encourage early registration during the first three months of the operation of the STRA register registration system, from 1 July 2024 to 30 September 2024, registration will be free.

Members raised the issue of consultation, so it is worth noting that a number of organisations, agencies and groups have been consulted. Frankly, we are continuing to consult with them. They included the key booking platforms of Airbnb, Booking.com, Expedia and Stayz; the Australia and New Zealand Short Term Rental Association; the Short Term Accommodation Association Australia, representing STRA owners and property managers; the Western Australian Local Government Association; the Real Estate Institute of Western Australia; the Australian Hotels Association; the Tourism Council Western Australia; and other relevant state and local government agencies.

I think there were further questions from Hon Neil Thomson on the progress in implementing planning changes. I can confirm that the current consultation process—I think I have already touched on this—closes on 10 May. He asked why there will be a requirement to review every 12 months. A requirement to review registration every 12 months is considered necessary to protect the integrity of the data. The experience of the Consumer Protection division is that unless there is a regular requirement to review and update information, it will quickly become unreliable. He asked the questions: Will warnings be used initially in lieu of imposing penalties? Will education be used through the initial period of operation? The Consumer Protection division’s approach will be, to the extent appropriate, to use warnings or education on the requirements of the short-term rental bill instead of imposing

penalties. Consumer Protection has a compliance and enforcement compendium that is used to determine the appropriate course of action when the legislation it administers is breached. Prosecution is often a last resort, and education is used in the first instance to encourage compliance.

Hon Dr Brad Pettitt asked why we cannot rely on data from platforms such as Airbnb. The government has previously requested access to data collected by the platforms, and that request has been refused on the basis that the data is commercially sensitive. In any event, they do not collect all the information required. For example, we do not know whether an advertised property is used for short-term rentals regularly or as a one-off while the owner is away. Even if we were to use platform data, it would need to be recorded and transferred into a usable form. For example, some operators register across multiple platforms.

The implications for the City of Fremantle are that the registration scheme will be replaced by a state register, but there will be no impact on the capacity of local governments to regulate potential amenity concerns. The City of Fremantle supports the establishment of a register. The relevant agencies will continue to work with the City of Fremantle to ensure a smooth transition as these reforms are implemented.

I do not think that Hon Wilson Tucker raised anything that I have not canvassed, but if he did and I have missed it, we can get to it when we are in Committee of the Whole. With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chair of Committees (Hon Stephen Pratt) in the chair; Hon Sue Ellery (Minister for Commerce) in charge of the bill.

**Clause 1: Short title —**

**Hon NEIL THOMSON:** I thank the minister for the very comprehensive response to a lot of the questions we raised. I had noted some more questions for clause 1, and the minister has covered most of them, which is good. I noted the minister's comments and understand that the minister is being somewhat defensive in response to some of Hon Dr Brad Pettitt's comments about how this bill will not go far enough. The minister talked about all the things the government is doing to address the squeeze on long-term rentals. Honestly, I would be surprised if this makes any difference, but in my mind this measure should certainly not aim to reduce this important sector; it should aim to provide better controls around it and some better information. That is probably a point of clarification I will make. I will put it this way, noting my view of this matter is that I think the sector is important. The sector provides flexibility in the market for our tourism sector. Notwithstanding some of the comments of Hon Dr Brad Pettitt, in some cases it provides short-term accommodation for people who are desperate for short-term accommodation, and these families move into homes for a period. I think that people should be aware of that. It may even provide accommodation for some of our public servants who have to go to regional towns on business. Hotel accommodation is not always available.

Despite what Hon Dr Brad Pettitt says, I do not like how some people on the harder left of our political spectrum have the view that the government has to have control of someone's cash and assets to make them work on behalf of someone else. I think that is a concern. I note and support many of the minister's measures for housing availability. I do not think the purpose of registration will do anything to provide additional accommodation, but I think that is a good thing because we have other measures we can use for that.

In the context of what I just said, I will ask: has any modelling been done by the department on any constraining effect this might have on the 12 000 or so short-term rentals that are available to the tourism and short-term rental market?

**Hon SUE ELLERY:** The short answer is no, but it is worthwhile understanding what we actually did. We looked around the world, and we discovered that we are all at the beginning of trying to tackle this issue. The member will have seen around the world—in various states of the USA and in Victoria where, for example, they introduced a tax—that this is new territory for all governments as they try to get the balance right between the carrot and the stick approaches to increasing long-term rentals. We did not want to send a message that short-term rentals are not a legitimate business for people to pursue. We did not want to apply the stick. We did want to do something to provide a bit of an incentive to people who might otherwise not be deeply committed to the income they get from a short-term rental and who are open to make their property available on the long-term rental market. We are not forcing anyone to do this, and the money and the numbers involved will not have a significant detrimental impact on the short-term rental accommodation industry. We tried to get the balance right. We tried very deliberately to look at the choices made by other jurisdictions, and we knew that we did not want to do a tax. We did not want to say that people cannot pursue their legitimate business opportunities, but we did want to do something. I think we have

got the level of intervention right; time will be the test of that. If this were all we were doing, I think we would legitimately be subject to criticism, but it is not all that we are doing, and that is why I said all of that other stuff.

