

**Draft Code of Conduct for the  
Short-term Rental Accommodation Industry**

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## 1 INTRODUCTION

Short-term rental accommodation is a long-standing practice throughout New South Wales, most commonly associated with holiday letting. Many NSW families spend part of their summers in coastal and regional communities and those communities may depend on seasonal tourism to provide a regular boost to the local economy.

Short-term rental accommodation does not involve purely commercial accommodation providers such as hotels, motels and bed and breakfast establishments. It generally involves residential dwellings that may also be used by the owners for their own accommodation at times.

The advent of online accommodation booking services (booking platforms) has seen a significant increase in short-term rental accommodation. Booking platforms have made it much easier for letting agents and hosts to advertise and promote properties and for guests to find suitable short-term accommodation. In addition, short-term rental accommodation in residential premises is now not only used for holidays but also for business travel, emergency accommodation and special events, across a range of premises including free-standing dwellings and apartment buildings in urban and regional centres.

Despite the economic benefits that can flow to local economies and home owners using their property for short-term rental accommodation, there can be amenity impacts on residential neighbours resulting from inconsiderate or anti-social behaviour by some short-term rental occupants. It is important to ensure that our laws continue to support local economies while ensuring residential neighbours can enjoy the amenity of their homes without unreasonable disturbance. This code of conduct responds to this need by establishing behavioural obligations for short-term rental accommodation participants.

In recent years, there has been an increasing focus on the regulation of the short-term rental industry around the world. In June 2018, the NSW Government announced a new regulatory framework to manage short-term rental accommodation. The key elements of the framework are:

- a state-wide planning framework to achieve consistency and certainty across local planning controls
- a code of conduct to apply to online accommodation platforms, lettings agents, facilitators, hosts and guests
- changes to strata laws to allow owners corporations to adopt by-laws that prohibit non-resident lot owners from offering short term rentals.

This code of conduct applies to short-term rental accommodation industry participants.

Compliance with this code is mandatory for all short-term rental accommodation industry participants.

## **2 OBJECTIVES**

The principal objectives of this code are to:

- (a) set out the rights and obligations of short-term rental accommodation industry participants
- (b) provide for resolution of disputes and complaints concerning the conduct of short-term rental accommodation industry participants
- (c) outline the compliance and enforcement approach that applies for contraventions of the code by short-term rental accommodation industry participants
- (d) facilitate the oversight of the short-term rental accommodation industry.

### 3 DEFINITIONS

**Act** means the *Fair Trading Act 1987*.

**association** and **association property** have the same meaning as in the *Community Land Management Act 1989*.

**booking platform** means a person who, in trade or commerce, provides an online booking service that enables persons to enter into short-term rental accommodation arrangements.

**by-law** means any by-law in force for a strata scheme or any by-law contained in a management statement (as defined in the *Community Land Management Act 1989*).

**Commissioner** means the Commissioner for Fair Trading in the NSW Department of Customer Service.

**common property** has the same meaning as in the *Strata Schemes Management Act 2015*.

**community scheme** has the same meaning as in the *Community Land Development Act 1989*.

**facilitator** means the prescribed classes of short-term rental accommodation industry participants in clause 22B of the Regulations.

**guest** means a person who, pursuant to a short-term rental accommodation arrangement, is given the right to occupy the residential premises to which the arrangement relates.

**host** means a person who, pursuant to a short-term rental accommodation arrangement, gives another person the right to occupy the residential premises to which the arrangement relates.

**letting agent** means a person who carries on business as an agent to enable persons to enter into short-term rental accommodation arrangements.

**Minister** means the Minister responsible for the administration of the *Fair Trading Act 1987*.

**occupancy period** means the period for which a guest may occupy residential premises under a short-term rental accommodation arrangement.

**ordinary hours** mean 8.00am to 5.00pm every day of the week.

**planning laws** means the *Environmental Planning and Assessment Act 1979*, Environmental Planning and Assessment Regulation 2000, and any environmental planning instrument made under those laws, but excluding any development consent imposed under the *Environmental Planning and Assessment Act 1979*.

**Regulations** means the *Fair Trading Regulation 2012*.

**Secretary** means the Secretary of the Department of Customer Service.

**short-term rental accommodation** has the same meaning as in the *State Environmental Planning Policy (Short-term Rental Accommodation) 2018*.

**short-term rental accommodation arrangement** has the same meaning as in section 54A of the Act.

**short-term rental accommodation industry participant**, or **industry participant**, has the same meaning as in section 54A of the Act.

