

**Submission  
No 179**

## **ADEQUACY OF THE REGULATION OF SHORT-TERM HOLIDAY LETTING IN NEW SOUTH WALES**

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**Date Received:** 9/11/2015



9 November 2015

Mr. Glenn Brookes MP  
Chair, Committee on Environment and Planning  
Legislative Assembly  
Parliament House  
Macquarie St  
Sydney NSW 2000

Dear Mr Brookes

**Re: Inquiry into the adequacy of the regulation of short-term holiday letting in NSW**

The NSW Business Chamber (“the Chamber”) welcomes the opportunity to make a submission to the inquiry into the adequacy of the regulation of short-term holiday letting in NSW.

The NSW Business Chamber is one of Australia’s largest business support groups, helping around 30,000 businesses each year. Tracing its heritage to the Sydney Chamber of Commerce founded in 1825, and the Chamber of Manufactures of NSW founded in 1885, the Chamber works with thousands of businesses from owner operators to large corporations, from product-based manufacturers to service provider enterprises.

Tourism Industry, a division of NSW Business Chamber (“the Division”) helps businesses operating in the Visitor Economy maximise their potential to ensure New South Wales remains the number one tourism destination in Australia. The Division aims to represent and enhance the needs of tourism businesses across the state of NSW by working with government, industry and community stakeholders to boost investment, employment and promotional opportunities whilst providing business support, communication and advocacy for our members with a primary interest in tourism.

The Division recently developed a paper, *The Sharing Economy: Issues, Impacts and Regulatory Responses on the context of the NSW Visitor Economy* (attached here). The study in part outlines the current state of the accommodation sector in NSW, focussing on the impact of online platforms. It also highlights the regulatory challenges governments face when addressing these new issues.

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The paper also proposes five principles to which regulators and legislators should refer when considering regulatory options:

- Regulation should encourage the growth of commercial activity, not restrict it;
- The opportunity should be taken to reduce overall regulation across the visitor economy;
- Self-regulation should be encouraged before government intervenes;
- A cross-governmental approach is required to develop an efficient regulatory framework; and
- Regulatory responses should be designed based on strong empirical evidence.

Thank you again for allowing the Tourism Industry division of the NSW Business Chamber to have input into this inquiry. Should you require any further assistance or have any further questions, please contact me on [REDACTED] or at [REDACTED]

Kind Regards

[REDACTED]

**Dean Gorddard**  
Executive Manager, Tourism

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# THE SHARING ECONOMY

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# Policy Principles to foster the Sharing Economy in NSW

The meteoric rise of the sharing economy has led to significant industry and public debate on how to handle the opportunities and challenges it presents the NSW economy. Tourism has been thrust into the heart of the discussion as the accommodation and transport sectors adjust to the entrance of new distribution channels and services offered by the likes of Airbnb and Uber. As the sharing economy continues to grow it becomes clear that the manner in which governments and industry stakeholders engage to regulate the tourism sector specifically will provide a blueprint for how to integrate these powerful new businesses into the economy more generally.

Recognising the complexity of the issues and the dynamism within the industry, the NSW Business Chamber's Tourism Industry Division commissioned an independent study, *The Sharing Economy: Issues, Impacts, and Regulatory Responses in the context of the NSW Visitor Economy*. A set of Policy Principles created and advocated by the Chamber and its' Tourism Advisory Council precedes the research report (from page 6). The research outlines the state of the sharing economy, its impact on the Tourism industry in NSW, and attempts to capture how regulators have responded to the emergence of new business models in the sector.

The rapid growth in the sharing economy – in both company start-ups and consumer uptake – suggests that these new models and alternative consumption methods have satisfied a desire for a combination of lower costs, technology-based access and social interaction. Though as with most disruptive business models, its rapid acceleration in popularity has overwhelmed government's ability to regulate based on traditional regulatory mechanisms. Imposing older regulatory regimes onto the sharing economy may not meet the primary objectives of efficiently maintaining a level playing field for all industry stakeholders to compete or effectively safeguard consumer and supplier welfare.

One way or another regulatory intervention is required. The response cannot however be a one-size-fits-all approach and regulation must be tailored to each sector on its merits. Ongoing concerns about competitive fairness and consumer and supplier safety lead to regulatory uncertainty which constrains both investor and consumer confidence and hampers the growth of the visitor economy – for both traditional and sharing

Uber is worth an estimated

 **\$41 billion**

**15,000 Uber drivers in Australia**

**1 million Uber users in Australia**

economy companies.

Regulating the sharing economy effectively and efficiently will be difficult. Given the broad spectrum of industries affected, the scope of inter-governmental cooperation required and the speed at which the sharing economy within the visitor economy is changing, it would be folly to recommend specific policies to implement. Rather, the Division proposes five principles to which regulators and legislators should refer when considering regulatory options.

- Regulation should encourage the growth of commercial activity, not restrict it
- The opportunity should be taken to reduce overall regulation across the visitor economy
- Self-regulation should be encouraged before government intervenes
- A cross-governmental approach is required to develop an efficient regulatory framework
- Regulatory responses should be designed based on strong empirical evidence


## The sharing economy and the visitor economy

The earliest research into the sharing economy focused on one sector – accommodation. However, even at this early stage of its development, the sharing economy has affected a number of other sectors within the visitor economy, including transport (car sharing and car parking), catering, tour facilitators and other service sectors that are recognised as an integral part of the visitor economy in NSW.

Although the sharing economy incorporates a wide range of commercial and non-commercial business models



across the economy, it is the rise of successful businesses such as Airbnb and Uber that have received most attention. Regarding short term accommodation letting, it is important to note Airbnb, Stayz, Homecamp and other companies form part of a complex online distribution network that is effectively a 'channel to market.' The attention of the policy principles outlined above are not focused on a particular company or brand but on the general utilisation of these new distribution platforms and how they are being used in the context of the current regulatory environment. Regulatory action taken on the sharing economy within the visitor economy will set the tone for how the rest of the sharing economy is addressed, and how successfully these new businesses are able to be integrated into the economy as a whole.

 In Sydney, almost **one third** of owners have more than one listing.


One host displays **136** different accommodation listings.

### A contested space

The paper *The Sharing Economy: Issues, Impacts, and Regulatory Responses* in the context of the NSW Visitor Economy notes that the debate on the sharing economy can be framed by two core points of view. One point of view is that it is a mechanism used to bypass established regulatory and quality measures that incumbent businesses must follow by exploiting the 'grey area' between shared 'trading' and traditional business transactions, opening up risk to both traditional operators and the consumers. The alternative view sees the sharing economy as a transformative business model that uses new technologies to more effectively serve the needs of both consumers and suppliers that can have positive social and economic benefits not realised under more traditional models of business.

 **Accommodation**

- Private rooms/homes to rent/sublet (e.g. Airbnb; Stayz; Couchsurfing)
- Free camping (e.g. Youcamp; Freecamp)
- Houseswapping (e.g. Aussie House Swap; House to House).

 **Transport**

- Ride-sharing (e.g. Uber; Lyft).
- Car-sharing (e.g. Zipcar; Car2Go).
- Private car park sharing (e.g. Parkhound; Monkeyparking).

 **Other Services**

- Sharing home cooked meals (Eatwith; Eatro)
- Peer to peer tour guiding (e.g. Vayable; Sidetour).
- Working vacation sharing (e.g. WWOOFing).



Recognising and striking a balance between these two arguments will determine the approach taken to regulate the sharing economy. The solution must address concerns around loopholes and consumer welfare while encouraging economic development, innovation and change.

The NSW Business Chamber Tourism Industry Division understands that there will be a suitable level of regulatory intervention required to integrate the sharing economy companies into the broader economy. However, regulatory burden must be kept at a minimum. Regulators should only impose regulation to:

- create and maintain a level playing field for all industry stakeholders to compete; or
- uphold public safety and ensure the personal safety of participants in the sharing economy.

Businesses operating in the sharing economy currently gain an uncompetitive advantage by bypassing many of the costs that traditional competitors must incur – particularly licensing, insurance and taxes. This has allowed these businesses to offer services more cheaply than incumbent operators. This has varying levels of impact. In respect of the accommodation sector, when a supplier is an individual with a spare room in their house which they temporarily make available for short term visits the impact of this advantage is minimal. The primary concern for those in the traditional accommodation sector (and therefore the challenge for regulators) is where sharing economy platforms are being utilised by large scale commercial operators as a way to purposefully circumvent registration, licenses and taxes.

## Regulatory challenges

The diversity and scope of the sharing economy makes it incredibly difficult to regulate. The most common approach to date has been to attempt to apply traditional forms of regulation as individual issues arise. This reactive spot-fire approach runs the risk that with the dynamic growth of the sharing economy generic inflexible regulations can quickly become redundant. Therefore, a 'one size fits all' approach to regulating the activities of the sharing economy for all stakeholders involved is unlikely to be achieved.

In the accommodation sector, most attempts to regulate sharing economy businesses have been at a local government level. Allowing each council to develop its own regulations has however led to significant inconsistencies with the cost burden of policing these regulations meaning that councils will often disregard their own regulation.

The passenger transport sector in NSW is primarily regulated through the Passenger Transport Act 1990. The Act regulates the sector through a system of licenses and authorities. Its subordinate regulation, the Passenger Transport Regulation 2007 determines how operators must perform and outlines penalties for non-compliance. The question often posed is how (or how should) sharing economy companies fit within this current regulatory framework.

## Principles to consider when regulating the sharing economy

The sharing economy cannot be regulated using the same approach that decision makers have taken to the traditional economy. Nor will a new 'one size fits all' approach effectively and efficiently regulate across the diversity of the sharing economy due to the varying impacts on the accommodation and transport sectors.

Airbnb is worth an estimated

 **\$13 billion**

50,000 Airbnb renters in Australia

Airbnb listings in Sydney alone have grown by over 80% in the past 12 months:

- Sept 2014 – 5,692 listings
- Sept 2015 – 10,473 listings

Ultimately, consideration needs to be given to the ways in which regulation will enhance the ability to create a level playing field, rather than stifle growth.

Understanding that it is impossible to develop policy recommendations that meet the needs of the entire visitor economy and predict the future needs, the NSW Business Chamber Tourism Industry Division has developed the following principles that governments should follow when developing regulatory frameworks for the sharing economy.



**Regulation should encourage the growth of commercial activity, not restrict it**

The greatest threat to the sharing economy is a government regulation agenda that imposes restrictions on new businesses that shave away their competitive advantages and leaves those businesses operating as versions of what already exists. Excessive legislation and regulation will neutralise the positive gains generated by technology improvements, prevent innovation and stifle potential economic growth.

A worst-case scenario would be that heavy-handed regulations resulted in a ban on sharing economy services and the transformative benefits it may herald for the future. Traditional forms of regulation should be selectively employed as corrective measures to create an even playing field for businesses both inside and outside the tourism sharing economy.



**The opportunity should be taken to reduce overall regulation across the visitor economy**

Designing a regulatory system for the sharing economy is a unique opportunity to readdress the regulatory burden faced by all businesses in the visitor economy. Actions taken to level the playing field between the traditional and

sharing economy participants should prioritise reviewing and reducing regulation imposed on incumbent companies rather than imposing new regulations on emerging companies. Traditional forms of regulation should be applied sparingly and where possible equity should be achieved by reducing regulatory burdens placed on non-sharing economy enterprises freeing them to compete directly with their sharing economy counterparts.

If a light touch is applied to regulatory control, the visitor economy will find its own equilibrium. The market is already seeing numerous incumbent businesses adopt some aspects of the sharing economy in their own models. Many hotel brands are already utilising sharing economy style online platforms as distribution channels. In terms of transport, the UberTaxi service allows consumers to book, rate and uphold standards for taxis in the same manner they do for UberX – consideration could be given to how this model could be adopted by the wider industry.



#### **Self-regulation should be encouraged before government intervenes**

Self-regulation is not the same as deregulation or no regulation. Rather, it is the reallocation of regulatory responsibility to parties other than the government. Free market forces that enable innovation to flourish should be supported. The rise of the sharing economy suggests that consumers value the opportunities for peer-to-peer engagement and the responsiveness and flexibility that it offers. While consumer rights and safety cannot be ignored, traditional regulatory approaches are difficult to enforce. Mechanisms of self-regulation such as the use of crowdsourced consumer feedback should be encouraged and more rigorously developed and applied to ensure quality service is delivered and maintained. Central to this is the need to educate consumers about their rights and the risks inherent in peer-to-peer exchanges that are at the heart of sharing economy experiences.

To achieve this, trust will have to be built between regulators and sharing economy companies. This may mean that these companies will have to be willing to share more data with governing bodies to ensure public expectations are being met. For example, to stop exploitation in the accommodation sector, there needs to be a system to identify when commercial enterprises are using sharing economy platforms to supply commercial property.



#### **A cross-governmental approach is required to develop an efficient regulatory framework**

The differentiated but largely uncoordinated regulatory response that cuts across all tiers of government is cumbersome and adds to the complexity of the problem. When regulation is deemed necessary, it is crucial that

the government considers the impacts that it will have across borders and through the three tiers of government. For example, planning, development and zoning are under the controls of both state and local governments, resulting in a potential overlap of responsibilities. An uncoordinated, piecemeal approach to regulating the sharing economy will further complicate lawful entry into the market and stifle growth.

Ultimately, consideration needs to be given to the ways in which coordinated regulation will create consistency and enhance the ability to create a level playing field, rather than stifling growth.



#### **Regulatory responses should be designed based on strong empirical evidence**

Little is known empirically about the tourism sharing economy, its impacts and the validity of a wide range of regulatory responses designed to manage it. The government must collect more extensive segregated data on these emerging sharing economy businesses to measure their impact on the economy. The Visitor Economy Industry Action Plan sets industry the target to double overnight visitor expenditure in NSW by 2020. It is not well understood whether the growth of Airbnb is making a net positive contribution to overnight visitor expenditure, or simply pulling visitors from hotels and other short term accommodation. Similarly, is the presence of Uber encouraging people to travel more, or is it tempting the same people to spend less on travel? How does the growth of these companies affect long-term investments in the visitor economy? How does it affect employment in the various sectors? How will metropolitan industry be affected differently to regional and rural industry? This information is not currently captured in the Tourist Accommodation Survey or the National and International Visitor Surveys.