**Hon NEIL THOMSON:** I think we agree about the registration scheme, although maybe for different objectives. As I said earlier, I accept what the minister says about her intentions. I think we agree that this bill necessarily should be light handed. The issue here is about having some level of understanding of the scale and scope of the market, and providing better information to our local authorities to manage it.

I am somewhat agreeing with the minister. If we were using this as a tool to provide additional long-term rentals, then we would say by definition that if the rental vacancy rate went up, the government would repeal this act, and it will not do that. Nobody will do that because the registration scheme has some value in itself.

As for the incentive—we talked about the carrot—we may not agree entirely on the approach, but the \$10 000 incentive is probably a more appropriate mechanism to look at to change the market. On that point, I asked about the impact on compliance, which the minister has not answered.

*Sitting suspended from 6.00 to 7.00 pm*

**Hon NEIL THOMSON:** Before the break, I was going to ask about the information on the register to make sure that people will not be caught out for any noncompliance with state taxes and charges. Is the minister able to clarify whether someone who runs a short-stay property is subject to land tax, even if it is their primary residence and they are running a business from that property?

**Hon SUE ELLERY:** Honourable member, I cannot answer that question here. That is my portfolio, but these are commerce advisers, not finance advisers. I can undertake that separately from this process and get the member an answer to that question.

**Hon NEIL THOMSON:** Obviously, everyone should comply with the law, but given that the state, and no doubt the compliance people at the Department of Finance, will have access to the register, I suggest that if there were any implications for people's obligations, they are properly advised as part of the education process so that we do not end up with actions being taken on people. I think that would be a good part of the education process. It may not be relevant, but we should just look at some of the other aspects so that the industry gets a full package of information. That was that matter.

Regarding the privacy issue, which was raised with me by Airbnb, there was concern about that register being public facing. Hon Wilson Tucker also raised that issue as well. Was there any assessment of Airbnb's concerns, and why was that not acted on, or changed, given that the information, as far as I can tell, will be needed by only local governments and the state government?

**Hon SUE ELLERY:** Yes, we considered all the issues raised by stakeholders during consultation, and they raised that issue. The risk to the privacy of accommodation providers is actually quite limited. The register will also only provide a capacity for members of the public to determine whether a registration number is valid, whether an address is associated with a valid registration number and the concentration of premises provided for short-stay rental accommodation in an area. They will not be able to get information linking a number to particulars of an owner. The register will not divulge any other information that will enable the public to identify specific STRA owners. I turn to the safeguards built in to protect that. Clauses 37 and 39 of the bill will limit the circumstances in which information that is kept on the register can be disclosed. Clause 37 will empower the commissioner to condition the disclosure of information to better protect it, and clause 39 will prohibit the disclosure of information obtained in connection with the administration of the bill, unless the disclosure is authorised by law.

I turn to how the information on the register will be kept safe from hacking and interference. Existing information security safeguards will maintain the security and privacy of data held on the register. At a departmental level, the safeguards include the obligation on the Department of Energy, Mines, Industry Regulation and Safety to take reasonable steps to protect personal information from loss, and unauthorised access, use, modification or disclosure. There is an obligation on DEMIRS to take reasonable steps to process requests for deletion of information within a reasonable time period, unless retention is required by law.

**Hon NEIL THOMSON:** There was a concern about scammers using some of that information having easier access because it would be public facing. That was raised with me in a meeting by Airbnb. Did the agency assess that there was any validity to that concern? In the assessing of the performance of this law, if that does prove to be a problem, how would the agency or the government assess that issue and what could be done?

**Hon SUE ELLERY:** In the first instance, the government will treat the information in the same way it treats all of the other information it holds. I appreciate the concerns of Airbnb and others, but the government holds a lot of information about citizens and companies that is far more—I do not want to say important—sensitive than this. No-one is 100 per cent safe from scammers; that is an unfortunate situation we will live with. However, I am assured that the department has and will put measures in place to make sure that, as is done with all information that is

held, it is treated appropriately. It is worth noting that DEMIRS is the licensing body for a whole range of industries across its responsibilities, and it holds a lot of information. It issues licences in all sorts of different parts of our economy, and it will hold and treat the information with the same level of regard to keeping it cyber safe.

Clause 32(2) of the bill refers to the fact that the commissioner is not required to make the specified information publicly available if the commissioner considers it is appropriate not to in the circumstances of the particular case. If there were a risk or some other circumstance, the commissioner has the power not to issue that information publicly.

**Hon NEIL THOMSON:** I guess we will see how that goes, and that discretion for the commissioner not to put that information out there might be something to consider.

Generally, in relation to the impact on the market, I think the minister said that the government had not analysed the predicted outcome. She talked about the 12 000 providers that are currently in the market. I look at the tourist market generally and note that at least the minister's stated aim was to help free up some accommodation for long stays. That is certainly the case with the \$10 000 incentive scheme; I think that is very explicit, and that is fine. Going back to the registration, as part of this assessment, has anyone done an impact assessment on the tourism industry specifically, particularly in some of those areas in which it is difficult to find accommodation? Has anyone from the tourism industry, such as Australia's North West or other bodies out there that promote tourism across the state, done any assessment? I am not necessarily talking about the Australian Hotels Association; I am talking about other tourism-focused bodies. Has there been any assessment of the likely impact of this legislation on the supply of short-stay accommodation and how that might impact on the price of the tourism experience in Western Australia?