**short-term rental accommodation premises**, or **premises**, means any residential premises located in New South Wales that are subject to a short-term rental accommodation arrangement. Where the premises are located in a strata or community scheme, the premises include the common property or association property in that scheme.

**strata scheme** has the same meaning as in the *Strata Schemes Development Act 2015*.

**strike** means a record of a contravention of this code made against a host, guest, or premises with respect to a host and identified as a strike.

**Tribunal** means the New South Wales Civil and Administrative Tribunal.

**visitor** means any person who, with the guest's consent, is present at the premises at any time during the occupancy period of a short-term rental accommodation arrangement.

## **4 CODE ADMINISTRATION**

### **4.1 General**

- 4.1.1 The Commissioner is to administer this code.
- 4.1.2 The Commissioner may delegate any of the functions conferred on the Commissioner by this code to a suitably qualified person, including to a suitably qualified arbitrator.
- 4.1.3 The Commissioner or Secretary are not subject to any action, liability, claim or demand for acts, or omissions, taken in good faith for the purpose of executing their functions under this code.

### **4.2 Funding for the code's administration**

- 4.2.1 Funding to administer this code is to be provided in the way prescribed in the regulations.

## **5 RIGHTS AND OBLIGATIONS OF INDUSTRY PARTICIPANTS**

### **5.1 General**

#### *Nature of obligations*

- 5.1.1 Nothing in this code affects the rights of an industry participant to also seek legal redress for any matters related to short-term rental accommodation.

#### *Obligations*

- 5.1.2 An industry participant must act honestly and in good faith in relation to:
- (a) a short-term rental accommodation arrangement
  - (b) any dealing, complaint or dispute relating to a short-term rental accommodation arrangement.
- 5.1.3 An industry participant must comply with a request made by the Commissioner to produce information relating to the operation of the short-term rental accommodation industry or this code. The Commissioner will use this information to monitor, evaluate and inform the further development of the regulatory framework for short-term rental accommodation.

This section is an offence provision under section 54C of the Act.

- 5.1.4 An industry participant must comply with any direction issued by the Commissioner under part 7.

This section is an offence provision under section 54C of the Act and a civil penalty provision under section 54D of the Act.

- 5.1.5 An industry participant must not knowingly misrepresent the identity of a person seeking to enter into, or entering into, a short-term rental accommodation arrangement, or the premises subject to a short-term rental accommodation arrangement, if the purpose of the misrepresentation is to avoid a provision of this code that applies because the person or the premises is recorded on the exclusion register.

This section is an offence provision under section 54C of the Act and a civil penalty provision under section 54D of the Act.

### **5.2 Booking platforms**

#### *Information about this code*

- 5.2.1 A booking platform must inform an industry participant using the booking platform's online booking service for short-term rental accommodation of the following matters before the participant enters into a short-term rental accommodation arrangement:
- (a) this code
  - (b) the booking platform's obligation to comply with this code.

- 5.2.2 A booking platform must ensure that a copy of this code is readily available on its website.

#### *Dispute resolution*

- 5.2.3 If a booking platform is made aware of a complaint or dispute concerning a host, guest, or premises subject to a short-term rental accommodation arrangement, the booking platform must notify the host or guest of the dispute or complaint as soon as practicable.

- 5.2.4 A booking platform must take reasonable steps to ensure that a host or guest is aware of how to lodge a complaint with the Commissioner about a guest, host or premises.

*Exclusion register*

- 5.2.5 A booking platform must ensure that:
- (a) premises are not advertised on the booking platform's online booking service for short-term rental accommodation if:
    - (i) the details of the host for the premises match the details of a person recorded on the exclusion register as an excluded host, or
    - (ii) the premises are recorded on the exclusion register as excluded premises
  - (b) a guest does not use the booking platform's online booking service to enter into a short-term rental accommodation arrangement if the guest's details match those of a person recorded on the exclusion register as an excluded guest.

This section is a civil penalty provision under section 54D of the Act.

- 5.2.6 If a booking platform is made aware that a host, guest or premises has been recorded on the exclusion register because of a contravention of this code in connection with short term rental accommodation arrangements made using the booking platform's online booking service, the booking platform must notify the relevant host or guest as soon as possible.

*Record-keeping requirements*

- 5.2.7 A booking platform must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement that is entered into using its online booking service. The record must be:
- (a) kept for 5 years after the end of the occupancy period
  - (b) in a readily producible form.