It is important that the government has access to strong cost-benefit data with which to make regulatory decisions. Further research is needed that uses population-based data that focusses upon establishing valid and reliable data on:

- the economic impact that sharing economy businesses have on the visitor economy;
- the value of direct and indirect expenditure, full time and part time jobs created and the flow on economic effect of the visitor economy
- the social impact that sharing economy businesses have on the community;
- the intended and unintended consequences of current regulatory regimes in regard to fair and equitable competition in the tourism industry.



# 1. Introduction

One of the biggest challenges facing the tourism industry and policy makers in NSW is the emerging and fast growing 'sharing economy'. Keeping abreast of this, disruptive but potentially transformative phenomenon has been challenging for industry, governments and researchers alike. The 'sharing economy' describes a new economic paradigm driven by technology, consumer awareness and social commerce – particularly through web communities, and can be thought of as sharing, lending, renting and swapping redefined through digital technology and peer communities. Intense debates around the impacts of the sharing economy on the tourism industry converge around issues such as consumer welfare, economic development, equitable competition, and innovation and change. Much of this conjecture coalesces around the relative merits and impacts of a raft of potential regulatory measures that might be applied to businesses operating in the sharing economy.

The impact of the sharing economy varies widely across industry sectors that comprise the tourism industry and the broader visitor economy in which it is located. This impact also varies depending upon the geographical location and market maturity of particular tourism destinations in which the sharing economy operates. A 'one size fits all' approach has emerged in some reports from within the tourism industry that focusses upon increasing regulatory controls in an effort to create a more even playing field for both incumbent business and new entries that embrace the sharing economy model (Dupuis & Rainwater, 2015). One of the ongoing challenges in the Australian context is the potential fragmentation of the regulatory and planning context in which the sharing economy is emerging. The three tiered government structure creates a context where inconsistencies can manifest and where accountability becomes ambiguous. This is explored in this report with specific consideration of how this has played out in NSW while drawing from lessons learned in national and global contexts.

Although a number of reports and investigations into the sharing economy in tourism have been published over the past year (e.g. QTIC 2014; IPART 2015; Competition Policy Review – Harper et al., 2015) many of these focus primarily or exclusively upon the accommodation sector.

This report is, however, inclusive of different sectors within the tourism industry that are affected by the sharing economy. Apart from considering the accommodation sector, this report broadens to include transport – car sharing and car parking – and also considers catering and other service sectors that are recognised as an integral part of the visitor economy.

This report considers the impacts of the sharing economy, both positive and negative, through an examination of economic, social, geographic and sector variable issues, relevant to the NSW tourism industry. The report also examines the historical context of the sharing economy in order to explain the growth and development of this new economic model. Academic literature on the sharing economy has been reviewed and relevant arguments from the literature are included in the report. The report also examines the regulatory responses to the sharing economy. The approach taken here is not to identify one answer, or even a preferred option that can or should be applied across the NSW tourism industry. Consensus is not a realistic outcome at this stage. As this report demonstrates, there is not enough known about how the sharing economy impacts and is reshaping the tourism industry to conclusively identify one solution that is robust enough to address all contexts in which the sharing economy is emerging.

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**September 2015**



## Accommodation

- Private rooms/homes to rent/sublet (e.g. Airbnb; Stayz; Couchsurfing)
- Free camping (e.g. Youcamp; Freecamp)
- Houseswapping (e.g. Aussie House Swap; House to House).



## Transport

- Ride-sharing (e.g. Uber; Lyft).
- Car-sharing (e.g. Zipcar; Car2Go).
- Private car park sharing (e.g. Parkhound; Monkeyparking).



## Other Services

- Sharing home cooked meals (Eatwith; Eatro)
- Peer to peer tour guiding (e.g. Vayable; Sidetour).
- Working vacation sharing (e.g. WWOOFing).

## 1.1 Methodology

The primary source of evidence and data used in this research is existing publicly available industry, government and, academic reports, documents and studies. Given the recent and rapid proliferation of publicly available documents related to the sharing economy, it was important to develop a process by which the most current snapshot of the tourism sharing economy could be captured. While traditional literature and document searches were needed to capture more historical evidence, a method for identifying more recent developments was needed. To this end, an adapted Policy Delphi method was developed and utilised.

Traditional Delphi method is a research process that typically seeks information, views and insights on a given topic from a panel of experts. The panel is typically comprised of a group of experts and, through a series of iterative rounds and feedback, reach consensus about a solution to a problem associated with the topic. While this approach is effective when dealing with well understood, stable phenomena, it is not well suited to more ambiguous, unstable and contentious processes that are typical in the context of policy development and review (Linstone & Turoff, 2002). An alternative approach adopted was the Policy Delphi method that seeks to generate, articulate and disaggregate wide-ranging and contested perspectives as an important foundation upon which to understand the characteristics and implications of poorly understood phenomena. It was recognised that such an approach was important to adopt to investigate the tourism sharing economy in NSW.

The Policy Delphi method (Linstone & Turoff, 2002) was employed and adapted by the research team by engaging with a small group of tourism industry association leaders identified by the Tourism Industry division of the NSW Business Chamber. The panel included leaders from a range of sectors associated with the visitor economy in NSW (see appendix C for a list of associations involved) and captured a broad spectrum of views about the tourism sharing economy. Input from the sharing economy operators was accessed as part of the literature review process. Industry operators, including those who operate in the sharing economy context, were also represented by various association bodies on the Delphi Panel.

The panel convened once, in a face-to-face meeting and then online via email for two additional rounds (see appendix D for timeline and structure). After the initial meeting, the research team identified relevant literature and publicly available documents and reports as a starting point for establishing a broad picture of key issues related to the tourism sharing economy, its impacts and related regulatory responses. This information was circulated to the panel in the form of a draft typological matrix that was broadly organised into categories and themes. The panel were asked to respond online to the matrix and to provide additional information that captured alternative and diverse perspectives. The panel members were also asked to identify categories to be used to classify the documents, reports and related publicly available materials sourced through this process. The matrix was then updated and modified based on this and re-circulated in a second round. A final version of the matrix is provided in Appendix B. The final matrix guides the development and structure of this report. Illustrative selected case studies and illustrative vignettes are drawn from documents gathered through the Delphi process and presented in textboxes throughout this report.

It should be noted that the regulatory context is constantly changing. For example as recent as June 2015, the NSW Government considered a briefing paper prepared by the Parliamentary Research Service Statement entitled *"Uber and Airbnb: the legal and policy debate in NSW"*. As a result, the NSW Planning Minister referred the matter to a parliamentary inquiry. Clearly, this report can only present a snapshot in time of the sharing economy landscape as it stood in mid-2015.

## 2. Description, Definitions and Issues

Sharing is not a new model of exchange, but it has grown exponentially from when the term '*collaborative consumption*' was referred to in 1978 by Felson and Spaeth in a discussion about car-sharing. Tanz (2014) describes it as not just an economic breakthrough, but also a cultural breakthrough enabled by a sophisticated series of mechanisms, algorithms, and finely calibrated systems of rewards and punishments. John (2013) argues the exponential growth of 'sharing' in contemporary society relates to the growth of Web 2.0 and the social media frenzy that followed.

There are several terms that are often used interchangeably with the term '*sharing economy*'. They include '*collaborative consumption*', '*collaborative economy*', '*social commerce*', '*peer-to-peer economy*', '*peer-production economy*', '*ecological consumption*', and '*access based consumption*' (Miller, 2005). The sharing economy is considered to be more inclusive of the peer-to-peer economic exchange of goods and services (Miller 2015) and is the term used in this report. However, it is not so broad as to extend into the concept of collaborative consumption which includes collaborative creation (content sharing), and social commerce (the influence of peers on purchasing, such as review sites). The term 'sharing economy' more narrowly focusses on the making use of idle or under-used resources through

community building, collaboration and resource sharing (Belk 2007; Belk 2014).

The Queensland Industry Tourism Council (QTIC) describes this alternative mode of commodity exchange as a ". . . *recent economic model that uses network technologies to rent, lend, swap, barter and share personal products and services*" (2014, p. 3). This new economy has enabled sharing, an age-old concept, to now have a commercial value on a global scale. The sharing economy has quickly become a unique form of economic and social exchange that may facilitate and extend the inter-connectedness of communities (Buczynski 2013). However, research around the sharing economy is yet to fully explore its dynamics (Miller 2015), instead relying upon case studies and anecdotal evidence around the degree to which it has economic and social benefits (Hamari, Sjöklint & Ukkonen 2015).

'Sharing economy companies' referenced in this report are different in nature depending on the sector of the visitor economy that they operate. The companies operating in short term accommodation rentals form part of a complex online distribution network that is effectively a 'channel to market.' The attention of the should not be focused on a particular company or brand but on the general utilisation of these new distribution platforms and how they are being used in the context of the current regulatory environment.

### 2.1 Contesting the 'Sharing' label

Despite its historical connotations, the sharing economy is still emerging as a contemporary concept. Therefore, considering its emerging nature, and the speed at which it is reshaping existing services and business, it is unsurprising that what constitutes 'sharing' is contestable. Industry and government responses to the sharing economy fall into two main camps as mentioned on page 3.





Intense debates at global and regional levels between those who hold these two different perspectives have largely focussed on issues such as consumer welfare, economic development and innovation and change. Much of this conjecture coalesces around the relative merits and impacts of a raft of potential regulatory measures that might be applied to businesses operating in sharing economy.

An example of the contested use of the term 'sharing' can be seen in the contested use of the term 'ride-sharing'. Uber is often referred to in the media as a "ride-share service" however this description and what it means in terms of "sharing" has been forcefully opposed by the Australian Taxi Industry Association Limited (ATIA) as demonstrated by the following extract from its submission to the Australian Federal Government's review of competition policy in 2014:

"Ride-Share Services (RSS) can be defined as on-demand passenger transportation services, provided for reward (profit) by private drivers in their own vehicles (i.e. registered and insured only for private use). RSS are anywhere-to-anywhere exclusive hires provided by strangers to strangers. They are therefore for all intents and purposes unlicensed taxi services, and as such, currently unlawful in every Australian state and territory.

Importantly, RSS are not "carpooling" or a variant thereof. RSS are also not a genuine peer-to-peer or collaborative service because RSS drivers 'only interest in the transaction is that of a supplier of transportation services for reward. Similarly, the RSS passengers are not fellow travellers or companions (at least in respect to RSS drivers), they are in all senses, customers who pay a fee that wholly compensates the costs of the travel, including the drivers' time and the trip's arrangement by Uber (a 20% commission of the gross fare)."

Australian Taxi Industry Association Limited (ATIA), 2014.

Conversely Uber have long argued that its primary function is to provide a technology platform that facilitates a transaction between riders and drivers.

"Uber offers information and a means to obtain transportation services offered by third party transportation providers, drivers or vehicle operators (the "Transportation Provider"), which may be requested through the use of an application supplied by Uber and downloaded and installed by you on your single mobile device (smart phone) (the "Application"). All services provided by Uber to you by means of your use of the Application are hereafter referred to as the "Service". <https://www.uber.com/legal/aus/terms>

Central to this contestation is the evolution of the sharing economy over the past few decades from in-kind exchange systems into mainstream market economy monetary exchange systems. Indeed, the term 'sharing' could be applied to any form of exchange where a product is exchanged for a recognised currency of value.

While early manifestations of the sharing economy have successfully operated predominantly through a system of bartered labour exchange, the debate within the tourism shared economy now concerns the dominance of large companies, who, through the use of social media and mobile digital technology, have enabled the latest expansion of the sharing economy. This evolution has turned the sharing economy into a significant economic force quite different to their sharing economy predecessors.

The key question that emerges is: Does the inclusion of monetary exchange changes the nature of sharing from a reciprocal form of sharing that sits outside the regulated market context to one that positions it as a new entrant in the market subject to the same regulatory controls placed on other commercial service providers? Regardless of whether commercial enterprises operating in the tourism sharing economy are engaged in the type of sharing that creates social capital, they have had an indelible impact on the way the tourism industry operates.

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### **Ancestors of the Sharing Economy: WWOOFing and Timebanks**

WWOOFing (willing workers on organic farms) and Timebanking are examples of earlier manifestations of the sharing economy that were based on direct or indirect non-monetary exchanges. WWOOFing is an international movement where host farms exchange room and board in return for volunteer tourist labour. While the exchange of labour for food and board suggests an in-kind exchange, proponents of the form of direct exchange sharing argue that less tangible benefit is accrued by both parties in the exchange in the form of social capital that promotes community connectedness and battles issues of social isolation.

Timebanks turn unpaid time into a valuable commodity through mutual service. Timebanks operate on the principle of both giving and receiving help in exchange for time credits (Seyfang, 2006). Timebanks have been found to promote community self-help and are seen as more strongly capable of promoting social inclusion and social capital than other volunteer program. Such initiatives have, like WWOOFing, been found to build social capital.

There is a long history to the development of community currencies. Like a variety of P2P services based on sharing, bartering, lending, trading, renting, gifting, swapping, etc., they are concerned with community, and social capital creation, boosting local economics and valuing marginalised labour. Increasingly, like other monetised and commercialised entities in the sharing economy, Timebanks and WWOOFing have recently begun to employ digital platforms that attract international visitors, especially international students, who are able to exchange labour for other services (Smith et al. 2013)

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## 3. Impacts of the Sharing Economy

It is the accessibility, convenience and on-demand nature of the sharing economy that is changing consumption habits (Bowman 2015; Mondon 2015). Operating with less regulatory considerations than traditional market industries, the sharing economy has successfully created a series of new markets (Miller 2015). According to Zervas, Proserpio and Byers (2014), the greatest appeal of the sharing economy for suppliers is being able to make use of and monetise unused resources. Bypassing compliance and regulations reduces overheads, allowing consumers to access goods and services in the sharing economy at lower costs.

The Queensland Tourism Industry Council has noted a number of advantages and disadvantages to operating a tourism business in conventional (and highly regulated) versus sharing economy (unregulated) contexts (see Appendix A). These advantages and disadvantages also broadly apply to the NSW context and should be heeded by those interested in operating within the tourism sharing economy setting. However, the regulatory context is changing with increased policing of existing regulations and a rapid rise in a range of new regulatory measures being recommended in government reports and related tourism association submissions. This is discussed further in the conclusion of this report.