**Hon SUE ELLERY:** There are a couple of elements. I want to make this clear just for the record—the honourable member has reminded me. The bill that is before us is about the establishment of the register. I think that the comments I made earlier about the carrot and stick are broadly applicable to the bit that is not in the bill before us, which is the incentive scheme for short-term rental accommodation. The point of the register is essentially around data. Right now, local and state governments have no useful information for their planning decisions about the spread or concentration of STRA. This legislation is about having some capacity to collect information to use for good purpose in government planning, whether that is local or state government.

In answer to the member's question, tourism bodies were certainly consulted. They did not raise in that consultation that they had any concerns about the establishment of a register in any way diminishing or having a negative impact on the industry. It is also worth looking at New South Wales, which is the other jurisdiction that has a register in place. I am advised that that register has been in place since 2021 and there is no indication that it has had a negative impact on tourism.

**Hon NEIL THOMSON:** I thank the minister for clarifying that. I thought that was what the bill was about. I was a bit troubled by some of the other comments that were made, but now the minister has clarified that the carrot and stick relates to those other measures. Really, this is simply about better information that will enable local governments to more effectively manage some of those nuisance issues in the community such as parking. I think we really came to the position of supporting this legislation when that purpose became more prominent in the bill.

Just for my own clarification, there is an issue around the 90-day exemption limit. Just to be clear, my understanding is that every short-stay accommodation provider must be registered, regardless of whether they are above or below the exemption.

**Hon Sue Ellery:** Everybody will register.

**Hon NEIL THOMSON:** That is right, and the 90 days relates only to whether someone will need a development approval in order to go beyond 90 days. If a property owner wants to have their property available for 12 months of the year, they will need to have a DA, which will require some processing through the local planning scheme. Is that correct?

**Hon Sue Ellery:** Yes, that is correct.

**Hon NEIL THOMSON:** I think that is very important to mention. Earlier, there was some consideration—maybe it was a misunderstanding—of 60 days and what that meant. It may have been exactly the same principle, but I think that 90 days is reasonable. It is reasonable if a property owner wants their property to be available for more than 90 days that they will have to go through a DA process, because that will allow for management of the more troublesome aspects that we sometimes find at a local level such as excessive parking and the toing and froing of cars and so forth in a residential street like a cul-de-sac, which creates a problem.

That becomes a very sensible approach. I think we have probably dealt with that. I just needed that clarification.

Now that the minister has said that this is not meant to necessarily restrict Airbnb and that the government is not trying to shut down the industry or reduce it in anyway, my next question may not be as relevant. I know from experience that when public servants travel to the regions, a lot of them end up using Airbnb accommodation because it is the only available accommodation. It is really important to have short-stay accommodation in the



regions for workers in the health sector in particular—for example, locums—when no WA Country Health Service accommodation is available, which sometimes happens. The minister is nodding in agreement. Has the government done an assessment on the utilisation of short-stay accommodation by public servants? I suggest that it is quite an important part of the provision of safe and secure appropriate housing for the very important people in our community who provide essential services in regional towns, notwithstanding the comments of my colleague Hon Dr Brad Pettitt, who seems to be very much opposed to Airbnb and other platforms. They provide an essential service.

**Hon SUE ELLERY:** I am advised that the Department of Planning, Lands and Heritage looked at public sector agencies' usage of Airbnb. I do not have that material here. I can talk to the Minister for Planning about sharing anything that is available, but I cannot give a guarantee that I will be able to provide anything.

**Hon Dr BRAD PETTITT:** I have a range of questions about local government engagement. Which local governments were consulted and when?

**Hon SUE ELLERY:** I am advised that the Western Australian Local Government Association has been involved in a working group on this matter going back to 2020. I am advised that all local government authorities were sent an email inviting them to be part of the consultation. Those local governments that sought to be consulted were consulted. There has been ongoing consultation through the working party, with working groups set up with WALGA on a range of various elements, whether they be the planning provisions, which are not part of the bill before us, or the register, which is obviously a part of the bill before us.

**Hon Dr BRAD PETTITT:** As a follow-up to that, is the minister able to tell us which local governments are on that Western Australian Local Government Association working party?

**Hon SUE ELLERY:** I am advised that in the working group, it was WALGA officers. I do not have a list here, but a long list of individual local government authorities sought consultation. Nobody who sought deep consultation has been refused consultation.

**Hon Dr BRAD PETTITT:** The reason I ask is that the local governments I have spoken to made submissions, but it was quite a while ago, and they certainly did not feel across the details that have been presented in the bill today, and some of those other questions that I raised. I wanted some context for that to make sure I was not missing anything. Correct me if I am not correct, but there are only three local governments that have current lists: Busselton, Murray and Fremantle. My next bunch of questions are about trying to understand how this new list will interface with the current list. Maybe the first question is: will this list come into force on 1 January 2025? Is that correct?

**Hon Sue Ellery:** Yes, by way of interjection.

**Hon Dr BRAD PETTITT:** That is in nine or so months' time. I am trying to work out the process for the three current existing lists. How are they transferred across? Or are they not transferred across to a new list?