This section is an offence provision under section 54C of the Act.

### **5.3 Letting agents**

*Information about this code*

- 5.3.1 A letting agent must inform an industry participant using the letting agent's services for short-term rental accommodation of the following matters before the participant enters into a short-term rental accommodation arrangement:
- (a) this code
  - (b) the letting agent's obligation to comply with this code.

- 5.3.2 A letting agent must ensure that a copy of this code is readily available to industry participants using the letting agent's services.

*Dispute resolution*

- 5.3.3 If a letting agent is made aware of a complaint or dispute concerning a host, guest, or premises subject to a short-term rental accommodation arrangement, the letting agent must notify the host or guest of the dispute or complaint as soon as practicable.

A letting agent must take reasonable steps to ensure that a host or guest is aware of how to lodge a complaint with the Commissioner about a guest, host or premises.

*Exclusion register*

- 5.3.4 A letting agent must not:
- (a) advertise or offer premises for short-term rental accommodation if:
    - (i) the details of the host for the premises match the details of a person recorded on the exclusion register as an excluded host, or
    - (ii) the premises are recorded on the exclusion register as excluded premises
  - (b) otherwise facilitate the host for the premises entering into a short-term rental accommodation arrangement for the premises if:
    - (i) the details of the host match the details of a person recorded on the exclusion register as an excluded host, or
    - (ii) the premises are recorded on the exclusion register as excluded premises.

This section is a civil penalty provision under section 54D of the Act.

- 5.3.5 A letting agent must not facilitate a guest entering into a short-term rental accommodation arrangement, using the letting agent's services as a letting agent, if the guest is recorded on the exclusion register as an excluded guest.
- 5.3.6 If a letting agent is made aware that a host, guest or premises has been recorded on the exclusion register as a result of a contravention of this code in connection with short term rental accommodation arrangements made using the letting agent's services, the letting agent must notify the relevant host or guest as soon as possible.

*Record-keeping requirements*

- 5.3.7 A letting agent must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement that is entered into using the letting agent's services. The record must be kept:
- (a) for at least 5 years after the end of the occupancy period
  - (b) in a readily producible form.

This section is an offence provision under section 54C of the Act.

**5.4 Hosts**

*Hosts to act lawfully*

- 5.4.1 A host must not engage in conduct relevant to their capacity as a host that contravenes:
- (a) the criminal law
  - (b) the planning law or by-laws (if the premises are in a strata or community scheme) that apply to the premises.

*Obligations to guests and others*

- 5.4.2 A host must provide the short-term rental accommodation premises in a state that is consistent with any representations made when advertising or listing the premises for rent, or otherwise in communications made to guests.
- 5.4.3 A host must hold public liability insurance that is valid for the occupancy period. This insurance must cover:
- (a) the death or injury of a guest or visitor on the premises



(b) damage to or loss of a guest's or visitor's property at the premises.

5.4.4 A host, or the host's authorised representative, must be contactable within ordinary hours to manage guests, the premises, neighbourhood complaints and other issues related to use of the premises for short-term rental accommodation.

5.4.5 A host, or the host's authorised representative, must be contactable outside ordinary hours to deal with emergencies.

*Information for guests*

5.4.6 A host must give guests the contact details of:

- (a) the host or the host's authorised representative
- (b) an emergency electrical service provider
- (c) an emergency plumbing service provider.

5.4.7 A host must ensure guests have ready access to this code and any by-laws that apply to the guests.

*Obligations to neighbours*

5.4.8 A host must give the owners corporation for the premises (if applicable), the community association for the premises (if applicable), and the occupants of the residential premises directly neighbouring the premises subject to the short-term rental accommodation arrangement the following information:

- (a) that the host is operating short-term rental accommodation on the premises
- (b) the contact details of the host or an authorised representative.

*Exclusion register*

5.4.9 A host who is recorded on the exclusion register is either entirely prohibited from participation in the short-term rental accommodation industry, or prohibited only in relation to specific premises as listed on the exclusion register.

This section is an offence provision under section 54C of the Act.

5.4.10 A host must not offer premises for short-term rental accommodation if the premises is recorded on the exclusion register as an excluded premises with respect to the host.

This section is an offence provision under section 54C of the Act.

5.4.11 A host must not enter into a short-term rental accommodation arrangement with a guest if the guest is recorded on the exclusion register as an excluded guest.

This section is an offence provision under section 54C of the Act.