### 3.1 Economic Impacts

As it is still a relatively new phenomenon, economic impact research on the sharing economy is still emerging. However, it is difficult to measure the economic impact of these distribution channels as a component of tourism statistical metrics (e.g. National Visitor Survey, International Visitor Survey, Tourist Accommodation Survey etc.). Although survey questions do include short term accommodation by type in these government studies, it is only a sample and the conclusive data of occupancy, bed nights and expenditure attributed to 'sharing economy distribution channels' is not publically known.

Although some data on the larger 'sharing' companies has emerged that demonstrate the economic potential of the entire sharing economy, it is difficult to ascertain if overnight accommodation driven by sharing economy distribution is a complement to the growth of the NSW visitor economy or a substitute merely diluting the traditional supply chain.

Over the past decade the accommodation sector has been transformed by large enterprises operating in the sharing economy. As one of the largest enterprises in online distribution, Airbnb between 2008 and 2012 had over 50,000 renters operating per night; over many different types of accommodation; and experienced more than 4 million guests and over 10 million cumulative bookings worldwide (Grant 2013). As of 2015, Airbnb has

more than 1 million listings in 34,000 cities and 190 countries, and claims to have had over 25 million guests since its launch seven years ago (Miller 2015). Having risen close to \$900 million in venture capital and with a valuation of \$13 billion, Airbnb have a higher combined market value than the Hyatt (\$8.4 billion) and Wyndham (\$9.3 billion) hotel groups (Miller, 2015).

As a leader in the sharing economy, Airbnb is a major competitor\* to the accommodation and rental market (Samaan 2015). (\*Arguably it is an 'emerging competitor' because it cannot be determined by existing data collection in Australia).

The key to Airbnb's success has been around community building, collaborative sharing and trust whilst also maximising the users experience through their '*home away from home*' reputation. However, Airbnb's lists both private homes as well as approved tourist accommodation, effectively competing with entities such as Expedia in the broader collaborative consumption space. Significantly, Airbnb supports a range of varied commercial accommodation and this factor has extended the reach of premium accommodation aimed at both leisure and business tourism. The perception that this distribution channel is simply about budget type accommodation is no longer a reality.

Apart from data that is emerging around larger sharing

economy companies, the evidence of economic impact of the sharing economy in the accommodation sector is largely anecdotal. However, some recent research has emerged in the USA that provides a template for future economic impact studies elsewhere. Research by Zervas, Proserpio and Byers (2015), provides empirical evidence that the supply of Airbnb listings had a quantifiable negative impact on local hotel revenue in the US state of Texas. By comparing the state's hotel revenue to data on Airbnb, between 2008 and 2014, the study aimed to identify the extent to which the sharing economy company negatively impacted the established accommodation market. By examining hotel price and occupancy rates, the results revealed that in Austin, Texas, a 10% increase in the size of the Airbnb market (listings) resulted in a 0.37% decrease in monthly hotel room revenue. In areas where there was a higher dispersion of Airbnb listings, there was a greater negative impact on hotel revenue. Airbnb's penetration into cities can be put down to a number of reasons. This includes, but is not limited to, the low supply of and high demand for low end hotels, the willingness of consumers to conform to the sharing economy, and even the level of consumer awareness and exposure to these new economy companies.

Evidently, over the study's five year period, the most vulnerable hotels in Austin had an 8-10% decrease in hotel revenue. Critically, the study also found that in Texas, an increase in Airbnb's supply had a smaller impact on hotel room revenue than an increase in the supply of hotel rooms. This is mainly because Airbnb is an imperfect substitute for a hotel. Differences in price tiers (quality) and customer base shows that sharing economy companies, like Airbnb, have varied economic impacts across the established hotel industry. As a result, the most vulnerable established market players include independent and low-end hotels, and those not catering to business travellers. Interestingly, Airbnb have identified this as an opportunity for them to grow in the business travel sector. In 2014, the sharing economy company introduced a multi-party initiative to attract business travellers who seek an alternative to staying at large hotel chains (Isaac 2014).

In the Australian context, tax-based regulation has attempted to create a more level playing field for those who operate inside and outside the sharing economy model. The Australian Taxation Office decision on May 19 2015 declared a GST ruling for sharing economy activities, so that while renting out a room in a residential house or apartment attracts no GST (when the total income is

below the \$75,000 threshold) all the rental income must be included in an income tax return. Given the recent timing of this ruling, it is unclear what impact it will have in terms of revenue raising for the Australia government and also in terms of economic impact on those considering listing their homes and rooms through sharing economy distribution platforms. The potential impacts are unclear largely because there are no voluntary or compliance systems in place integrated across 3 tiers of government to identify who is supplying accommodation in private accommodation or through commercial use in residential buildings. Whilst the potential economic impacts of activity generated through online accommodation through Sharing Economy distribution platforms would suggest the channel is an emerging competitor to traditional accommodation, it cannot currently be determined by existing data collection. The issue of transparency of supply is a vexed issue for governments to consider particularly in relation to taxation and understanding the economic and social opportunities and threats.

It is unlikely to have an impact on those licensed accommodation operators who list through such platforms as they are already subject to reporting GST as part of their business practice. Further discussion of the GST ruling is provided later in this report.

Operating within the transport sharing economy are ride-sharing, car-sharing and car-lending companies like Uber, Lyft, Relayrides and Zipcar. Other smaller entrants in the transport sector include services such as Parkhound who coordinate the rental of car parking spaces across Australia.

With more than 600 different ride-sharing and car-sharing providers globally (Cohen & Kietzmann 2014), the growth of the industry is in response to the costs and carbon footprint associated with car ownership (Buczynski 2013). Uber, valued at around \$41 billion, is a worldwide network where people can operate their own vehicles as private cabs. Lyft, the main competitor to Uber, was founded in 2012.

Operating only in the US market, it is valued at \$332 million. Lyft was founded upon the idea of making use of idle seats in cars in order to save the environment, alleviate traffic congestion and to bring back a sense of community through sharing. The quote below posted by Uber on their website illustrates how the ease of use of the digital platform is central to the acceptance and uptake of Uber as an alternative form of transport to traditional taxis:



After using the UberX in America recently, I was very keen to try it out here back home in Melbourne. Both rides I've had were great. Drivers were nice, arrived quickly and made it all very easy. Will definitely use again...

Bryson, Melbourne <http://love.uber.com/australia/#sthash>.

FLcm42IO.dpuf

The night-time economy of cities also benefits from the sharing economy, particularly shared transport options. In Sydney, for example, private transport plays the biggest role in moving people around after 6pm (City of Sydney, 2011).

The economic impact of ride-sharing services such as Uber is argued by the ATIA to be the result of regulatory anomalies, and in particular the costs associated with those regulations. Ride-sharing services do not bear the costs imposed by governments through their legislative frameworks as taxi operators do. Nor do they have the additional impost of providing an essential community service (guaranteeing services 24 hours a day even when it is not profitable to do so). Taxis pay higher premiums for motor insurance and compulsory third party (CTP) personal injury insurance, must have workers compensation insurance, and must be fitted with a range of equipment for the safety or protection of passengers and drivers (ATIA Submission 2014 p.13).

Car-sharing services have received less attention in the literature but are no less an example of how the sharing economy operates within the transport industry. Research by Cervero et al. (2007) and Martin et al. (2010) reveals a small but expanding area of research around the economic impacts of the car-sharing economy on car ownership, miles travelled and fuel consumption. Cervero et al. 2007 study identified a fall in the number of cars owned in the San Francisco, Bay area in California, following the introduction of the non-for-profit City CarShare program in 2001. The introduction of such car-sharing options have allowed for an alternative to other forms of transport (public transport, taxis and traditional car rentals). Similarly, Martin et al. (2010) have found that the popularity of car sharing services in North America, have led to a fall in the number vehicles owned.

The evolution of car sharing suggests that some established market players in the automobile industry, have recognised the flexibility of the sharing economy, the opportunities it presents to meet consumer demand, and how it may help combat economic downturns. Being able to serve different people with varied needs (i.e. short term travellers or cities with parking issues), some companies view the sharing economy as an opportunity for growth and development rather than something to resist.

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### Car Sharing: A way forward?

Founded in Switzerland and Germany over 20 years ago, Zipcar is one of the world's largest car-sharing companies (Bardhi & Eckhardt 2012). Similar to RelayRides, Zipcar harnesses access-based sharing. The main difference with Zipcar is that the vehicles are actually owned by a company. Their business model is completely self-service. Zipcar have also built their success around the notions of trust and community. Through their online management systems, Zipcar outlines responsibilities for members, provides rewards to those with a positive record (i.e. maintaining a clean car) and fines members when the rules are broken (i.e. late drop-off). In an effort to appeal to a younger market, the company runs regular events, engages with their members for feedback and brand themselves as being innovative and green (Bardhi & Eckhardt 2012).

Due to its popularity, Zipcar was recently acquired by Avis Budget Group. Other automobile car manufacturers (i.e. BMW and Mercedes) are also seeing the opportunities with the sharing economy and are following suit through acquisitions or by creating their own car-sharing subsidiary (Belk 2014). For example, Mercedes' Car2Go, Volkswagen's Quicar and Peugeot's Mu. General Motors even recently acquired the car-sharing company RelayRides, which allows owners to rent out their own cars. By adopting the sharing economy collaborative model, BMW, for example, recently launched DriveNow – a car-sharing service that features a selection of their electronic car range (Maycotte 2015).

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A key consideration for governments is to assess the balance between the long term potential economic benefits derived from Sharing Economy activity and the potential long term risks to the economy. The negative impact on government revenue through taxation and levies through the practice of profit/revenue shifting is an ongoing challenge faced by the Federal government.

In terms of investment within the NSW economy and nationally, traditional companies such as hotel groups, leisure attractions and alike have stimulated direct and indirect jobs and flow-on expenditure through capital investment. The future investment of capital in small to medium enterprises that make up the bulk of tourism and related local community experiences is a key long term

consideration particularly in regional areas. The Sharing Economy is centred on the use of privately owned assets; therefore the question arises to what extent governments need to take measures to set policies in place to encourage investment over the long term?

Is the Sharing Economy accommodation supply a substitute or a complement to the economic wellbeing of investment opportunities in NSW and across Australia? Furthermore, is the growth in Sharing Economy accommodation supply an impediment to accommodation investment? Austrade are currently assessing the scope of further research to understand the answers to these questions.

## 3.2 Social Impacts

Whether it be through the way people commute, shop, travel and borrow (Koopman, Mitchell & Thierer 2014), sharing has become a mainstream form of consumption (Miller 2015). A largely unsubstantiated but compelling claim made about the sharing economy is that it provides a sense of community (Belk 2007). Other claims have been made that the sharing economy leverages consumer demands for competitive prices and convenience, and facilitate supplier interest for extra income (QTIC 2014). The sharing economy appeals to consumers desire to have temporary experiences, rather than the full commitment of ownership (Bardhi & Eckhardt 2012). More temporary access to goods and services through the sharing economy meet contemporary consumer needs for mobility and speed of service (Buczynski 2013). Technology and peer communities allows for products and services to be accessed faster than ever and in what is perceived by consumers as a more convenient manner.

The growing significance of the sharing economy is a direct result of its ability to tap into a generational cultural shift and the perception that it is of better value than traditional offerings. The impact of perceived value to both consumer and supplier of making productive use out of existing resources (i.e. a spare room, apartment or car), collaborative relationships between buyers and sellers (supply and demand), the convenience of information exchanges, control over research and purchasing decisions, and reduced supplier costs by bypassing regulations (Koopman, Mitchell & Thierer 2014; Zervas, Proserpio & Byers 2014) is compelling. The sharing economy has been seen as a way to combat the excessive global consumption of finite resources and

leverage the “green economy” into business operations and strategies. However, as Schor (2014) has noted, despite the widespread belief that the sharing economy helps to reduce carbon emissions, there are almost no comprehensive studies of its impact. Sharing can, however, also encourage community engagement, promote self-sufficiency, encourage innovation, and provide access opportunities to people in remote communities or those with smaller budgets (Buczynski 2013).

The sharing economy has allowed anyone to provide goods and services that meet a variety of consumer needs. Unlocking the revenue generating potential of underused resources such as spare rooms, or a car parked in the garage, provides an alternative source of income that is much simpler than seeking out additional employment or starting a new business. This new technologically driven phenomenon is having a major social and economic impact on established firms who previously provided for and controlled the market place (Zervas, Proserpio & Byers 2014). The revenue models of sharing economy companies are often shaped by externalised labour (i.e. independent contractors) where overhead costs are lower than established companies (Samaan 2015). Those operating in the established tourism industry believe that without a proper regulatory framework, sharing economy companies, like Airbnb and Uber, facilitate illegal profit making (Samaan 2015; QTIC 2014). The major issue is that traditional regulations in local communities and cities do not fully address the complex operations of the sharing economy (Koopman, Mitchell & Thierer 2014). The sharing economy is so

dynamic and differentiated that developing a single regulatory framework for this new economy is almost impossible (Miller 2105).

An example of these impacts and dynamics in operation is evident in the accommodation sector of the tourism sharing economy. From initially renting out spaces in their apartment, the founders of Airbnb, for example, now deliver a flexible and, in some cases private living experience. Despite meeting consumer demand for this, there are several key negative effects or externalities that come from this transaction, with regard to social impact. For example, a neighbourhood may lose its sense of place as a consequence of offering temporary accommodation (Miller 2015). As a result, discussions over regulations

concerning land use have arisen. For example, the Transport and Tourism Forum in its response to *Issues Paper for NSW Planning System* argued for a review of the existing land-use definitions to allow for greater clarity between residential and short term accommodation.

The fabric of employment represents an integral part of the visitor and broader economy. Safeguarding existing jobs and creating policy settings to stimulate new employment is paramount to the long term sustainability of the economy and social structures. The casualised nature of the Sharing Economy provides opportunity for private income but at what cost to the long term prospects of jobs within the traditional employment marketplace?

