



Western Australia

# Short-Term Rental Accommodation Act 2024



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### Defined terms





Western Australia

## **Short-Term Rental Accommodation Act 2024**

**An Act —**

- **to establish a scheme for the registration of short-term rental accommodation; and**
- **to provide for matters relating to information about short-term rental accommodation; and**
- **to make consequential amendments to the *Fair Trading Act 2010*; and**
- **to affect the operation of certain local laws; and**
- **for related purposes.**

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Short-Term Rental Accommodation Act 2024*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

### **3. Terms used**

In this Act —

***accommodation provider*** means —

- (a) an owner or tenant of residential premises who enters, or seeks to enter, into a short-term rental arrangement in relation to the premises; or
- (b) an agent of an owner or tenant of residential premises who acts on behalf of the owner or tenant in relation to the use, or proposed use, of the premises for short-term rental arrangements;

***advertisement*** means any advertisement, whether paid or not;

***advertising publication*** means a website, online platform or other online facility, newspaper, magazine or other publication, notice or service containing advertisements to which members of the public have access (whether or not the member of the public is first required to pay a fee or subscription, register or become a member);

***arrangement*** includes a lease, licence or other contract or arrangement;

**booking platform** means an online platform, website or other online facility that enables —

- (a) the display to the public of multiple residential premises as being available for short-term rental accommodation; and
- (b) the making of short-term rental arrangements by use of a website or electronic address operated or maintained by the booking platform provider;

**booking platform provider** means a person who, on payment of a fee or other consideration by or on behalf of an owner or tenant of residential premises, or an agent of an owner or tenant of residential premises, enables short-term rental arrangements to be made in relation to the premises by means of a booking platform that is operated or maintained by the person;

**building standard** has the meaning given in the *Building Act 2011* section 3;

**Commissioner** has the meaning given in the *Fair Trading Act 2010* section 6;

**Department** means the department of the Public Service principally assisting the Minister in the administration of this Act;

**development** —

- (a) in relation to premises on land to which a planning scheme or the *Planning and Development Act 2005*, the *Swan Valley Planning Act 2020* or an Act prescribed for the purposes of paragraph (d) of the definition of **planning Act** applies, has the meaning given in the *Planning and Development Act 2005* section 4(1); and
- (b) in relation to premises on land to which a redevelopment scheme under the *Metropolitan Redevelopment Authority Act 2011* applies, has the meaning given in section 3 of that Act;

**development approval** means an approval under a planning Act, or an instrument under a planning Act, for development on land to which the Act or instrument applies.

**hosted accommodation** has the meaning given in section 5;

**online platform** means an online system consisting of a software application and 1 or more websites;

**owner**, of an advertising publication, includes a person who carries on the business or undertaking of the advertising publication;

**owner**, of residential premises —

- (a) means a person who has an estate of freehold in possession in the land on which the premises are situated; or
- (b) if the premises consist of the whole or part of a lot as defined in the *Community Titles Act 2018* section 3(1) — means the owner of the lot as defined in section 3(1) of that Act; or
- (c) if the premises consist of the whole or part of a lot in a strata scheme as defined in the *Strata Titles Act 1985* section 3(1) — means the owner of the lot as defined in section 3(1) of that Act; or
- (d) if the premises consist of the whole or part of a non-strata home unit as defined in the *Land Tax Assessment Act 2002* Glossary clause 1 — means the owner of a non-strata home unit as defined in that clause;

**planning Act** means —

- (a) the *Planning and Development Act 2005*; or
- (b) the *Swan Valley Planning Act 2020*; or
- (c) the *Metropolitan Redevelopment Authority Act 2011*; or
- (d) a prescribed Act;

**planning authority**, in relation to land, means a Minister, local government, public sector body or person who has power under



a planning Act, or an instrument under a planning Act, to grant or refuse a development approval for development on the land;

**planning scheme** means a planning scheme as defined in the *Planning and Development Act 2005* section 4(1);

**premises** includes part of premises;

**prescribed** means prescribed by the regulations;

**prohibited advertisement** means an advertisement for short-term rental accommodation that —

- (a) relates to residential premises that are not registered premises; or
- (b) does not contain the registration number for the residential premises displayed in a conspicuous manner; or
- (c) contains a false registration number for the residential premises;