## **5.5 Guests**

*Guests to act lawfully*

5.5.1 A guest must not engage in conduct relevant to their capacity as a guest that contravenes:

- (a) the criminal law
- (b) the planning laws or by-laws (if the premises are in a strata or community scheme) that apply to the premises
- (c) the terms of a short-term rental accommodation arrangement for the premises.

*Obligations to neighbours*

- 5.5.2 A guest must not at any time during the occupancy period:
- (a) create noise that because of its level, nature, character, or quality, or the time it is made, is likely to harm, offend, or unreasonably disrupt or interfere with the peace and comfort of neighbours and other occupants of the premises or any immediately adjoining premises
  - (b) act in a violent or threatening manner towards neighbours or other occupants of the premises or any immediately adjoining premises
  - (c) act in a manner that could reasonably be expected to cause alarm or distress to neighbours and other occupants of the premises or any immediately adjoining premises
  - (d) use or enjoy the premises in a manner, or for a purpose, that interferes unreasonably with the use or enjoyment of common property by neighbours and other occupants of the premises in a strata or community scheme
  - (e) intentionally, recklessly or negligently cause damage to premises, any common property or any other communal facilities within the immediate vicinity of the premises, or any public property in the vicinity of the premises
  - (f) intentionally, recklessly or negligently damage the personal property of neighbours or other occupants of a strata community scheme.

This section is an offence provision under section 54C of the Act.

- 5.5.3 The Commissioner may issue guidelines about what may or may not be appropriate conduct in accordance with section 5.5.2 of this code.

- 5.5.4 A guest must not copy, or knowingly retain, any keys, security passes or other instrument that facilitates access to the premises, after the end of the occupancy period.

This is an offence provision under section 54C of the Act.

*Responsibilities to hosts*

- 5.5.5 A guest must take reasonable care of the host's premises and the host's property at the premises.
- 5.5.6 A guest must notify the host or the host's representative of any dispute or complaint about a guest's or visitor's behaviour as soon as possible after the event or incident has occurred.

This section is an offence provision under section 54C of the Act.

*Exclusion register*

- 5.5.7 A guest who is recorded on the exclusion register as an excluded guest must not participate in the short-term rental accommodation industry as a guest.

This section is an offence provision under section 54C of the Act.

*Guests responsible for conduct of visitors*

- 5.5.8 A guest is responsible for the actions of visitors they invite onto the premises during the occupancy period and must ensure visitors to the premises comply with section 5.5.2 of this code as if they were a guest on the premises.

## **5.6 Facilitators**

- 5.6.1 A facilitator who acts as an authorised representative of a host, to the extent that the facilitator carries out the responsibilities of the host, is subject to sections 5.1 and 5.4 of this code as if the facilitator is the host of the short-term rental accommodation arrangement.
- 5.6.2 A facilitator who acts as an authorised representative of a letting agent, to the extent that the facilitator carries out the responsibilities of a letting agent, is subject to sections 5.1 and 5.3 of this code as if the facilitator is the letting agent for the short-term rental accommodation arrangement.
- 5.6.3 A facilitator, acting on behalf of a host must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement the facilitator enters into on behalf of the host. The record must be kept:
- (a) for at least 5 years after the end of the occupancy period
  - (b) in a readily producible form.

This section is an offence provision under section 54C of the Act.

- 5.6.4 A host's or letting agent's use of a facilitator does not alter their obligations as set out in this code.

## **6 COMPLAINTS**

### **6.1 Complaints process for alleged contraventions of this code**

- 6.1.1 A person may lodge a complaint with the Commissioner about an alleged failure by a person to comply with an obligation under this code.
- 6.1.2 The Commissioner may determine the form in which a complaint must be made and the supporting information that must be submitted.
- 6.1.3 The Commissioner may obtain information relevant to a complaint from an industry participant who the Commissioner considers is likely to have access to that information.

#### *Notification of complaints*

- 6.1.4 On receiving a complaint about an industry participant, the Commissioner must give the industry participant a notice about the complaint. The notice must include:
  - (a) details about the alleged code contravention as provided by the complainant
  - (b) the potential consequences if a code contravention is found
  - (c) instructions on how to provide evidence and submissions to the Commissioner
  - (d) the next steps in the process, including opportunities to appeal the outcome.
- 6.1.5 A complainant can raise a complaint with an industry participant before lodging a complaint with the Commissioner.
- 6.1.6 The Commissioner is not liable for the costs parties to the complaint may incur when dealing with the complaint.
- 6.1.7 The Commissioner must deal with a complaint fairly and as quickly as reasonably possible.