### 3.3.1 Consumer and Public Safety Impacts

The evolution of Airbnb, from a service providing lodgings near high profile events to what is now a much wider platform of accommodation distribution has resulted in increased tourist traffic in residential areas that not only impact quality of life for local residents but also raises several safety concerns (Samaan 2015). Host communities may also have to deal with short-term renters and the subsequent issues of cleanliness, public safety and noise (Zervas, Proserpio & Byers 2014). There are also issues around trust, theft and vandalism, particularly when the sharing economy relies on self-regulation and are suppliers dependent (Buczynski 2013). Further, public safety is always a concern in the sharing economy:

In 2011, a San Francisco woman rented out her home on Airbnb only to find the place had been subject to vandalism and theft. This prompted Airbnb to not only apologise but re-evaluate insurance options for hosts (Buczynski 2013).

Airbnb has “Host Protection Coverage” in the USA, and according to their website, coverage in Australia is for hosts and, where applicable, landlords (Airbnb.com.au).

Networks like Airbnb allow hosts to setup an account and put their spare room or home on the market without the need to set up a proper business. In contrast, for registered businesses, such as bed and breakfasts, there are local laws that must be adhered to, including permits for business activity, food licensing, building construction, accessibility, fire suppression and safety and so on. Yet some Airbnb hosts and other sharing economy business bypass these regulations and operate without having to conform to legal frameworks. Although Airbnb has guidelines and standards on its website, these are not enforced. Airbnb rely on self-regulation and complaint reporting mechanisms, however there appears to be no publicly available data which indicates the success of this approach to either improve or remove a poor product.

In 2014, neighbourly tensions arising from letting via sites like Airbnb reached boiling point in one Sydney apartment building. Lawyers from the City of Sydney sent ‘illegal use of premises’ letters to apartment owners in the Bridgeport building near Circular Quay who had been letting their apartments for short stays (ABC Radio National March 2015). However, concern has been raised that such reactive policing is targeting the wrong parties:

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In 2014, Queensland Government amended the Sustainable Planning Act 2009 called Party house provisions. HRIA stated in its submission, “this Bill targets only short term and holiday rental where parties are held regularly. And it punishes the owners of the residential dwelling rather than the people

at the party, some of whom are the perpetrators” Holiday Rental Industry Association, Submission to the Inquiry into the State Development, Infrastructure & Planning (Red Tape Reduction) & Other Legislation Amendment Bill 2014 (the Bill) Amendments to the Sustainable Planning Act 2009 Party house provisions. 2014 (HRIA, 2014).

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In addition to accommodation and transport, the sharing economy operates in other areas of the tourism industry. Food sharing, for instance, may include anything from the growing of produce to its consumption. In terms of hospitality, this may include the provision of shared meals and the social reviews of restaurants (QTIC 2014). By ‘*distributing the costs and work that it takes to produce, transport and prepare*’ food, meal sharing services are growing in popularity (Buczynski 2013, p. 150). Private kitchen services, such as EatWith enables people to buy meals in other people’s kitchens (Belk 2014). Here, a home cook can become a temporary chef for strangers in their own home. This form of sharing is attractive as it provides the consumer with a home cooked meal as well as a social experience, and it brings together people who like to cook with travellers who are looking for a different experience. In terms of the tourism experience, the concept of services such as EatWith provide an “authentic” experience for the traveller and is promoted as a form of culinary tourism. At Your Table is an Australian example, and as with other examples of the sharing economy, online reviews inform others who may be interested in taking the experience:

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Shannon was great – he and Shelly, our waitress arrive on time and from that moment the evening just went so well – it was wonderful; everyone agreed Shannon’s food presentation and flavours were fabulous. I would recommend Ellie and the team to anyone. We will be inviting Shannon & ‘At Your Table’ back to our dinner party again soon.

Chef: Shannon Griffin <http://www.atyourtable.com.au/testimonials/>

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However, Eatro, a food sharing start-up in London, discovered the hard way the challenges of getting consumers to pay for food cooked by other consumers. Home cooks lacking the training and knowledge of safe food handling and preparation techniques lead to instances of food poisoning. Eatro has changed its

business model and is now the market-mediated One Fine Meal, where consumers can order meals prepared by professional chefs and delivered to their door in 30 minutes. This example suggests that some sharing economy entities are evolving toward a more traditional business model to address issues of product quality and consumer demand.

Other areas of hospitality and urban agriculture, accessed through the sharing economy, are providing great social alternatives around food and sustainability. According to Wekerle and Classens, ‘*viewing backyards as an under-utilised asset that can be shared through collaborative consumption to supplement income and innovate new business models*’ is a big part of the wider ‘sharing’ trend (2015, p. 6). In Toronto, Canada, food sharing initiatives are extremely common. At least 40 per cent of people in Greater Toronto produce their own food and there are over 200 community gardens. (Wekerle & Classens 2015).

Another sharing economy concept enhanced by the digital economy is the practice called “freedom camping” or “free camping”. This involves a tent or other temporary structure, a caravan, a car, campervan, RV, house-truck, or other motor vehicle in areas not designated for camping. Typically freedom campers cannot access facilities such as clean drinking water, toilets and waste disposal facilities. Digital platforms such as *youcamp* and *homecamp* provide access to sites on private rural land, car parks and beaches. Current recommendations are that Councils should not provide free camp sites within, say, a 30km distance from a commercial caravan park (Victoria Tourism Industry Council, N.D.). More recently, *youcamp* and *homecamp* have taken up the underutilisation of backyards as an opportunity for the sharing economy where private landholders can rent out space in their backyards for travellers who might be seeking accommodation near a particular event, cheap metropolitan accommodation, or a safe place to park their campervan or caravan that is not in a traditional camping ground. Concerns about the safety issues are being addressed in an ad-hoc manner largely at the request of industry associations such as the Caravan and Camping Industry Association rather than in a systematic and coordinated way. Since February 2014 the CCIA NSW has written to many NSW Councils, the Department of Planning and Environment and the web site operators to ensure businesses such as *Youcamp* and *Homecamp* have approvals to operate and meet any of these requirements of building codes, fire and safety regulations.



The Caravan and Camping Industry Association of NSW have identified important “peak priorities and the need for a level playing field as follows”:

- In New South Wales you must not operate a caravan park or camping ground without an approval from the local Council (see sections 627 and 68 of the Local Government Act 1993).
- Compliance with the law promotes camping that is safe, enjoyable, equitable and sustainable. With no internal processes or obligation to ensure all listings are fully compliant, websites like Youcamp and Homecamp facilitate options that apparently do not meet any of the substantial requirements of professional tourist

accommodation as related to building codes, fire and safety, privacy, security, environmental and similar.

- Properties listed on youcamp.com, or any other similar website, operate outside of the regulatory framework, which exists for the benefit of consumers, that is applied to tourist accommodation providers. Alternatively, if the regulatory framework is seen as too onerous then tourist accommodation providers should be free to compete with youcamp.com and others on the same terms.

The potential risks to public safety from shared economy participants avoiding important regulatory requirements to protect the public interest is a matter for governments to weigh up in terms of prevention and administering.

## 3.4 Geographical Contextual Impacts

In the 2012 Final Report of the Visitor Economy Taskforce (NSW Government Trade and Investment 2012) reference is made to the ways in which technology is influencing consumer behaviour. Traveller behaviour, the report notes, is influenced by travel products and destination brands via visitors’ reviews. The report also highlighted inconsistent and dysfunctional structures for Government funding and development of Regional Tourism in New South Wales. Further, the report also discusses the problems of an excess of regulation and bureaucratic red tape, particularly in the investment and development approval areas. This, the report argues, severely restricts the ability of the private sector to respond to and cater for the growing need for more accommodation in key visitor areas. This raises the question: What is the role of the sharing economy in regional NSW?

Any policy response must consider the differences in the market between metropolitan and regional or coastal locations to address seasonality, the range of bed capacity, historical importance of short term accommodation lettings in coastal and regional areas and the capacity or desire for regulation and enforcement on their communities by local councils. The NSW Visitor Accommodation Supply Plan 2014 found that holiday and short term rental accommodation provides an important part of the room stock at many destinations in NSW especially in regional areas, but does not address the sharing economy impact on room supply. Visitor Accommodation Supply Study – Greater Sydney Study (JLL Hotels and Hospitality Group, 2014) noted that short

term residential accommodation also serves important needs in areas near hospitals, universities, and other facilities that are designed for and attract visitors. There is little social or economic utility in having holiday and second homes vacant when not in use by owners and their family and friends (HRIA, 2014).

The Visitor Economy Taskforce Report 2012 identifies a shortage of short-term visitor accommodation in Sydney, but does not identify the sharing economy short-term rental market as an option. Regulatory responses have emerged at state and local government levels, as well as within industry sectors directly affected by competition from the sharing economy. But there is confusion as to what is the sharing economy version of the short term visitor accommodation market. The different approaches taken illustrate again that there is no single regulatory solution that will address these issues adequately for all sectors of the sharing economy. In its submission to the NSW Government White Paper – A New Planning System for NSW, Airbnb noted “...the planning treatment of short term stays in residential properties therefore seems to fall into an uncertain grey area...We see merit in codifying the treatment of short term rentals on a state-wide basis” (Airbnb, 2013).

Planning, development and zoning are under the controls of both state and local governments, resulting in an overlap of responsibilities. According to the QTIC (2014, p.11), local governments do not have the resources to identify hosts and enforce differentiated laws, nor do they “fully understand their rights to audit and penalise hosts

*who are acting under the premise of “sharing”*”. Accommodation rental and holiday letting, while discussed at a state government level, is then often passed to local councils to deliberate. This is evidenced by the NSW Planning Minister advising Byron Council that regulating tourist accommodation is a local issue and councils can address amenity issues relating to holiday letting in local plans (Byron Bay Shire Council, 2014).

To illustrate the variations between some councils, the examples below are reactions to the leasing of private parking spaces – Brisbane City and City of Perth, are opponents of Parkhound. City of Perth Council has maintained it is illegal for people to rent out their driveways, transfer or sell their resident’s parking permits or let a car space attached to an apartment and City of Sydney Council indicated to residents that they are free to lease parking spaces on their property using any online service but residents’ permits cannot be transferred (Sansom 2014).

Policy initiatives with regard to competition are the domain of the Federal government, along with rulings on issues of taxation, such as the Goods and Services Tax (GST) and advised as follows in a recent tax ruling affecting the sharing economy:

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If you are engaged in sharing economy activities where you let a room, let a car parking space, do odd jobs or other activities for payment or drive passengers in a car for a fare, you may have a GST obligation where you have an enterprise. If you rent out property (for example, a car parking space) on a regular basis to make money, this will be an enterprise (even if it is not a business). Australian Tax Office: the Sharing Economy and Tax 2015:1.

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Anti-competitive conduct and standards of access and equity are catch-phrases of the Federal government’s competition principles. The Harper Competition Review was released 31 March 2015 (Harper et al. 2015). Commissioned by the Australian Federal Government, one of its terms of reference was to examine whether the structure and powers of the competition institutions remain appropriate, in light of ongoing changes in the economy and the desire to reduce the regulatory impost on business. One of those changes, as noted by the response below, is the growth of the sharing economy:

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#### **Media Release Andrew Leigh MP 2 April 2015**

The Harper Competition Review has underlined the importance of re-thinking regulation as new services and competitors emerge in the sharing economy. Professor Harper’s report flags the priority need for reform in areas like taxi licencing, property zoning and product standards. These are some of the key areas where new services like Uber and Airbnb are disrupting existing rules and regulations. Leigh (2015).

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## 4. Regulatory Responses

In response to the growth and proliferation of the sharing economy, regulation is commonly seen as a means by which to restrict certain activities of this new economy (QTIC 2014). The following discussions focus upon the regulatory responses in two key sectors of the visitor economy – accommodation and transport, and their

relative merits and limitations. Evidence of regulatory responses in other sectors of the visitor economy was limited and mirrored many of the patterns evident in transport and accommodation. Notes relating to other sectors can be seen in the regulatory matrix attached (Appendix B).

### 4.1 Regulatory Response – Accommodation

When looking to safeguard traditional industries and oversee the operations of the sharing economy in the accommodation sector, regulation is at the forefront of discussion designed to level the regulatory playing field. For example, the renting out of rooms/apartments in residential areas avoids land-use regulation and zoning codes. Many hosts of short-term accommodation rentals tend to be commercial leasing companies looking to avoid fees and taxes associated with traditional regulations (Samaan 2015). Research in the broader overseas market indicates that up to a third of 'accommodation hosts' distributing rooms or units through various accommodation distribution platforms are 'commercial operators.' Understanding who and how many of these cases do not pay taxes, have limited or no provision for the safety of their guests and generally do not comply with the regulations undertaken by commercial counterparts within the traditional accommodation supply chain is a key issue governments need to consider not only to safeguard the interests of the visitor economy but also the integrity of social governance and consumer safety.

This is a common factor for renters of short-term units in New York City and San Francisco, and regulations are in place in San Francisco that prohibits rentals for any period less than 30 days (Ali, 2014). In the case of New York City, laws are also in place to prohibit rentals less than 30 days, although the law appears to be enforced only when a complaint is filed with the Mayor's Office of Special Enforcement (Ali, 2014). Many in New York and San Francisco have bypassed tax structures and violated existing land-use regulations (Buczynski 2013). However, taking a regulator versus sharing economy businesses approach seems to avoid the big picture and does not

engage in a more inclusive process of stakeholder management (Miller 2015). This more inclusive process would seek to balance the interests of the traditional industries, encourage new markets through innovation, identify community and supplier needs as well as lead to the sustainable development of cities and urban areas.

Businesses operating in the tourism industry, such as hotels, bed and breakfasts, restaurants and the taxi industry are concerned that the sharing economy is infringing upon their market share by offering unregulated products and services at more competitive prices. Many businesses operating in the sharing economy are private, and therefore monitoring, assessing and regulating them becomes very difficult without accurate information. In addition, sharing economy companies do not enforce what they perceive as outdated zoning codes as they are deemed to be invalid in regulating the new economy (Samaan 2015). The diversity of the sharing economy also makes regulation hard. For example, suppliers in the sharing economy, such as renters of a private property listed on sharing economy digital platforms, often are not aware of the legalities of their transactions, including their rights and obligations (i.e. contracts or local government laws around health and safety) (Miller 2015).