**Hon SUE ELLERY:** I will see what I can give to the honourable member to step him through the process. Clause 47 will take effect from 1 January 2025. That will have the effect of rendering inoperable the provisions in the Cities of Fremantle and Busselton and the Shire of Murray, to the extent that they provide for a registration scheme for STRA. The Consumer Protection division has been engaged in consultation with the three of them because they have quite separate and distinct arrangements in place, as the honourable member would be aware. It is not like we can say, "Here's a model that will suit all three of you"; they will have different needs. Those local governments will be provided with any assistance they need, such as by providing models of how to either repeal their existing local laws or amend the bits that function as a register and keep the local laws around amenity and other elements. A bespoke decision will be made by each of those three local government authorities. Consumer Protection and the Department of Local Government, Sport and Cultural Industries are working with them to provide any assistance that they need.

**Hon Dr BRAD PETTITT:** One of the bits I am interested in is that if Fremantle has, say, 250 names on its current register, will those names just drop away on 31 December and will those parties be required to pay a new registration fee, or will there be another way of capturing them? I am getting nods to indicate that those individuals will need to re-register and pay the fee, rather than the list being transferred in any way. Is that correct?

**Hon SUE ELLERY:** They will have to re-register themselves. Remember, though, we will have a three-month grace period in which they will not have to pay if they register within that period. We are not in a position to take that list and plonk it into the system; the owners will have to take some proactive action themselves, but if they do that within that window—the first three months—they will not pay a fee.

**Hon Dr BRAD PETTITT:** That answered my question; thank you. The next bit is around properties that those local governments already have on a banned list—properties that have been excluded because of bad behaviour. Will those properties, assuming there is a number of them, be able to apply for the new list without restriction?

**Hon SUE ELLERY:** They will be able to apply for registration, but the local government will be advised of the application to register. If the local government wants to say, "That's not appropriate; we don't think that application

should be supported”, there will be a process to do that. Separate from that, and bearing in mind that the only bits that will have to be either repealed or amended will be those bits that go to a register, if the City of Fremantle has reason to believe that there are other matters to do with its local laws on amenity—noise or whatever—it will still be able to pursue those matters through its own local laws. To the extent that they are a registered provider of an Airbnb service, they will need to apply, but there will be a process by which that information will be provided to the local government and the local government authority will have the capacity to challenge it.

**Hon Dr BRAD PETTITT:** I refer to a property that is found to behave in a way that is inconsistent with these laws. I will provide some context for this. The City of Fremantle’s register was set up just before I was mayor, but I was on the council in 2008 when it was set up. One of the main drivers for this was neighbour complaints and the fact that short-term accommodation was becoming an issue, with people turning up and using the houses for parties and then running away.

A couple of provisions were put in place that I think were sensible. One was a minimum two-night stay to stop party houses. Will there be any of those kinds of restrictions? I am not sure whether that would sit in the local law or somewhere else, but will the City of Fremantle be able to continue to have that minimum stay? The second one is if a house is being used in a way that is considered to be antisocial by the local government. Now, obviously, the local government can currently take a property off its current register, but if the register will not sit with the local government, what would be the process for the local government questioning whether that property can no longer be used for short-term accommodation?

**Hon SUE ELLERY:** There are a couple of elements here. I do not know if this helps the honourable member at all. He knows that there is that provision in the Constitution that says to the extent that there is an overlap between a state and federal law, the federal law prevails—right? To the extent that the local government authority’s local laws are about maintaining a register, that overlaps, and that will go to the state. Everything else in the local authority’s local laws about amenity, about two nights—all of those things—remain the purview of the local government authority. If there is a breach of the local law, the local government authority—the Local Government Act is mentioned in the bill—can issue a certificate to the register to state that the local government believes this house should not be on the register for these reasons. The commissioner will then make a decision about that.

**Hon Dr BRAD PETTITT:** The other key element is that I know some other local governments have as part of their local laws a direct connection to the register, and this is why I am not sure how this one will be dealt with. There is provision for a requirement to provide a telephone number that rangers or the community safety officers in that local government could use to contact the owner of the Airbnb. It was required to be a 24/7 number. Of course, people do not always answer. Will that be a requirement? Will local government rangers have access to all those numbers that sit within that local government area so that they can contact the owner outside hours, not just within hours?

**Hon SUE ELLERY:** There are two elements to this. Where a DA is required, the provision of a phone number can be part of the management plan for the DA. In terms of the register, there will not be a requirement that a phone number is provided in order to validly get registration. It may well be, though, that the local government authority itself decides it wants to have access to a 24/7 phone number and make its own law about that.

**Hon Dr BRAD PETTITT:** Will access to the phone number then sit separate to the register? Is that correct?

**Hon Sue Ellery:** Yes, by interjection.

**Hon Dr BRAD PETTITT:** I have just got one more question before it is done. I think the minister has answered this one; I will just double-check.

Take the example of the Town of Cottesloe, which has prohibited short-stay accommodation in residential areas. Could that continue if it had local laws that prohibited short stay in certain places? Are there any changes on the basis of this register?