#### *Dismissing complaints*

- 6.1.8 The Commissioner may dismiss a complaint if satisfied:
  - (a) the complaint is frivolous, vexatious, trivial, misconceived or without substance,
  - (b) the complaint has been previously determined under this code.
- 6.1.9 If the Commissioner is satisfied that a complaint should be dismissed under section 6.3.8, the Commissioner must issue a written notice to the complainant. The notice must include the reasons for the Commissioner's decision.

#### *Evidence*

- 6.1.10 The Commissioner is to consider any submissions and/or evidence provided by the complainant and the participant who is the subject of the complaint before making a decision on the complaint.
- 6.1.11 The Commissioner must allow all parties to a complaint a period of at least 14 days to submit any relevant information for the Commissioner's consideration before making a decision on the complaint.
- 6.1.12 In making a decision, the Commissioner may take into account other representations made by any person or government agencies about the complaint.

#### *Decisions*

- 6.1.13 The Commissioner must decide, on the balance of probabilities, whether the industry participant that is the subject of the complaint contravened this code in the manner detailed in the complaint.
- 6.1.14 The Commissioner must give all parties to the complaint notice of the Commissioner's decision about the complaint. The notice must include a statement of the reasons for the Commissioner's decision.

## **6.2 Complaints involving a contravention of other laws**

### *Contraventions of the criminal law or civil penalty provisions*

- 6.2.1 If a complaint alleges a contravention of a criminal law, the Commissioner may ask the complainant to take the matter to the Police and decline to accept the complaint.
- 6.2.2 If a complaint is based on a contravention of a criminal law or a civil penalty provision that is not administered by the Minister, the Commissioner may only accept the complaint if the complaint is accompanied by a finding of a court that there has been a contravention of the criminal law or civil penalty provision. Such a finding is, for the purposes of dealing with the complaint, conclusive evidence of the contravention.

### *Contraventions of planning laws*

- 6.2.3 If a complaint includes an allegation of a contravention of planning law, the Commissioner may ask the complainant to take the matter to the relevant local council and decline to accept the complaint.
- 6.2.4 If a complaint is based on a contravention of planning law, the Commissioner may only accept the complaint if it is accompanied by evidence of completed enforcement action by a council under the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* or *Protection of the Environment Operations Act 1997*. Such a finding is, for the purposes of dealing with the complaint, conclusive evidence of the contravention.

### *Contraventions of by-laws*

- 6.2.5 If a complaint is based on a contravention of a by-law of a strata scheme or community scheme, the Commissioner may only accept the complaint if the Tribunal has already made orders for a financial penalty for the contravention of the by-law. Such a finding is, for the purposes of dealing with the complaint, conclusive evidence of the contravention.

## 7 COMPLIANCE AND ENFORCEMENT

### 7.1 Disciplinary action

- 7.1.1 Where the Commissioner finds that an industry participant has contravened this code, the Commissioner may:
- (a) issue a **warning notice** informing the participant that the participant has been found to have contravened this code and must, in the future, comply with the code or face disciplinary action,
  - (b) issue a **direction** to the participant requiring the participant to act or stop acting in a manner relevant to their participation in the short-term rental accommodation industry. Without limitation, the direction may:
    - i. specify a minimum or maximum occupancy period for any short-term rental accommodation arrangement involving the participant
    - ii. specify a maximum number of visitors that can enter the short-term rental accommodation premises or common areas at any one time
    - iii. restrict the participant's use of common property or association property
    - iv. prohibit the participant engaging in certain behaviour
    - v. impose other conditions on the participant when they participate in short-term rental accommodation.
  - (c) record a **strike** against a host, a host with reference to specific premises, or guest, or
  - (d) record a host, a host in relation to specific premises, or a guest on the **exclusion register** as an excluded host or guest under section 7.2.
- 7.1.2 Any direction the Commissioner issues will be void to the extent it is inconsistent with any planning laws or by-laws.
- 7.1.3 If the Commissioner is satisfied that a host or guest has contravened this code, the Commissioner can record a strike for the following reasons:
- (a) failure to comply with an obligation to a neighbour and the failure is not minor
  - (b) failure to comply with obligations under section 5.4.2
  - (c) failure to comply with host insurance obligations and the failure is not minor,
  - (d) where there has been a serious contravention of this code,
  - (e) where the Commissioner is otherwise satisfied that it is appropriate to do so.
- 7.1.4 For the purposes of section 7.1.4(d), the Commissioner may decide that a series of minor failures by an industry participant to comply with the code constitutes a serious contravention for which a strike may be recorded.
- 7.1.5 The Commissioner may take any other disciplinary action the Commissioner considers appropriate in all the circumstances.
- 7.1.6 The Commissioner may only take disciplinary action against an industry participant after affording the industry participant procedural fairness in relation to a complaint.
- 7.1.7 If the Commissioner decides to take disciplinary action against an industry participant, the Commissioner must provide a brief statement of reasons to the participant which informs the participant that they may apply for a Secretary review of the decision.
- 7.1.8 Where an industry participant has been subject to other regulatory action for a breach of criminal laws, by-laws, or planning laws that is also a contravention of this code, the