Banning businesses in the sharing economy or enforcing a blanket regulation will not address the issue in the long-term, nor will it stop new entrants becoming more savvy and adaptive in the marketplace. Start-ups in the sharing economy look for an unfulfilled need to provide a product or service. Investment capital can be raised relatively easily through platforms such as crowd-sourcing. The ease of entry and innovation in the digital world mean that new entrants in the sharing economy can provide better options and address consumer needs

in ways that more traditional business models cannot. Consumers currently take advantage of sharing economy services primarily because they offer better prices, perceived sense of community, greater convenience, and higher quality (Koopman, Mitchell & Thierer 2015).

Without a proper strategy, reactive measures to regulate may cause more harm to cities and communities (QTIC 2014). For example, the application of traditional consumer protection laws for economic regulation may result in additional costs and discourage competition (Koopman, Mitchell & Thierer 2014). Samaan mentions that cities should employ registries of hosts and guests to mandate standards for short-term rentals (2015). San Francisco and Portland have responded to the short-term rental market through strong land use-based regulations. By doing so the two cities have registries, permit applications and other data collection points. However, the issue they face is ensuring that the legal frameworks are not overly complicated for small operators in the market (Miller 2015).

New South Wales regulatory practices differentiate between designated land use and building construction standards with regard to tourism developments, at both state and local government levels. In New South Wales, legislation identifies tourist land use as *'providing for a variety of tourist-oriented development and other related uses'* (NSW Government, 2006). One of the most recognised legal cases in New South Wales with regard to short-term holiday rental accommodation is the Land and Environment Court decision of *Dobrohotoff v Bennic* (Land and Environment Court, 2013). In 2013, the Court decision in concerned a house where an adjoining owner took action against another owner. The Court followed the Blue Point Tower case and found it a prohibited use. It further held that *'Short term holiday rental accommodation'* means accommodation for a period of less than three months. (McKenny 2013). The case set a precedent for future interpretation of when a land use is permissible in a zone.

To encourage a consistency of legislation, the NSW Government prepared a standard definition of tourist and visitor accommodation, where *"tourist and visitor accommodation"* means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes backpackers'; bed and breakfast, farm stay hotel or motel accommodation, serviced apartments. However, camping grounds, caravan parks, and eco-tourist facilities are excluded from the definition (NSW Consolidated Regulations 2015).

Despite the NSW government standardisation of planning controls, several councils have their own versions. Gosford City Council (2014) defines short-term rental accommodation as Kiama, Eurobodalla, Wingecarribee and Shoalhaven Councils' planning controls permit short-term holiday letting of residential accommodation without development consent for between 45 to 60 days. (Eurobodalla Shire Council, 2012; Kiama Municipal Council, 2011; Shoalhaven Local Environmental Plan, 2014; Wingecarribee Shire Council, 2010) In early 2015, Lake Macquarie City Council successfully sought a zoning alteration to allow dwellings for short term holiday rentals as follows: *"as exempt development with up to 4 bedrooms and meeting certain criteria; 5 or more bedrooms to be permitted with development consent; The owner to be a member of an organisation that has endorsed and implements the 'Holiday Rental Code of Conduct' ..."* (NSW Government – Planning and Environment, 2015).

2015 Byron Bay Council is reviewing comments on an exhibited policy similar to the Lake Macquarie City Council for consideration. Byron Council aims to create a method for land owners to register their properties. (Byron Bay Shire Council, 2014). To further illustrate the regulatory difficulties and discrepancies with regard to short-term rental this report highlights two court cases, one in New South Wales and one in Queensland:

The question arises – who will do the policing of such regulations? There are costs involved in the monitoring of regulations. Part of the local government debate focuses on the potential cost of policing any new or amended regulation. There are issues of staff resources, and possible political ramifications associated with policing developments that do not meet requirements. Government authorities can have overlapping functions and policing of regulations is often poorly managed by councils. Costs such as form filling, compliance, reporting and fees and charges add to the cost of doing business. Best practice in some cases may be to not regulate at all, or to examine where minimal and possibly temporary regulatory changes may be all that is required.

To further illustrate the variations in responses at a state government level, in ACT, it is legal for an apartment owner to rent their premises on a regular short-term basis, subject to Public Health Act, but commercial accommodation units are prohibited in the high-rise zone. Regardless owners' corporations in Canberra's inner south are moving to ban short-term rentals with apartment owners attempting to stamp out short-term rentals (Raggatt, 2014). The variations of government response

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The leading case in NSW is *North Sydney Municipal Council v Sydney Serviced Apartments Pty Ltd* (1990) 71 LGRA 432 (Blue Point Tower case) which concerned the short term rental of 37 of the 144 apartments in the high rise Blue Point Tower residential flat building at McMahon's Point, Sydney. The Court of Appeal held unanimously that the land use term "residential flat" or "dwelling" implied long term occupancy and so short term rental, although a long accepted practice, was prohibited. This case has been followed in all subsequent litigation in NSW and the principle was extended to houses in 2013. . .

In complete contrast with the NSW Blue Point Tower case, in 2010 the Queensland Court of Appeal held unanimously that short term rental of a house or apartment does not change its use in planning terms from a dwelling and that no requirement for long term occupancy could be implied.

Atherton Legal (2012): Submission (on behalf of the national Holiday Rental Industry Association) to the Inquiry into the State Development, Infrastructure & Planning (Red Tape Reduction) & Other Legislation Amendment Bill 2014 (the Bill) Amendments to the Sustainable Planning Act 2009 Party house provisions.

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are not only for the use of the building but also the construction standards. In 2012, the Accommodation Association of Australia wrote to the Australian Building Codes Board regarding the interpretation of the Class 2 and 3 Building classifications in the Building Code of Australia. In essence the response stressed the need to remove ambiguity from the regulations and to define a threshold length of stay to differentiate tourism use from residential use (Accommodation Association of Australia, 2012). Various interpretations had been used but in December 2013 the Victorian Court of appeal unanimously confirmed the Supreme Court's decision that class 2 buildings can be used for short-term rental accommodation under the Building Code of Australia. (Mahoney & Punch, 2013.)

Tourism Accommodation Australia (TAA) point to the growth in alleged non-compliant short term accommodation distributed through various Sharing Economy platforms by commercial companies. TAA is advocating the introduction of model legislation agreed by the State, Territory and Commonwealth governments in requiring the registration of premises that are used for commercial short stay accommodation but are not

meeting a range of health, safety, tax and regulatory requirements. Regulations for those providing accommodation should be proportionate to the scale of operation i.e. someone renting out a spare room a few nights a year should not be subject to the same level of regulation as a business renting out 100 rooms year-round. They are seeking to provide certainty for investors in compliant commercial accommodation in Australia, to protect jobs and ensure an excellent traveller experience that generates repeat visitation in NSW.

Other accommodation industry bodies such as HRIA have taken pro-active steps in the form of a Code of Conduct for suppliers, hosts and guests.

The value of private (i.e. non-commercial companies) lettings by hosts using online distribution platforms is a strong form of casual income for people confronted by high living costs. A study that detailed Airbnb's positive economic impact on Sydney and its suburbs conducted in partnership with BIS Shrapnel, found that Airbnb supported AUD \$214 million in economic activity in one year in Sydney. (The variance between income from private v commercial company listed lettings is inconclusive in this figure).

## 4.2 Regulatory Response – Transport

The regulatory response in Australia to the sharing economy in the transport sector cuts across all levels of government. As with the accommodation sector, regulatory action at the Federal level focusses upon taxation. The Australian Taxation Office's recent ruling on the application of GST to sharing economy activities specifically focussed upon ride-sharing noting that *if you provide 'taxi travel' you have a GST obligation regardless of your turnover.* (Australian Tax Office, 2015).

At the NSW State level attention has focused on non-compliance with the law as well as safety concerns, insurance coverage, compliance with taxi laws and industrial implications. Reference to ridesharing and car sharing is made in the Independent Pricing and Regulatory Tribunal's (IPART) February 2015 report:

Ridesharing – Ridesharing is a low cost point-to-point service where private individuals use their own cars to drive passengers for a fee. An example operating in Sydney is UberX. It is currently illegal to transport a passenger for a fee unless you are an authorised taxi or hire car driver in an authorised vehicle and RMS has issued fines to offending

UberX drivers. UberX was introduced in Sydney in late April 2014. The app has received wide publicity partly because of debate about its compliance with the Passenger Transport Act 1990.

Carsharing – is a type of car rental where any qualified driver joins a group (sometimes for a monthly fee) and group members are able to rent a car for short periods of time (for example one or two hours). Cars are parked in various locations across the city and members usually do not have to meet anyone or complete paperwork to rent the car. Examples in Sydney include GoGet, GreenShareCar, Car Next door and Hertz 24/7. (IPART 2015)

The report notes that although taxi service performance appears to be at similar levels to previous years, concerns about the cost and reliability of taxi services have made it possible for alternatives to flourish. The market is providing a greater range of cost/reliability options than ever before. This is a benefit to consumers, provided appropriate protections are in place (for example car

safety, driver safety, insurance.) (IPART, 2015). In New South Wales, the Passenger Transport Act 1990 (Transport for NSW, 2014) is still the regulatory umbrella for taxis and other transport operators. A recent press release from Transport for NSW noted that:

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“The law is clear and has not changed: if a NSW driver is taking paying members of the public as passengers, the driver and the vehicle must operate in accordance with the Passenger Transport Act,” a Transport for NSW spokesperson said.

Under the Act, such services must be provided in a licensed taxi or hire car, by an appropriately accredited driver, authorised by Roads and Maritime Services (RMS).

Transport for NSW (2014).

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Uber, on its blog, gives an overview of Australian safety standards for passengers and drivers and acknowledges the NSW Roads and Maritime Services as the leading authority:

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All ridesharing partners must be at least 21 years of age, and drive a registered, 2006 or later model four-door vehicle under a full driver’s licence. All ridesharing partners must also pass a rigorous criminal history police check, as well as undergoing a driving history check provided by the State transport authorities – The Roads and Maritime Services in New South Wales, VicRoads in Victoria, and the Department of Transport and Main Roads in Queensland.

<http://blog.uber.com/OzRidesharing>

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It is noteworthy that there have been reports in the media that UberX drivers have been fined for breaching the Passenger Transport Act and that Uber has offered to pay their fines (Saulwick, 2015).

Drivers in car-sharing companies need stringent safety measures, such as supplier and consumer background checks. For example, some drivers in sharing economy companies (Uber and Lyft) are mounting legal action over the lack of protection and safety measures for them under state law – as they are considered to be contractors and

not employees (Mintz 2015). On the other hand, others see that with properly formulated regulatory frameworks, the sharing economy can add value to communities and cities (Zervas, Proserpio & Byers 2014).

The regulatory space is currently in flux with governments locally and internationally reviewing laws and rulings to manage the impact of the sharing economy. For example, in January 2015, the ACT announced an Innovation Review of the ACT taxi industry to examine the potential use of new technologies. (ACT Government, 2015).

Internationally, responses to ride sharing have also focused on the introduction of new regulations:

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Responses to ridesharing and Uber include banning the ISP in Spain and India, banning Uber X in German, capping Uber X vehicles in New York, trying to introduce legislation in numerous US cities in respect of disclosure regarding insurance. In California there are two class actions being taken against Uber for withholding of tips and the non-provision of workers’ rights.

Allen and Berg, 2014; Rogowsky, 2014).

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The Uber response in Australia preferences the international model that focuses on the facilitator rather than the individual drivers and vehicles providing the trip. In terms of international precedents, the model overseas has come to be the standard approach for services like Uber to be regulated as a Transport Network Company. This approach enshrines in law many of the things Uber is already doing, including:

- TNC Permit fee and associated operational conditions
- Criminal and driving history background checks
- Minimum level(s) of insurance
- Vehicle type and safety standards
- Restrictions on undertaking taxi or hire car work (e.g. no street hails, taxi ranks or anonymous rides)
- Standards for customer feedback, receipts, ability to obtain fare quotes, etc.
- Requirements for audits and the retention of records
- Driver protections (such as reinforcing their ability to work for competing services)
- Enshrining of non-discrimination standards (e.g. prohibiting the refusal of service animals)

Various jurisdictions in the US that have now taken the TNC approach with recent examples of a TNC approach including:

- Illinois
- Washington DC
- Virginia

<http://blog.uber.com/OzRidesharing>

As with other examples of the sharing economy there are varied regulatory responses at local government level:

City of Sydney Council – residents free to lease parking spaces on their property using any online service but residents’ permits cannot be transferred.

City of Melbourne relaxed about residents renting out their driveways but will not allow sale or transfer resident parking permits.