**Hon SUE ELLERY:** This is a planning matter, so forgive me if I do not get this perfectly correct. I will go back to my adviser if I need to. It would not be possible under a local law. It would be covered by the scheme. If Cottesloe made the decision that it wanted to ban short-stay accommodation and it wanted to amend the scheme to reflect that, it would have to go through the process to the Minister for Planning, and our policy position, as I understand it, is that it should be discretionary.

**Hon WILSON TUCKER:** What other options have been explored that have led us to this place? The minister mentioned previously that this bill will supersede the local government storing short-stay information, if I heard her correctly. After this bill passes, local governments will no longer be required to and will no longer store short-stay information. Let us start with that question. Is that correct?

**Hon SUE ELLERY:** I appreciate the member may have been out of the chamber on urgent parliamentary business, but we have covered a lot of material. No, his analysis is incorrect. The way I described it to Hon Dr Brad Pettitt is that the way that it works, in my head, is that there is a provision in the Constitution that says that to the extent that

there is a state law about something and a federal law about something, and to the extent that they overlap, the federal law will always prevail.

This bill is about establishing a register, which the state will run. Anyone who is on one of the three existing registers run by Shire of Murray, Shire of Busselton and the City of Fremantle will need to apply to be on the register. There is a capacity for information to be brought to the attention of the holder of the register as to whether or not a particular property should be on the register. We explored this with Hon Dr Brad Pettitt.

There will not be a legal requirement anymore for those three councils to hold their own registers for the purpose of legitimising short-stay rental accommodation. They may decide to have a local law, like the City of Fremantle for example, that says, “You cannot operate STRA for fewer than two nights”. That does not go to the question of registration. It may have laws and it does have laws about amenities, waste disposal and parking, and it continues to have laws applying to short-term rental accommodation. What it cannot do is run a register, which allows or disallows people to operate short-term rental accommodation, because that function is being overtaken by the state. To that extent, they will either need to appeal or amend their local laws on that matter.

**Hon WILSON TUCKER:** Thank you, minister, for the explanation. Continuing on with that line of questioning, what were the barriers for all local governments to maintain their own registers, as opposed to the state government? If the state government wanted to have a comprehensive view of all the short-stay accommodation, it could amalgamate that or request the individual information from all the local governments.

**Hon SUE ELLERY:** Back in 2019, there was a parliamentary inquiry by the Economics and Industry Standing Committee in the Legislative Assembly. It reported to the Parliament, stating —

The evidence to this Inquiry has shown that a consistent, baseline set of information about the Short-Stay Accommodation sector would considerably support State and local policy-making and regulatory functions, enabling regulators to also determine the sector’s size and scope, and assess the impact of short-term letting on the Western Australian economy ...

I appreciate that the member was out of the chamber, but we have canvassed that the purpose of the register is to collect data and allow state and local governments to have the information we need to properly plan and implement planning arrangements.

**Hon WILSON TUCKER:** I have no concern about the data collection; I support the government. If the government wants to create good policy, it needs to come from a baseline of collecting data and then making decisions where the data leads it, so there are no concerns there. I was really questioning the collection methods and whether the local governments should be doing it. The state government could build up a comprehensive view based on the local governments’ data, as opposed to the state government superseding the local governments.

**Hon Sue Ellery:** Only three were doing it, and it would be an impost on smaller local government authorities to make them do it.

**Hon WILSON TUCKER:** Okay; that is what I was trying to explore. I understand there are only three, but that obviously could be expanded. What are the options, and have they all been explored? I appreciate that I was out of the chamber, so I will leave that question to the side.

One other question I raised was about whether any other technical solutions were explored to achieve the same thing that this bill will do. The minister mentioned that the state government requested information from these platforms, but it was not forthcoming. Were any other technical options or solutions explored? One I provided was scraping the websites or getting someone from the public sector to refresh the websites, look at them and then amalgamate that information. Obviously, a more automated solution would be preferable. I am asking whether any more technical solutions were explored to achieve the same thing without all the red tape that this bill will provide.

**Hon SUE ELLERY:** I am advised that they did look at other options. The companies that provide the scraping services provided advice that, for a range of different reasons, they could not give confidence that the information was always going to be accurate.

**Hon WILSON TUCKER:** Okay. That is as far as I want to take this line of questioning. It was explored, and it seems that it was not a legitimate solution. I will leave it there. Thank you.

**Clause put and passed.**

**Clauses 2 to 5 put and passed.**

**Clause 6: Premises to which Act does not apply —**

**Hon NEIL THOMSON:** I am quite concerned about the limited scope of the list of premises to which the bill will not apply. All good public servants, when they provide advice, can only provide it on the basis of the experience they have. I say that as a former public servant. Often, we make laws and then there are unintended consequences.

A level of noncompliance might occur anyhow; it is not ideal, and it gets ignored. It was just one of these matters under clause 6(k), which states —

prescribed premises or premises of a prescribed class.