**public sector body** has the meaning given in the *Public Sector Management Act 1994* section 3(1);

**Register** means the register kept under section 31;

**registered premises** means residential premises registered as short-term rental accommodation under this Act;

**registration number**, of residential premises, means the registration number assigned to the premises under section 21;

**relevant agency** has the meaning given in section 34(1);

**residential premises** means premises used, or designed or adapted for use, as a place of residence;

**self-contained accommodation** —

- (a) means residential premises consisting of a self-contained unit that includes kitchen facilities, bathroom facilities and sleeping facilities; but
- (b) does not include —
  - (i) hosted accommodation where kitchen facilities or bathroom facilities, or both, are shared with

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the accommodation provider or an agent of the accommodation provider; or

- (ii) residential premises where kitchen facilities or bathroom facilities, or both, are shared with persons who occupy the premises under separate arrangements with the person providing the premises for occupation;

***short-term rental accommodation*** means residential premises provided, on a commercial basis, for occupation under a short-term rental arrangement;

***short-term rental arrangement*** has the meaning given in section 4;

***tenant*** has the meaning given in the *Residential Tenancies Act 1987* section 3;

***Tribunal*** means the State Administrative Tribunal.

**4. Short-term rental arrangements**

- (1) In this Act, a ***short-term rental arrangement*** is an arrangement under which residential premises are provided for occupation to the same person or persons for a period or periods not exceeding a total of 3 months in a 12 month period, and includes an arrangement under which the accommodation provider or an agent of the provider also resides on the premises.
- (2) This Act does not apply to prescribed arrangements or arrangements of a prescribed class.

**5. Hosted accommodation**

- (1) In this Act, ***hosted accommodation*** is short-term rental accommodation where the accommodation provider, or an agent of the accommodation provider who ordinarily resides on the residential premises, resides on the same residential premises during the short-term rental arrangement.

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- (2) The regulations may —
- (a) prescribe additional short-term rental accommodation as hosted accommodation for the purposes of this Act; and
  - (b) declare that specified short-term rental accommodation is not hosted accommodation for the purposes of this Act.

**6. Premises to which Act does not apply**

This Act does not apply to the following premises —

- (a) a hotel or motel;
- (b) a hospital;
- (c) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);
- (d) a dwelling park, as defined in the *Land Tax Assessment Act 2002* section 39A or a residential park as defined in the *Residential Parks (Long-stay Tenants) Act 2006* section 5B;
- (e) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
- (f) a refuge or other emergency or respite accommodation;
- (g) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);
- (h) accommodation provided specifically for persons with a disability as defined in the *Disability Services Act 1993* section 3;
- (i) accommodation provided for employees by an employer;
- (j) accommodation provided for students by an educational institution;
- (k) prescribed premises or premises of a prescribed class.

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**7. Act binds Crown**

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

**8. Application of Act outside Western Australia**

This Act extends to conduct, and other acts, matters and things, occurring or existing outside or partly outside Western Australia (whether within or outside Australia).

*[Parts 2-8 have not come into operation.]*

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## Notes

This is a compilation of the *Short-Term Rental Accommodation Act 2024*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Short-Term Rental Accommodation Act 2024</i> Pt. 1	12 of 2024	22 Apr 2024	22 Apr 2024 (see s. 2(a))

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Short-Term Rental Accommodation Act 2024</i> Pt. 2-8	12 of 2024	22 Apr 2024	To be proclaimed (see s. 2(b))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
accommodation provider .....	3
advertisement .....	3
advertising publication .....	3
arrangement .....	3
booking platform .....	3
booking platform provider .....	3
building standard .....	3
Commissioner .....	3
Department .....	3
development .....	3
development approval .....	3
hosted accommodation .....	3, 5(1)
online platform .....	3
owner .....	3
planning Act .....	3
planning authority .....	3
planning scheme .....	3
premises .....	3
prescribed .....	3
prohibited advertisement .....	3
public sector body .....	3
Register .....	3
registered premises .....	3
registration number .....	3
relevant agency .....	3
residential premises .....	3
self-contained accommodation .....	3
short-term rental accommodation .....	3
short-term rental arrangement .....	3, 4(1)
tenant .....	3
Tribunal .....	3

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