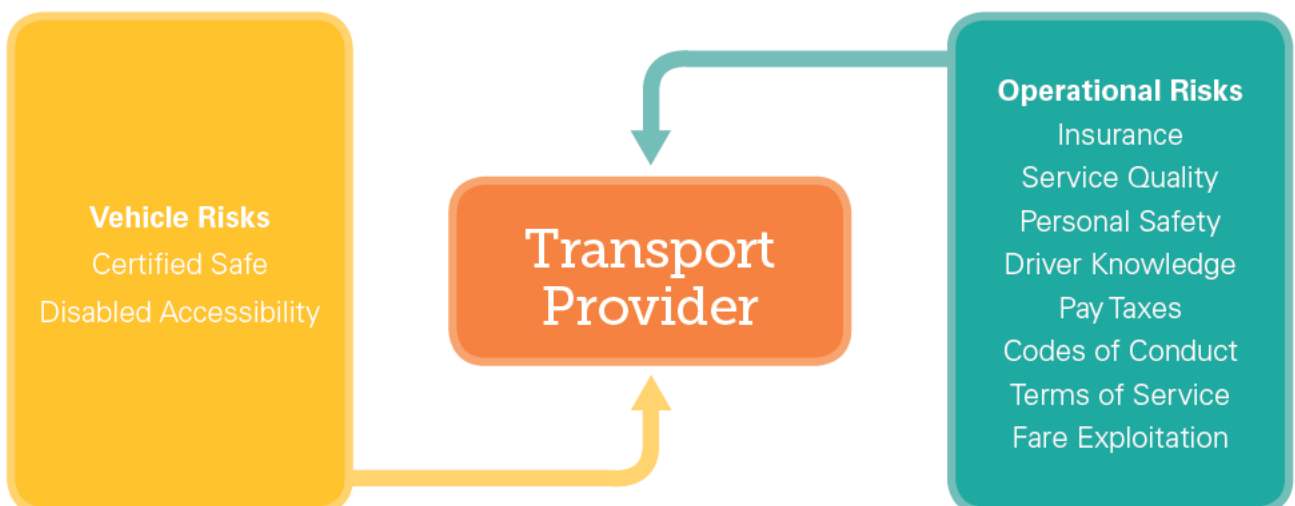
Brisbane City and City of Perth are opponents of Parkhound. City of Perth Council has maintained it is illegal for people to rent out their driveways, transfer or sell their resident’s parking permits or let a car space attached to an apartment. (Sansom: 2014)

Operating outside of the strict taxi fare price system can present a risk to consumers of ride sharing service. For example, ad hoc exploitation of fares through ‘surge pricing’ of ride-sharing services occurred in Sydney during a recent siege (Grubb, 2014) and the CBD lockdown in London during the July 2015 tube strike (The Guardian, 2015). Such well-reported events reinforce a public perception of the potential riskiness of the sharing economy under certain conditions. The following diagram presents an overview of these risks:

Transport bodies such as the NSW Taxi Council point to the need for governments to balance any potential benefits of the shared economy with the possible long run risks associated with the shared economy on various factors, specifically safety and security.

The NSW Taxi Council, like other industry associations, also point to the critical need for a level playing field to be established for point to point transport services.

If governments choose to remove regulatory restrictions to allow the shared economy to operate freely, then traditional transport companies will be forced to move to the new environment and compete at that level. To retain the status quo whilst allowing ridesharing firms to operate outside the regulatory framework is arguably inequitable, uneconomic and unsustainable for traditional companies to operate at a competitive disadvantage to shared economy participants.



## 6. Conclusion

The rise of the sharing economy suggests that consumers value the opportunities for peer to peer engagement and the responsiveness and flexibility that it offers. Traditional businesses need to acknowledge the sharing economy *'as alternative ways of consuming and as new business paradigms'* (Belk 2014, p. 1599). Imposing older regulatory regimes onto the sharing economy may not achieve the end goal of protecting traditional markets while safeguarding consumer welfare (Koopman, Mitchell & Thierer 2014).

However, ongoing concerns about competitive fairness and consumer safety indicate that some regulatory intervention is required. A worst-case scenario would be that heavy-handed regulations resulted in a ban on sharing economy services and the potential transformative benefits it may herald for the future. As this report has discussed, traditional forms of regulation have been employed in various jurisdictions in NSW as corrective measures to create an even playing field for businesses both inside and outside the tourism sharing economy. However, such regulation is ad-hoc and not well coordinated. Moreover, the emphasis upon bringing in new regulatory regimes overlooks the possibility that equity could be achieved by reducing regulatory burdens placed on non-sharing economy enterprises freeing them to compete directly with their sharing economy counterparts.

The discussion of the regulatory landscape that has emerged in response to the sharing economy is scattered across all tiers of government in Australia. The following diagram summarises how this has manifested in context of NSW in relation to the accommodation and transport sectors.

The regulatory responses address different aspects of the sharing economy and each response has accompanying challenges and issues that are yet to be fully addressed. This creates confusion for both traditional and sharing economy business in the tourism industry. What is evident in the research reviewed in this report is the differentiated but largely uncoordinated regulatory response that cuts across all tiers of government is cumbersome. Ultimately, consideration needs to be given to the ways in which coordinated regulation will enhance the ability to create a more level playing field, rather than stifling growth.

Despite the lack of coordination, there are some clear patterns in the regulatory landscape in NSW as the diagram below suggests. Government responses over the recent past in the form of reviews, rulings and policy position papers, are increasingly shifting more towards increased regulation and toward increased policing of existing regulation (e.g. NSW for Transport) that affect the tourism industry in NSW. More balanced positions such as that taken in the recent Competition Policy Review acknowledge the need for both government regulation and industry self-regulation. While there is also some evidence at the NSW State level and local government levels where some de-regulation and acknowledgement of the role of market control has occurred (e.g. IPART report), the appetite for regulation is growing.

Similarly, competing positions from different parts of the tourism industry is evident in NSW. Some tourism industry associations appear strongly in favour of increasing regulation and expect governments at all levels to reinforce those regulations (e.g. NSW Taxi Council). However, some take a stance that is more closely aligned to major sharing economy companies and advocate for a more de-regulated, market controlled landscape (e.g. HRIA).

The sharing economy is changing the structure of a variety of industries, and a new understanding of the consumer is needed to drive successful business models. Traditional businesses need to look closely at the sharing economy model and further develop what the model does well, and incorporate those aspects in to their own businesses.

Major commercial enterprises in the sharing economy rely upon a vast population of suppliers who benefit from sharing their under-utilised resources with consumers. These providers do not see themselves as business operators, nor are they employees. As a result they may not be aware of their rights and responsibilities.



Throughout this report, it was made evident that little is known empirically about the tourism sharing economy, its impacts and the validity of a wide range of regulatory responses designed to manage it. There is little research that uses population-based data that is valid and reliable. Claims about the financial and social benefits and impacts of the tourism sharing economy have not been empirically tested. Similarly, there is little research that captures the knowledge base of consumers and supplier/operators (such as Uber drivers and those who rent out rooms in

their homes) in terms of their understanding of their rights in the sharing economy context. Finally, current regulatory responses being developed and rolled out throughout NSW and Australia more broadly appear to lack any evaluative measures that track the intended and

unintended consequences of such regimes.

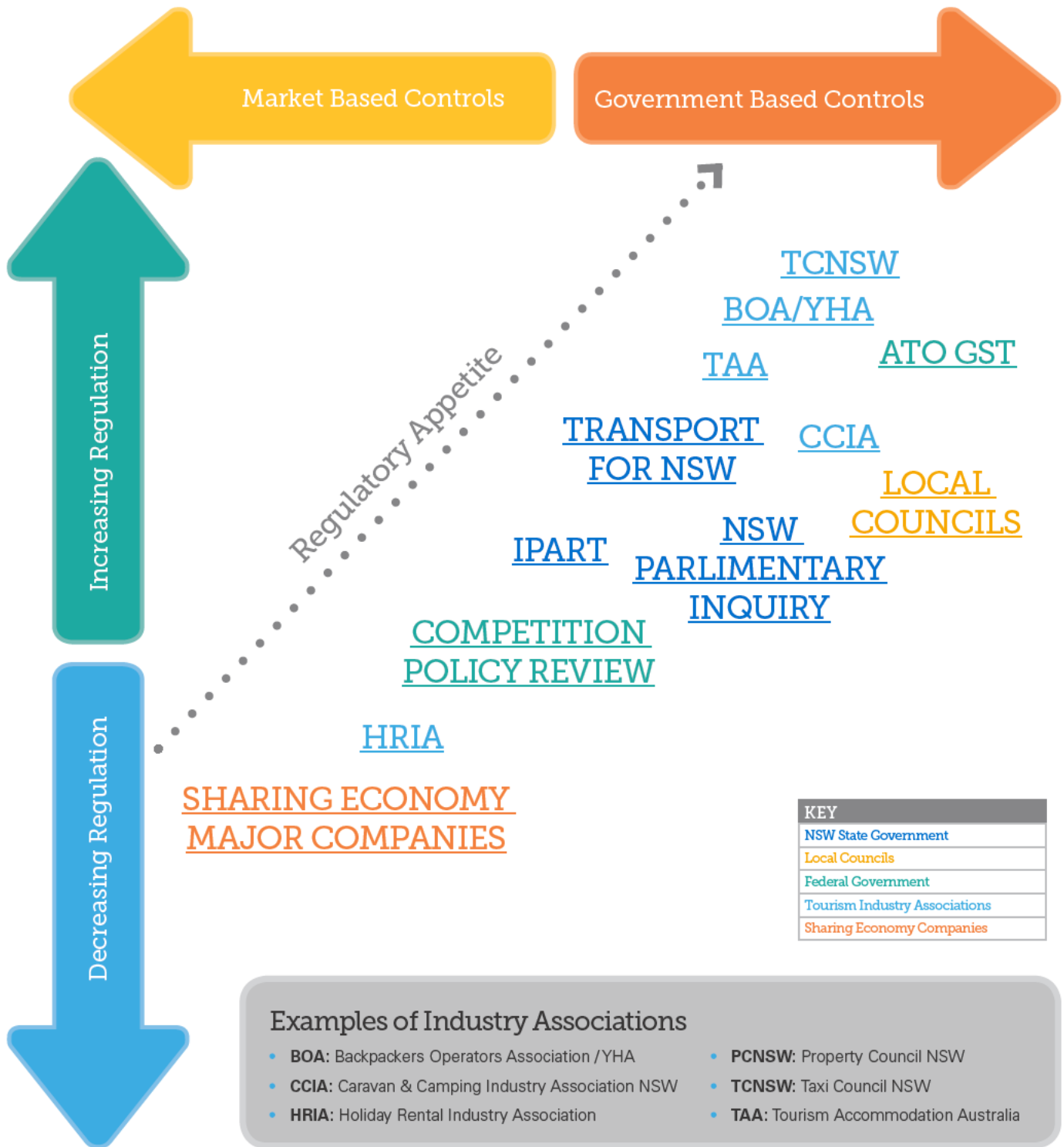
The challenges of governments at all levels are to provide a level playing field for participants in the all parts of the economy.

## Levels of government in Australia

Tourism Industry Sector	Federal		NSW State		NSW Local	
	Sharing Economy-related Policy/Rule	Issues	Sharing Economy-related Policy/Rule	Issues	Sharing Economy-related Policy/Rule	Issues
 <b>Accommodation</b>	GST required when above threshold	Ability to enforce	Standardised land use controls and definitions for tourist accommodation.	State Planning Dept. indicated that not a State responsibility	Zoning and development standards Noise levels Waste collection	Lack of resources to monitor and enforce rules
	National building code requirement for all tourism accommodation	Standardisation of rules and interpretation required	Regulates Building certifiers	Standardisation of rules and interpretation required	Building standards Building fire safety requirements Disability access requirements	Local interpretations
 <b>Transport</b>	Mandated GST collection for all car sharing operators	Ability to enforce	Review of the Taxi Act	Delay in review	Private parking	Local interpretations



# The Sharing Economy Regulatory Landscape in NSW



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# Appendix A:

Excerpt from: Queensland Tourism Industry Council (QTIC) 2014

## The Sharing Economy – How it will Impact the Tourism Landscape and what businesses can do. (p. 6)

The table below looks at the perceived pros and cons of regulated businesses and unregulated sharing companies, using the green boxes to show where the advantages might lie.

FACTORS	REGULATED Tourism Businesses	UNREGULATED Sharing companies
<b>Price</b>	The price of regulated products covers all overhead costs including licensing and permits.	The prices of unregulated products are typically lower than regulated products as compliance costs are not a factor.
<b>Authenticity</b>	Hotel rooms, taxis, and other tourism products provide a consistent approach, e.g. a hotel room in London and one in Sydney may operate and even feel the same.	Consumers believe they are “living” in a similar way to a local resident and therefore believe they are experiencing greater authenticity.
<b>Environmental</b>	Regulated businesses usually consume greater amounts as products are purchased primarily for the consumer. This also includes the physical buildings where businesses operate.	Sharing companies allow people to use their existing resources in a higher capacity.
<b>Communication</b>	There are established systems in place for response, complaints and queries. Consumers expect that the supplier will offer a quick-immediate response as risk of business loss would be higher.	Communication with the consumer is dependent on when the supplier has time and their willingness to respond. No real damage is incurred to the supplier from lack of response.
<b>Reliability</b>	Booking systems are sophisticated and highly accurate. Where bookings are taken incorrectly, alternatives can in most cases be offered to the consumer.	The booking system relies on the supplier regularly updating their profile/status. The consumer may not be adequately compensated when the booking is taken incorrectly due to the detached relationship between the supplier and the sharing company.
<b>Transparency</b>	Businesses are generally required to identify their address, costs, detail their product and provide photographic or other evidence of the quality.	The potential for false listings is significantly higher. There is great ease in operating under a false guise, or provide a product that does not exist or is vastly different to how it is advertised.
<b>Health and Safety</b>	Businesses require all the necessary licenses, permits and safety equipment to operate, guaranteeing the health and safety of consumers.	There are no guarantees for the product. Consumers are subject to risk and essentially responsible for their own personal safety and belongings.
<b>Quality</b>	A minimum standard of quality is guaranteed through compliance with regulations. Reviews, which often include expert reviews, also provide indication of the quality of a product.	The quality of the product is unknown and cannot be guaranteed. Peer reviews can be provided, however these reviews are generally controlled by the sharing companies and therefore can be moderated.

# Appendix B:

## Sharing Economy Industry Response Matrix

### SHARING ECONOMY

An examination of the potential frameworks to manage the positive and negative impacts

INDUSTRY RESPONSE MATRIX				
SHARING ECONOMY(SE) SECTORS		REGULATORY ACTIONS		
Examples of Web Links	Product Examples	CATEGORIES	NEW SOUTH WALES	OTHER AUSTRALIA
<b>ACCOMMODATION</b>				
<a href="#">Airbnb</a> <a href="#">Stayz</a> <a href="#">Furnished property</a> <a href="#">Lake Mac House boats</a> <a href="#">youcamp</a> <a href="#">homecamp</a> <a href="#">lovehomeswap</a> <a href="#">campify</a> <a href="#">hiremycara van</a>	dwelling, apartment, caravans cars, couches, converted garages, factory bays, caves, tents <a href="#">tepees</a> <a href="#">converted trucks</a> , shipping containers[1] <a href="#">backyards and gardens</a> [2] <a href="#">boatsheds</a> Boats, yachts and other floating structures	<b>Definitions.</b>  <u>There is a standard definition of short and visitor accommodation but several councils have their own versions.</u>  State Environmental Planning Policy 2008 states that " <i>bed and breakfast accommodation</i> " in an existing dwelling house of not more than 4 guest bedrooms does not require development consent [3].  In 2013, Land and Environment Court decision in Dobrohotoff v Bennic[8] concerning a house where an adjoining owner took action against another owner. The Court followed the Blue Point Tower case and found it a prohibited use. It further held that "Short term holiday rental accommodation" means accommodation for a period of less than three months". §	2015 Australian Labor Party released a discussion paper to clarify its position on the Sharing Economy(SE) [4]	The 2010 New York law prohibits rentals less than 30 days[5]. The law appears to be enforced only when a complaint is filed with the Mayor's Office of Special Enforcement[6, 7].