That is a very open-ended position, but they do have to be prescribed. I will go through the list of premises: a hotel or motel—we accept that; a hospital—we are not going to put them under this provision; a lodging house, as defined in the Health (Miscellaneous Provisions) Act; a dwelling park, as defined in the Land Tax Assessment Act; an aged-care facility; a refuge or other emergency or respite accommodation—I have further questions about that; a retirement village, as defined in the Retirement Villages Act; accommodation provided for persons with a disability, as defined in the Disability Services Act—I can imagine plenty of circumstances in which the National Disability Insurance Scheme providers, for example, have short-term accommodation; accommodation provided for employees by an employer—I want to look at that in more detail; accommodation provided for students by an educational institution, which is somewhat limited in that it has to be provided by the educational the institution; and a prescribed class of premises.

I get to travel a fair bit these days in my role and I go to remote communities where I pop into the office and ask whether they have a place for me to stay. I might make a phone call before I go to the remote community, because I am required to do that, but I am charged a fee of \$200 to stay in a little house there for a night or two. I do not think anyone has ever worried about registering those people. They are not part of the story. They are not causing problems with party houses and they are not causing problems with the housing affordability crisis. They are not causing any issues in relation to the market whatsoever. They are providing a service in that situation. Remote communities could have easily been an included prescribed group that could be removed. There are workers' camps. I have travelled through communities like Fitzroy Crossing where I can pop in and see the people—I will not mention any names—who run the facility there and ask whether they have any accommodation. It is not a camping ground or a hotel; it is a workers' camp. It is just made up of dongas on a property where a person and all the contractors can stay. There are also pastoral stations. When a person is travelling through the bush, they can pop into a pastoral station and, again, a person might provide the owners with some recompense for staying there. That, again, is short-stay accommodation. I could go through these accommodation options in more detail, but I will not.

How will the boutique, short-stay accommodation providers be captured—I would say unnecessarily—under this legislation? How will the department, the minister and the government manage that after the passage of this legislation?

**Hon SUE ELLERY:** A number of examples that the member used would be captured under the planning provisions about land use, for example, that will determine what they are defined as. It is also important to note that under that regulation-making power at clause 6(k), the agency is already consulting and drafting provisions to capture more premises that are not captured by the requirement to register. They will include accommodation exclusively provided by an agency, as defined under section 3 of the Public Sector Management Act; accommodation exclusively provided for use as emergency, crisis or respite accommodation; Aboriginal short-stay accommodation, whether owned or operated by the state government or community support groups; a tourism complex, as defined in the Planning and Development (Local Planning Schemes) Regulations 2015; and a visitor complex, as defined in the Planning and Development (Local Planning Schemes) Regulations 2015.

**Hon NEIL THOMSON:** I would ask the department to talk to the Pastoralists and Graziers Association and the Western Australian Farmers Federation. I think plenty of on-farm accommodation could also be considered in the prescribed area. I cannot see it ever being a problem in respect of some of the issues we are trying to solve. I know that when I travel in the bush, which I do on a regular basis, it is usually provided free of charge because the pastoralists are happy to see you and sit and have a beer around the fire and have a chat about what is going on in the world of politics. I know that contractors stay on pastoral properties. A range of people do. Some even provide that type of accommodation on some of these platforms. It might be camping accommodation. I am not sure how we will pick that up. While sitting here, I looked up glamping opportunities. There is a wonderful glamping opportunity at Ningaloo Reef. I could stay there and sit on the beach at Ningaloo from \$895. It is not cheap. I assume that will not get picked up in this legislation and that it would have to be registered in some way. I wonder whether we will be able to make sure that all these sorts of accommodation providers do not get caught up in the requirement to register as short-stay accommodation providers.

**Hon SUE ELLERY:** The advisers and the member himself—so it is there in plain sight—made a good point. This legislation is about capturing those who are not registered. The whole point is that Airbnb is a disruptor. It went into an area where there was not a regulatory framework. It may well be that some of the pastoralists the member mentioned are already captured by existing regulatory provisions for residential parks or residential long-stay accommodation or under the provisions of a dwelling park. They might already be covered by other elements. The point of this scheme is to register the disruptors, if you like. That is our problem. The problem we are trying to fix is that we do not have data on the businesses that were set up deliberately when they began, such as Airbnb and the like. Good luck to them; they discovered and made a new business model, but they were set up to operate outside

the regulatory framework and we are trying to capture them in a new regulatory framework, not capture everyone who is already captured by other regulatory frameworks.

**Hon NEIL THOMSON:** I will take that on trust. I am sure that the agency is working through that in good faith. As the minister said, it is trying to work through it, and I look forward to hearing more about how that list will expand. Let us not try to solve a problem that does not need solving. The minister talked about disruptors. We like them. We think they are great because they provide new products into the tourism market and alternative accommodation that might be required.

Clause 6(f) refers to a refuge or other emergency or respite accommodation. The minister touched on the use of accommodation during an emergency. Another provision was for emergencies, and I think that will be on the list. Someone might need short-term accommodation in a normal situation because they have an emergency and need accommodation for only a couple of months before they go to their new accommodation. Another example might be that the landlord in a normal residential tenancy did the right thing and, in good faith, provided accommodation during an emergency because a person was escaping domestic violence and that was the only property they could get hold of. I assume the landlord would not have to be registered if it could be determined that that was a one-off situation.