Commissioner may only take disciplinary action against that participant for that contravention if it is necessary to protect the public or this code's integrity.

## **7.2 Exclusion register**

- 7.2.1 The Commissioner must keep and administer an exclusion register.
- 7.2.2 The Commissioner is to make the ability to search the exclusion register publicly available on the internet and ensure it is updated in real time to the extent possible.
- 7.2.3 The Commissioner may record on the exclusion register either a host, a host in relation to particular premises, or a guest.
- 7.2.4 The Commissioner must record on the exclusion register for five years:
- (a) the guest as an excluded guest where the guest has had two strikes recorded against them in a two-year period
  - (b) the premises as excluded premises where a host in relation to those premises has had two strikes recorded against them in a two-year period
  - (c) the host as an excluded host where a host has had two strikes recorded against them, not with respect to specified premises, in a two-year period.
- 7.2.5 The Commissioner must also record a host or a guest on the exclusion register if the Commissioner is satisfied:
- (a) the person has been charged with a criminal offence and it is in the public interest to record the person on the exclusion register as an excluded host or guest until the criminal proceedings are determined, or
  - (b) the person has been convicted of an offence and it is in the public interest to record the person on the exclusion register for a specified period or indefinitely.
- 7.2.6 The exclusion register must record:
- (a) for an excluded host or guest—their name and any other of their details that the Commissioner considers necessary to identify them
  - (b) for excluded premises—the address of the premises and the name of the host who incurred the strikes with respect to the premises
  - (c) any other details about an excluded host, guest or premises the Commissioner considers appropriate.
- 7.2.7 Before the Commissioner records a host, guest or premises on the exclusion register, the Commissioner must take reasonable steps to notify the relevant host, guest or premises' host of:
- (a) the Commissioner's intention to record the host, guest or premises on the exclusion register
  - (b) the period for which the record will remain on the exclusion register.
- 7.2.8 The Commissioner must promptly remove any false, erroneous or misleading information about a host, a guest or premises, from the exclusion register.
- 7.2.9 A premises owner may apply to the Commissioner for the removal of a premises from the exclusion register. The Commissioner is to remove the premises from the exclusion register if the Commissioner is satisfied:
- (a) the owner is not the host against whom the strikes with respect to the premises were incurred and the host against whom the strikes with respect to the

premises were incurred no longer has any direct or indirect interest in the premises, or

- (b) where the premises were excluded for a breach of planning laws, that breach has been rectified or otherwise resolved.

7.2.10 Despite any other clause of this code, a booking platform, letting agent or host is not required to cancel any short-term rental accommodation arrangement involving a host or premises recorded on the exclusion register where:

- a) the arrangement was made before the date (the record date) on which the host or premises was recorded on the exclusion register, and
- b) the occupancy period starts within one month of the record date.

### **7.3 Secretary review of disciplinary action**

- 7.3.1 Appeals against the Commissioner's decision to record a guest, host or host's premises on the exclusion register are covered in the Regulations.
- 7.3.2 An industry participant who has received a warning notice, direction, or strike against their name or in relation to premises may apply to the Secretary for a review of the Commissioner's decision.
- 7.3.3 An industry participant may apply for a review within 21 days of receiving notice of the disciplinary action from the Commissioner.
- 7.3.4 The Secretary may determine the form in which a review application must be made.
- 7.3.5 A review application may include submissions to the Secretary about why the Commissioner's decision should be changed or overturned.
- 7.3.6 The Secretary must decide a review application within 28 days.
- 7.3.7 The Secretary is to notify the applicant of the Secretary's decision and the reasons for the decision.
- 7.3.8 The Secretary may decide to impose alternative or additional disciplinary action on the applicant as a result of the review.