Underlined words provide direct links to a relevant web sites. Ctrl +Click on underlining or numbers for reference details

**KEY CATEGORIES**  
 Definitions - provides some insights into the diversity of definitions used.  
 Responses - details the government and other agencies' responses  
 Impacts or Issues - outlines key issues and perceived or actual impacts (positive and negative) of and on the Sharing economy.



## SHARING ECONOMY

An examination of the potential frameworks to manage the positive and negative impacts



		<p>In 2014, Gosford Council[9] controls state:  <i>"Short-term rental accommodation means a dwelling that is commercially available for rent as short-term accommodation on a temporary basis, but does not include bed and breakfast accommodation.</i></p> <p><i>A dwelling containing 5 or 6 bedrooms as short-term rental accommodation requires a development consent.</i></p> <p><i>A dwelling with no more than 4 bedrooms is exempt."</i></p> <p><a href="#">Various interpretation apply to the Building Code of Australia</a> for dwellings used as short term accommodation.</p>		
	Responses	<p>The leading case in NSW is <i>North Sydney Municipal Council v Sydney Serviced Apartments Pty Ltd (1990) 71 LGRA 432 (Blue Point Tower case)</i> which concerned the short term rental of 37 of the 144 apartments in the high rise Blue Point Tower residential flat building at McMahon's Point, Sydney. The Court of Appeal held unanimously that the land use term "residential flat" or "dwelling" implied long term occupancy and so short term rental, although a long accepted practice, was prohibited.</p>	<p><i>In complete contrast with the NSW Blue Point Tower case, in 2010 the Queensland Court of Appeal held unanimously that short term rental of a house or apartment does not change its use in planning terms from a dwelling and that no requirement for long term occupancy could be implied [Source Atherton Legal: Review of the Regulation of the Holiday and Short Term Rental Industry for the HRIA 2014 Sunsh ne Coast Regional Council v Ebis Enterprises P/L v [2010] QCA 379]</i></p>	<p>San Francisco prohibits rental less than 30 days.[34]</p> <p>Austin Texas regulates dwelling to allow rentals for less than 30 days and has different approaches depending on whether an owner is live-in[35].</p> <p>Texas has a hotel tax applied to any building that offers overnight accommodation.[36]</p> <p>Venice, Florida allows 30 days, three times a year and is limited to specific zones.</p>
		<p>This case has been followed in all subsequent litigation in NSW and the principle was extended to houses in 2013.</p> <p><i>[Source Atherton Legal: Review of the Regulation of the Holiday and Short Term Rental Industry for the HRIA 2014]</i></p> <p>City of Sydney may issue fines for renting without council approval[8].</p> <p>Kiama[9], Eurobodalla[10], Wingecarribee[11] and Shoalhaven[12] Councils' planning controls permit short-term holiday letting of residential accommodation without development consent for between 45 to 60 days.</p> <p>In early 2015, <a href="#">Lake Macquarie City Council prepared a draft zoning alteration</a> to allow dwellings for short term holiday rentals as follows:  <i>"as exempt development with up to 4 bedrooms and meeting certain criteria:          5 or more bedrooms to be permitted with development consent.          The owner to be a member of an organisation that has endorsed and implements the <a href="#">Holiday Rental Code of Conduct</a> ..."</i> [13]</p>	<p>In ACT, it is legal for an apartment owner to rent their premises on a regular short-term basis, subject to Public Health Act, but commercial accommodation units are prohibited in the high-rise Zone. Owners' corporations in Canberra's inner south are moving to ban short-term rentals.[23]</p> <p>In December 2013, Victorian Court of Appeal unanimously confirmed the Supreme Court's decision that class 2 buildings can be used for short term and holiday accommodation under the Building Code of Australia[24].</p> <p>Strata Community Australia suggests that <i>"the only resolution of the conflict between long-term and short-term use of lots in community titles schemes is to prevent buildings having both."</i>[25]</p> <p>2015 <a href="#">Victorian Government Independent panel</a> to address issues with short stay accommodation in Melbourne CBD apartment buildings.</p> <p>To understand the impacts of the SE on tourism, the Queensland Tourism Industry Council has</p>	<p>Another county has a policy of limiting proximity to other tourist accommodation operations.[36]</p> <p>Palm Springs sets a ratio of tourist accommodation to other accommodation.[36] Also there is a 'hotline' to register a complaint about a vacation rental home or event house[37].</p> <p>South Carolina has a performance-based approach.[36]</p> <p>Sonoma has limits based on the capacity of septic systems.[36]</p> <p>St Helena issues a short term rental permit [36]</p> <p>Another county sets limits to reduce impacts on community character.[36]</p> <p>Airbnb to collect hotel tax in some US states[38, 39].</p> <p>Changes to the Greater London Council (General Powers) Act 1933 formally <a href="#">legalise short holiday lets in London</a> advertised online.[40]</p> <p>UK Regulatory Reform (Fire Safety) Order 2005 applies to any paying guests, even in your own home, you must comply with fire safety and risk assessment requirements[41].</p> <p>French Government plans to implement new rules that would require websites to</p>

## SHARING ECONOMY

An examination of the potential frameworks to manage the positive and negative impacts



		<p>2015 Byron Bay Council is reviewing comments on an exhibited policy similar to the above for consideration [14]. Byron Council aims to create a method for land owners to register their properties.</p> <p>HRIA states in its submission to Byron Council " welcome the move from the licensing, precinct and zoning options towards a more comprehensive and flexible approach." [15]</p> <p>Transport and Tourism Forum has argued for a review of the existing land-use definitions to allow for greater clarity between residential and short term accommodation [16].</p> <p>In 2014, Cessnock Council approved a temporary tent complex [17] in the vicinity of major concert site under a temporary uses clause which is part of all but two NSW Council zoning plans [18].</p> <p>In April 2015, Port Macquarie Council exhibited a strategy based on a free camping trial [19].</p> <p>In 2014, the NSW Government Inquiry into Tourism in Local Communities, recommended the following in relation to illegal lettings</p>	<p>released a discussion paper [26].</p> <p>In 2014, Queensland Government amended the Sustainable Planning Act 2009 called <a href="#">Party house provisions</a>. HRIA stated in its submission, this "Bill targets only short term and holiday rental where parties are held regularly. And it punishes the owners of the residential dwelling rather than the people at the party, some of whom are the perpetrators." [27]</p> <p>Western Australia Planning Commission Planning Bulletin recommends standard definitions, voluntary accreditation, approval and registration of holiday homes [28]</p> <p>Tasmanian home owners to rent rooms to tourists, as long as they are in residence. [29]</p> <p>VicParks recommends that Councils should not provide free camp sites within, say, a 30km distance from a commercial caravan park. [30]</p> <p><i>Accommodation Association of Australia (AAoA) says companies which are platforms for residential properties being used for tourism</i></p>	<p>collect the tax from users. [42]</p> <p><a href="#">Berlin bans regular short-term letting</a> of rooms without authority's permission.</p> <p><a href="#">Amsterdam permits residents to rent out</a> their homes for up to two months annually up to a maximum of four people at a time and, the owner to pay all taxes, including a tourist tax.</p> <p>In late 2014, an agreement was reached to introduce a regulation for private holiday rentals in Spain. Details still to be finalised. [43, 44]</p> <p>"There is a lack of tailored policy frameworks for regulating new sharing economy industries." [45]</p>
		<p>"...publish the results of the trial of the Holiday Rental Code of Conduct."</p> <p>and for unregulated camping to: "...develop guidelines around camping in self-contained recreational vehicles and non-self-contained vehicles on public land." [20]</p> <p>Some Owners Corporations in strata title buildings in NSW and other states have tried to restrict or prevent holiday and short term rental by passing special by-laws and other measures. These have generally been found to be invalid under s49 of the Strata Schemes Management Act 1996 (and other state equivalents except Tasmania) which provides:</p> <p><i>Restrictions on by-laws (1) By-law cannot prevent dealing relating to lot. No by-law is capable of operating to prohibit or restrict the devolution of a lot or a transfer, lease, mortgage, or other dealing relating to a lot.</i></p> <p>[Source: Atherton legal]</p> <p>The establishment of a caravan park or camping ground in NSW requires development consent under State Environmental Planning Policy 21 (SEPP 21).</p>	<p>accommodation are continuing to avoid paying their fair share of taxes in Australia and it's not on [31].</p> <p>Tourism Accommodation Australia states: "In the majority of cases it's actually illegal short-term accommodation; it doesn't contribute to employment, taxes or the economy." [32]</p> <p>19 May 2015, Australian Taxation Office makes a GST ruling for sharing economy activities - renting out a room in a residential house or apartment attracts no GST but you must declare all the rental income in an income tax return [33].</p> <p>There are many other legislative and regulatory responses and approaches around Australia.</p>	

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		<p>The relevant Local Environment Plan (LEP) regulates whether caravan parks or camping grounds are permitted or prohibited on any particular land.</p> <p>However, SEPP 21 overlays this by providing that on land where development for a caravan park or camping ground is permitted with or without consent under an LEP, that development may only be carried out with the development consent of the council.</p> <p>The operation of a caravan park or camping ground also requires approval under section 68 of the <i>Local Government Act 1993</i> (LG Act 1993) in compliance with the relevant provisions of the <a href="#">Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</a> (LG Regulation 2005) even if the caravan park or camping ground is a temporary facility e.g. for a special event.</p> <p>Under the <i>LG Regulation 2005</i> a caravan park or camping ground operated for up to 6 weeks solely in connection with use of the land for a sporting, recreational or cultural event, is not subject to the operating requirements (e.g. in respect of site sizes, servicing and provision of permanent amenities)</p>		
		<p>the Regulation sets for other parks and grounds (see clause 73(3)). However, development consent and approval to operate are still required for the temporary park or ground. Relevant requirements of Divisions 4 and 5 of Part 3 of the LG Regulation 20015 concerning relocatable homes associated structures, caravans, tents and annexes in caravan parks and camping grounds also still apply.</p> <p>The only time prior approval of the council is not required is when:</p> <ol style="list-style-type: none"> <li>1. There is not more than two (2) caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months, or</li> <li>2. There is not more than one (1) caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition, or</li> <li>3. There is an installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by</li> </ol>		



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		<p>persons employed in pastoral or agricultural operations on the land.</p> <p><i>"...camping in New South Wales should only occur in areas that comply with all relevant planning and operational regulations, designed specifically to ensure the preservation of the environment, regulate local business operations and protect the safety of visitors..."</i></p> <p>In 2014, Kiama Council Presentations to the Local Government NSW Tourism Conference on short term rentals[21]. Kiama has more recently developed a Development Control Plan 2012, which includes a chapter dedicated to short term rental accommodation[22].</p> <p>In early 2013, the <a href="#">Department of Local Government</a> reminds councils of the legislative obligations and options available to manage illegal camping in public places.</p>		
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		<p><b>Impacts and Issues</b></p> <p>Some of the impacts and issues arising from short term rental of whole houses and apartments are different from those which arise with room rental and further with bed rental because of different land use definitions and the owner is in residence to control behaviour [source Atherton Legal]</p> <p>The NSW Visitor Accommodation Supply Plan 2014 found that holiday and short term rental accommodation provides an important part of the room stock at many destinations in NSW especially in regional areas, but does not address the sharing economy impact on room supply[46]</p> <p>Short term residential accommodation also serves important needs in areas near hospitals, universities, and other facilities that are designed for and attract visitors [HRIA submission]</p> <p>Holiday and short term accommodation provides accommodation with features which are different from commercial accommodation and these are the features which many families and other consumers increasingly demand and require [HRIA submission]</p> <p><i>There is little social or economic utility in having holiday and second homes vacant when not in use by owners and their family and friends. As more and more owners choose to share their properties through HSTR, further substantial economic benefits will be generated. This will keep HSTR at the forefront of the sharing and collaborative economy so far as it involves travel and tourism.</i> [HRIA submission to the Competition Policy Review]</p> <p>Too many land use definitions, <i>"...continued application of outmoded regulatory regimes may actually harm consumers..."</i>[47].</p> <p><i>These informal rentals do not comply with the same zoning, safety and accessibility laws, and generally are not subject to hotel taxes</i>[48].</p> <p>The Dobrohotoff vs Bennic Court case found Gosford Council's refusal to act on the neighbours' complaints was an <i>"...abrogation of council's fundamental duties and responsibilities.</i> [49]</p> <p>NSW Planning Minister advised Byron Council that regulating tourist accommodation is a <i>"local issue and as such, it is up to local councils to manage holiday letting.....councils may choose to address amenity issues relating to holiday letting in their local plans</i>[14]"</p> <p><i>"In San Francisco, hosts renting out their homes are generating income that is crucial to them staying in their homes."</i>[50]</p>		
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		<p>Other non-traditional forms of experience accommodation e.g. caravan, cabins, even tents are not included in the debate[14].</p> <p>A coordinated approach at the local government level may result in a larger regulatory presence and additional resources[14].</p> <p>Second homes/holiday homes impact is not well understood.[51]</p> <p>If a regional council like Byron were to ban or severely restrict short term residential accommodation, there would be a loss of investor confidence and demand, investor sales would reduce housing prices, tourism and all the dependent businesses and employment would diminish, conversion to long term occupancy would satisfy housing demand for many years during which construction and development would cease [HRIA submissions to Byron]</p> <p>Oponents of holiday and short term rental have sometimes argued that it increases health and safety (particularly fire) risks. However there is no evidence whatsoever to support this.</p> <p>There may be <a href="#">legal issues in a planning control tied to an organisation membership</a> as proposed by LMCC draft LEP.</p> <p>Including temporary caravan parks and camping grounds in the requirement for development consent and prior council approval to operate ensures that there will be assessment of whether the proposed park or ground will provide adequately for the health, safety and amenity of its occupiers, and whether the likely onsite and offsite impacts of the proposed use are acceptable.</p> <p>Since February 2014 the CCIA NSW has written to approximately 22 NSW Councils regarding <a href="#">www.youcamp.com</a> requesting advice that the properties listed on the site have the required approvals to operate. CCIA NSW also wrote to the Secretary of Planning and Environment and the web site operators. Councils have acknowledged regulatory requirements and followed up. CCIA notes that compliance with laws and regulations promotes camping that is safe, enjoyable, equitable and sustainable. With no internal processes or obligation to ensure all listings are fully compliant, websites like <i>youcamp</i> and <i>homecamp</i> facilitate competition that does not meet any of the substantial requirements of professional tourist accommodation as related to building codes, fire and safety, privacy, security and so on.</p> <p>Limited knowledge of the impacts of the shared economy[52].</p> <p>In its submission to the NSW Government White Paper - <i>A new planning system for NSW</i>, AirBnB noted  <i>"...the planning treatment of short term stays in residential properties therefore seems to fall into an uncertain grey area...We see merit in codifying the treatment of short term rentals on a state-wide basis[53]"</i></p>
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SHARING ECONOMY SECTORS		REGULATORY ACTIONS			
Examples of Web Links	Product Examples	CATEGORIES	New South Wales	Other Australia	International
<b>TRANSPORT</b>					
<a href="#">Land</a> <a href="#">Uber</a> <a href="#">Parkhound</a> <a href="#">Divvy</a> <a href="#">carnextdoor</a>	Car-pool Car use[54]	<b>Definitions</b> Transport for NSW released a discussion paper in September 2012 as part of a review of NSW Passenger Transport laws. The <i>Passenger Transport Act 2014</i> passed the NSW Parliament in November 2014, however as at March 2015 the previous <i>Passenger Transport Act 1990</i> has not been repealed and therefore continues to operate[55].  Taxi services for the purposes of the new <i>Passenger Transport Act 2014</i> do not include a tourist service[56].	There are also different definitions in other states.		
		<b>Responses</b> The Passenger Transport Act, 2014 has been enacted but the majority of Regulations have not yet been made creating an unusual situation where both the Passenger Transport Act, 2014 and Passenger Transport Act, 1990 apply. NSW Taxi Council have been advised that where there may be any inconsistency between the two	In Victoria, the Taxi Services Commission has stated that: <i>"It has been public knowledge since late 2014 that Uber had agreed to comply with driver accreditation laws following enforcement action by the TSC. Compliance with these laws is an important element in ensuring passenger safety. Any changes to</i>	Responses to ridesharing and Uber include banning the ISP in Spain and India, banning Uber X in Germany, capping Uber X vehicles in New York, trying to introduce legislation in numerous US in respect of disclosure regarding insurance. In California, there are two class actions being taken against Uber for the withholding of tips and the non-provision of workers' rights. California	