**Hon SUE ELLERY:** The point that has been made is that if the property is always used for emergency respite, the STRA will not be captured by the registration scheme. If an ordinary STRA has a tenant who is fleeing family and domestic violence or whatever, that property will still be captured by the register because the normal business of that property is short-term rental accommodation as opposed to the Sue Ellery refuge, which buys a house and uses that house to transition its clients who come in for an emergency and are then ready to transition into the broader rental market. The Sue Ellery refuge owns that property. That is not STRA; that is the refuge using the scheme for the purpose of transitioning those victims of family and domestic violence.

**Hon NEIL THOMSON:** I encourage the department to do a little bit of whiteboarding or workshopping or whatever it likes on this. I could also put a case for someone who has long-term rental accommodation. They own a house and they rent it out to someone for two years under a contract. They break the contract and that kind-hearted person knows somebody who requires two months' accommodation. They do not want a STRA, but there is a gap and that person wants to move on.

**Hon Sue Ellery:** They won't need to register online.

**Hon NEIL THOMSON:** Why would they not?

**Hon SUE ELLERY:** The bill before us states "a refuge or other emergency or respite accommodation". It will not be captured.

**Hon NEIL THOMSON:** They might not be registered for emergency accommodation. It is a normal residential tenancy.

**Hon Sue Ellery:** And the purpose it's been used for is respite accommodation.

**Hon NEIL THOMSON:** I thank the minister for her interjection. I appreciate that. That now makes sense. I am satisfied with that response.

Basically, when someone is not regularly providing rental accommodation on a short-term basis, they could make the case if they were challenged that it was for the purpose of respite and they were just doing the right thing. I am comfortable with that.

I also have a question on another premises —

- (i) accommodation provided for employees by an employer;

Could that not be expanded to read "employees or contractors"? I know of plenty of situations in which contractors require accommodation. Do they have to be an employee? Can that provision be broader? Clause 6(i) could read "accommodation provided for employees or contractors by an employer or contract manager". I do not know what words could be used. There may be a need for further discussion on someone who is working. It is clearly a working situation, like an electrician going into a town for a few days and the person who is managing the contract happens to provide and pay for their accommodation for a few days, though not in a hotel.

**Hon SUE ELLERY:** We are not going to rewrite the provisions of the bill. The purpose of paragraph (i) is for accommodation that is provided as part of an employment arrangement. That is what it is about. They are not required to register as short-term rental accommodation.

**Hon NEIL THOMSON:** In the spirit of cooperation that we have been having on this matter, I encourage the agency to consider, as part of this broad list, including after paragraph (k) circumstances in which there might be a contract arrangement and a reasonable situation. It was important enough to put "employees" in that provision and there are plenty of circumstances in which someone can find a donga in which to stay if they are doing some work in the region. I am sure they do not need to be registered. That is my position.

**Clause put and passed.**

**Clauses 7 to 21 put and passed.**

**Clause 22: Duration of registration —**

**Hon NEIL THOMSON:** We have covered this before to a large extent, but I want to be a bit more specific on some questions, and I will not take long. This clause is about the duration of registration. The minister's answer was that data gets out of date, which is why the government wanted this 12-month piece. I could do a bit of a calculation on my phone here, just to work out the registration costs. We are looking at \$12 250 up front. That is \$3 million, which is a fair whack out of the industry. The renewals are \$150, which is roughly about \$2 million every year. It is quite a lot of money, although I guess when it is spread out across \$12 250, it is only \$150 each, but it is yet another piece of red tape, as my colleague Hon Wilson Tucker keeps mentioning.

The issue here is that—given that the renewal would, I would have thought, involve somebody just going online and clicking a button to make it happen—someone has calculated that it costs \$2 million a year to maintain a register, as an approximate cost. Did the government consider whether registrations of the same property could be extended if the hosting activity does not change to put the onus back on the host to advise whether their registration is no longer valid?

**Hon SUE ELLERY:** This goes back to the point I made when I gave an answer in my reply to the second reading debate. The view is that we need people to take a proactive step to renew their registration so that we can use that as a layer of assurance that the data we are relying on to make planning decisions is accurate.

**Clause put and passed.**

**Clauses 23 to 31 put and passed.**

**Clause 32: Disclosure of Register information —**

**Hon NEIL THOMSON:** Again, this has been covered at length in the discussion to date and, to some extent, there was a response from government on this matter. The clause makes provision for disclosure of register information. Given that the purpose of registration is to enable local and state governments to plan and monitor—that has been said over and over again—what will be the administrative value of a public register when anyone can input a property address and find out whether it is being used for short-term accommodation and, therefore, provide them with some information about its likelihood of vacancy for extended periods? That could obviously pose a risk from some of the crooks in our community who might be seeking to identify those properties.

**Hon SUE ELLERY:** The register will show those members of the public who choose to use it whether a particular property is registered as short-term rental accommodation. It will not tell them how often or regularly it is occupied, or whether it is occupied at that point in time. I have observed from the advice of police about matters relating to home break-ins and the like that such people will go around and look for an opportunity; they are not going to go online to check whether a property is registered as short-term rental accommodation. They are going to wander the streets to see which places look empty and which do not and who is at home and who is not at home. That is what they look for. The data available on this register is not going to help them with that.

**Hon NEIL THOMSON:** Thank you. I appreciate it. I understand that there is some privacy and responsible information sharing legislation currently being developed by the government. Is that correct?