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			<p>instruments, the earlier legislation takes precedence.</p> <p><a href="#">NSW government has been cracking down on ride sharing motorists offering lifts via Uber.</a></p> <p>Attention around Uber has focused on non-compliance with the law as well as safety concerns, insurance coverage, compliance with taxi laws and industrial implications.</p> <p><i>"...in Sydney come as <a href="#">the regulator proposes freezing taxi fares for a year from July to help the industry compete with aggressive new entrants.</a>"</i></p> <p>The Independent Pricing and Regulatory Tribunal (IPART) has recommended a review into taxi fares and licensing.<a href="#">[57]</a></p> <p>NSW Government to allow consumers to use mobile applications to book taxis for the first time under proposed changes the Passenger Transport Act, 2014.<a href="#">[58]</a></p> <p>NSW Minister for Transport foreshadowed a review of ridesharing 14 June 2014.</p> <p>Transport NSW announces reeze on taxi fares and new licences<a href="#">[60]</a></p>	<p><i>the regulatory framework are ultimately a matter for government. To assist government in setting policy directions, the TSC has a role in providing advice as does the Department of Economic Development, Jobs, Transport and Resources. It is anticipated that the government will use its Ministerial Forum to engage and consult with the industry and consumer representatives in relation to future policy directions."</i></p> <p>The Victorian Taxi Services Commission held a South eastern metropolitan taxi industry forum on 1 April.</p> <p>In March 2015, the Australian Government Competition Policy Review notes that <i>"Taxi industry reform in most States and Territories is long overdue. Many restrictions remain that limit competition by creating barriers to entry and preventing innovation..."</i></p> <p><i>Further regulatory review of the industry is necessary to take account of the impact of new technologies <a href="#">[61]</a>"</i></p> <p>January 2015, the ACT announced an Innovation Review of the ACT taxi industry to examine the potential use of new technologies<a href="#">[60]</a>.</p>	<p>Public Utilities Commission decided that Uber's carpooling service is illegal<a href="#">[54, 61]</a> <a href="#">California has new car share rules.</a></p> <p>2014, Pennsylvania's Public Utility Commission issued a cease-and-desist order on Lyft and Uber operations.<a href="#">[62]</a></p> <p><a href="#">Colorado has regulations for car-share</a> companies that subject them to the state's regulatory authority and set legal requirements to operate a car sharing service<a href="#">[63]</a></p> <p>Berlin's District Court qualified Uber as a rental car service which was violating German passenger transport laws.<a href="#">[64]</a></p> <p>Uber has been fighting a rule in France which would <a href="#">give taxis a 15 minute head start to accept a fare.</a></p> <p>Edmonton has called for a temporary suspension of ridesharing companies while they work out the right response.<a href="#">[48]</a></p>
			<p>March 2015, NSW Taxi Council rejects the findings the Competition Policy Review Final Report<a href="#">[59]</a>.</p>	<p>19 May 2015 Australian Taxation Office makes a GST ruling for sharing economy activities - if you provide 'taxi travel' you have a GST obligation regardless of your turnover. <a href="#">[33]</a>.</p>	
	Car-lending Car parking at private homes. <a href="#">Motor bikes</a> <a href="#">Bicycles</a>	Definitions	<p>The digital platforms requires a membership which then provides <a href="#">self-service access to cars.</a></p> <p><a href="#">Parkhound</a> coordinates the rental of car parking spaces across Australia.</p>		
		Responses	<p>City of Sydney Council - residents free to lease parking spaces on their property using any online service but residents' permits cannot be transferred.</p>	<p>City of Melbourne relaxed about residents renting out their driveways but will not allow sale or transfer resident parking permits<a href="#">[65]</a>.</p> <p><a href="#">Brisbane City and City of Perth are opponents of Parkhound.</a> City of Perth Council has maintained it is illegal for people to rent out their driveways, transfer or sell their resident's parking permits or let a car space attached to an apartment.</p>	<p>UK Government to allow rental of parking spaces without planning permission, provided no nuisance to neighbours<a href="#">[66]</a></p>
		Impacts and Issues	Maintaining the quality of service and requiring insurances		

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Water <a href="#">UberBOAT</a> [54]	Water taxis, etc.	Definitions	No information in the public domain.		
		Responses	No information in the public domain.		
		Impacts and Issues	No information in the public domain.		
Air <a href="#">Balloon rides</a> ,	helicopters	Definitions	No information in the public domain.		
		Responses	Commonwealth Government regulates airspace and aircraft. Ballooning activities require <a href="#">CASA approval</a> .  However no regulatory data on service quality.		
		Impacts and Issues	Difficult to determine whether there are any strategies to relate or limit tourist activities		

SHARING ECONOMY SECTORS		REGULATORY ACTIONS			
Examples of Web Links	Product Examples	CATEGORIES	New South Wales	Other Australia	International
<b>SERVICES</b>					
Catering  <a href="#">Dining abode</a> <a href="#">At Your Table</a>	Share a meal Reviews of restaurants Food delivery person	Definitions	<a href="#">Personal chef services who provide in-home dining</a> .  Discussion with NSW Food Authority (NSWFSA) private residences are not included in the regulations as a <a href="#">food premises</a> and appear to be exempt.	Longstanding common practice and tourist attraction on Norfolk Island	<a href="#">Door to door chefs a new trend in China</a> .
		Responses	Food premises including mobile food vans are controlled by the <a href="#">NSW Government with responsibilities delegated to local councils</a> .  All food preparers must have a Food Safety Certificate.  According to the NSW FSA, the chef must have a Food Safety Certificate but the premises is assessed.		Several restaurants allow people to bring and consume their own food with their friends with a requirement to buy alcohol.
		Impacts and Issues	<a href="#">Potential safety issues</a> and conflicting requirements compared to properly constructed restaurants and similar food establishments.		

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<b>Guiding</b>  <a href="#">Australia's most eccentric</a>	Locals as tour Guides.[67]	<b>Definitions</b>	No national regulations	
	Online guidebooks, kayak tours, etc.	<b>Responses</b>	<a href="#">Australian Tourism Accreditation Program (ATAP)</a> is a business development program that is based on Quality Assurance principles.	Lastminute.com has integrated <a href="#">TripBod</a> (locals selling local guided tours) into its website.
		<b>Impacts and Issues</b>	Maintaining the quality of services and requiring insurances.	

SHARING ECONOMY SECTORS		REGULATORY ACTIONS			
Examples of Web Links	Product Examples	CATEGORIES	New South Wales	Other Australia	International
<b>OTHER</b>					
<b>Tourist Activities</b>	<a href="#">Commission based tours, restaurants and the like</a>	<b>Impacts and Issues</b>	Potential loss of tourism market as a result of commission based activities [68-70]		Targeted action by China[70]
<b>Tour Operation</b>					

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# Appendix C:

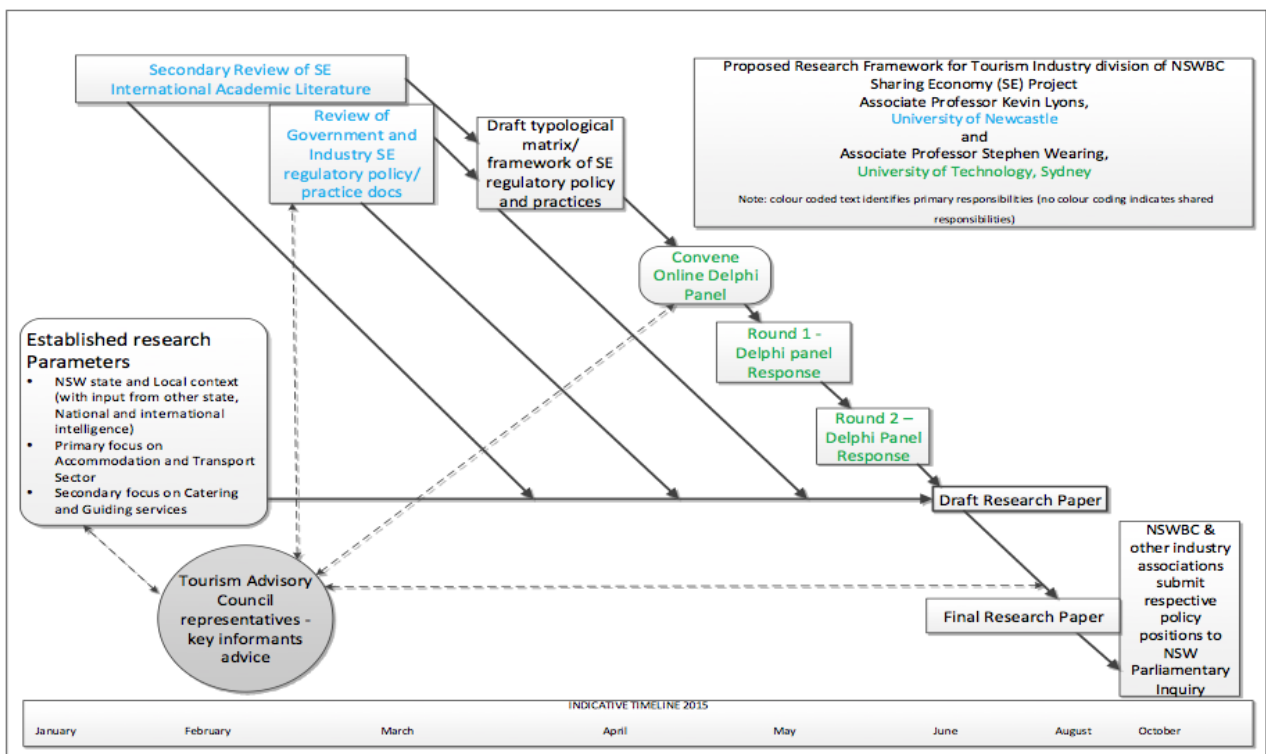
## Delphi Participant Organisations

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Backpackers Operators Association / YHA  
Caravan & Camping Industry Association NSW  
Holiday Rental Industry Association  
North Coast RTO  
Tourism Industry division of the NSW Business Chamber  
Property Council NSW  
Restaurant & Catering Australia  
Taxi Council NSW  
Tourism & Transport Forum  
Tourism Accommodation Australia (NSW)

# Appendix D:

## Research Process



## NSW Business Chamber

Tracing our heritage back to 1825, NSW Business Chamber's mission is to create a better Australia by helping businesses maximise their potential. The Chamber is a passionate advocate for business in the public arena: whether standing up to government and decision makers when business interests are neglected or working together to create positive change.

On a one-to-one basis, the Chamber helps all businesses from small enterprises to large corporations. Our commercial services division, Australian Business, delivers a range of business services to both member and non-member clients throughout Australia, with the operating surplus going back to supporting Chamber initiatives. In all, we believe it's important for Australia's business community to succeed, because prosperity creates new jobs, social wealth, and better communities in which to live.

- Local, regional, state and national coverage
- Public policy and advocacy.
- Reducing complexity to manage risk
- Empowering business through connections, knowledge and expertise.

Let the NSW Business Chamber team be an extension of your business so you can concentrate on what you do best – growing your business.

For more information: [nswbusinesschamber.com.au](http://nswbusinesschamber.com.au)

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North Sydney NSW 2060

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