**Hon Sue Ellery:** I can't give you an answer on that.

**Hon NEIL THOMSON:** Okay. The minister cannot give me an answer. If that were something she was able to talk about, we might have had a look at the impact of how that would work. I think we have sufficiently made the point on this provision, but we will probably need to assess the risks when we get to clause 51.

**Clause put and passed.**

**Clauses 33 to 48 put and passed.**

**Clause 49: Code of conduct —**

**Hon NEIL THOMSON:** Feedback from industry is that the code of conduct is a positive thing. As I said in my speech in the second reading debate, Airbnb, being the main platform that we mentioned, has 80 per cent or so of the market. I am sure the other platforms have very strict requirements, as they are assessed by their clients on a regular basis. They get rated all the time. That is the wonderful thing about those platforms; direct consumer feedback provides historical reference to how well the platforms are going. Clause 49 states —

The Governor may make regulations for or in relation to the following matters —

- (a) a code of conduct regulating the conduct of 1 or more classes of participants in the provision, advertising, booking or management or occupation of residential premises ...

Obviously, those platforms are internationally designed and of the highest standard. We do not know what the regulations will be because we do not have them, but I would hope that if there is a design on restricting advertising, that would be done in conjunction with those providers, given that they are the experts, to some extent, in this game. What sorts of things does the minister envisage will be included in the regulations?

**Hon SUE ELLERY:** Following the inquiry in the Legislative Assembly, I think it is fair to describe industry's position as: all it wanted was a code of conduct. But a code of conduct was not going to meet the needs of the government being able to plan based on evidence. Therefore, we retain the right to develop a code of conduct, and that would, as a matter of course, be done in consultation with industry, but it is not the government's first priority.

**Hon NEIL THOMSON:** That is a very interesting point to make in that a code of conduct was all that industry wanted. It really goes to the heart of the question of why we need this register from the government's perspective. Can the minister explain how the data from the register will be used to determine whether it is necessary and appropriate to implement a statewide code of conduct?

**Hon SUE ELLERY:** I am not sure that it is the register and the information held on the register that will be used to determine that at all. The point of the information collected and maintained on the register will be to enable us to make planning decisions and, frankly, to enable local governments to make planning decisions and allow members of the community to have a sense of certainty about what is going on in their own suburb or town. That is the purpose of the register.

The member will know that in respect of short-term rental accommodation, this is not the only policy bit that we are doing. We are also dealing with planning and the incentive scheme. Whether we need a code of conduct I think will come out of whether there are continuing and ongoing amenity issues. That is really what will determine or drive whether we need to put a code of conduct in place at some point in the future.

**Hon NEIL THOMSON:** That might be a point of difference. The minister is right: all the industry wanted was a code of conduct. There is some logic to that. It is obviously what the minister does not agree with, but I think she would have to concede that if we will be dealing with some of these challenges for local governments and the neighbours et cetera, which is what this is about to a large extent, a code of conduct might help. I suppose the registration on top of that will assist us in identifying and making sure we capture everybody —

**Hon Sue Ellery:** One of the advisers pointed out that we may well see from breaches of the registration system that perhaps we need to have a code of conduct.

**Hon NEIL THOMSON:** By not bringing in a code of conduct at the same time as the register, I could say the opposite of what the minister is saying. It is the same point. If we are looking for breaches, we might be setting up people to fail, because we would have to be pinging them for the failure when they have registered. The minister has said that the government will make it an educative process. It is important for the agency to do that. Rather than breaches being treated in a more adversarial way, it will be done in a more educative way. That might provide some comfort to the industry. Then the question is: when can the industry know when that code of conduct might likely be put in place? The minister does not know. The minister is not in a position to say and, at this stage, there is no guarantee that a code of conduct will be put in place.

**Clause put and passed.**

**Clause 50 put and passed.**

**Clause 51: Review of Act —**

**Hon NEIL THOMSON:** In my contribution to the second reading debate I spoke about sunset clauses, something our legislation could have more often. At least this bill has a review clause, which I commend the government for. Clause 51 states —

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which this section comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3<sup>rd</sup> anniversary.

What does the government envisage it will review and what sorts of key performance indicators will the government put in place? One thing we have heard about, particularly from my colleague Hon Dr Brad Pettitt, is the impact on the rental market. I assume that if there were no issue in the rental market, such as a huge vacancy rate, that might be relevant; it might not be. I assume that if there was some negative impact on tourism and some cases were identified whereby it was slowing down the growth of tourism, that would be relevant. I assume that if there were a significant impact on the availability of short-stay accommodation, that would also be relevant. Does the minister have any idea of the sorts of things we might likely see being reviewed and how that might be structured in its final presentation to Parliament?

**Hon SUE ELLERY:** The minister cannot tell the member what sorts of things may be captured in the review because I have not put my mind to that at all. Reviews of the operation and effectiveness of legislation are common. Many, many pieces of legislation have a statutory review period built into them, and depending on the circumstances at the time all manner of measures can be considered as to whether the act operates effectively. It will remain to be seen what is captured by the review in about three years' time.

**Clause put and passed.**

**Clauses 52 to 55 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by **Hon Sue Ellery (Minister for Commerce)**, and passed.