

**Review of the Disability (Access to Premises  
– Buildings) Standards 2010 –  
Submission of the Australian Building Code  
Working Group**

*Australian Building Code Working Group – Principal Contact  
Mr Richard Munro  
Chief Executive Officer  
Accommodation Association of Australia  
Phone: +61 2 8666 9015*

## EXECUTIVE SUMMARY

- Tourism accommodation businesses have a long-standing record of ensuring that guests with disability are not subject to discrimination.
- The accommodation industry has a high level of compliance with the Disability (Access to Premises – Buildings) Standards 2010.
- The process of interpretation of compliance with disability access standards should be simplified to ensure that, where possible, all requirements are contained within the one piece of legislation, regulation or set of guidelines.
- Applications of the Premises Standards should be harmonised across all states and territories to provide accommodation businesses with greater levels of certainty.
- Supply of accessible rooms continues to significantly outstrip demand and occupancy levels in accessible rooms remain low.
- Requirements in the Disability (Access to Premises – Buildings) Standards 2010 were determined without a detailed quantitative assessment of the supply and demand for accessible rooms.
- The existing requirements in the Disability (Access to Premises – Buildings) Standards 2010 should be re-examined by the Australian Building Codes Board and the relevant Australian Government Parliamentary committee.
- The percentage of accessible rooms required to be provided by tourism accommodation businesses, as outlined in the Disability (Access to Premises – Buildings) Standards 2010, should be lower, as they are currently too onerous.
- Lack of demand by guests for accessible rooms combined with the onerous requirements of the Disability (Access to Premises – Buildings) Standards 2010 is curtailing investment in tourism accommodation infrastructure in Australia.
- Requirements that any building work which requires a Development Application and that there must be an accessible path of travel from the entrance of a building to the new part of the building under the Disability (Access to Premises – Buildings) Standards 2010 have become a significant barrier to investment in our industry.
- The owner of any Class 1a building found to be in breach of the Disability (Access to Premises – Buildings) Standards 2010 – by hosting short-term tourism accommodation guests through online platforms, such as Airbnb, or otherwise – should be liable for a fine of not less than \$1 million per property which is in breach.
- All passageways and building features in tourism accommodation establishments must meet 80<sup>th</sup> percentile wheelchair dimensions.

## **INTRODUCTION**

1. The Australian Building Code Working Group (ABCWG) is pleased to provide the following submission to be considered as part of the mandatory Review of the Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards).
2. Members of the ABCWG include:
  - Accommodation Association of Australia
  - Caravan Industry Association of Australia
  - Caravan and Camping Industry Association of New South Wales
  - Tourism and Transport Forum
  - Accor Hotels
  - Toga Far East Hotels
  - Quest Serviced Apartments
  - Star Ratings Australia
  - Melbourne Short Stay Apartments
  - Mantra Group
  - Australian Timeshare and Holiday Ownership Council

## **TOURISM AND ACCOMMODATION – OVERVIEW**

3. Tourism directly contributes \$43.4 billion per year to Australia’s gross domestic product (GDP), 2.7 per cent of Australia’s total GDP.<sup>1</sup>
4. There are 534,000 persons directly employed in the Australian tourism industry – 4.6 per cent of total employment.<sup>2</sup>
5. Tourism contributes \$27.2 billion per year or 8.2 per cent of Australia’s total export earnings for all goods and services.<sup>3</sup>
6. Total annual revenue from tourism accommodation businesses in Australia is almost \$9 billion.<sup>4</sup>
7. There are 69,700 people employed in the accommodation sector of the Australian tourism industry.<sup>5</sup>

---

<sup>1</sup> Tourism Update, September Quarter 2014, Tourism Research Australia

<sup>2</sup> Australian National Accounts – Tourism Satellite Account, 2013-14, Australian Bureau of Statistics

<sup>3</sup> Tourism Update, September Quarter 2014, Tourism Research Australia

<sup>4</sup> Tourist Accommodation, Australia, 2013-14, Australian Bureau of Statistics

<sup>5</sup> Australian National Accounts – Tourism Satellite Account, 2013-14, Australian Bureau of Statistics

8. There are in excess of 4204 tourism accommodation establishments in Australia, however this submission will rely on the 4204 figure which is derived from a survey conducted by the Australian Bureau of Statistics.<sup>6</sup>
9. There are 229,646 tourism accommodation rooms in Australia and 635,130 bed spaces.<sup>7</sup>

## **EXISTING REQUIREMENTS FOR TOURISM ACCOMMODATION BUSINESSES**

10. The existing Premises Standards commenced on 1 May 2011.
11. The principal purpose of the Premises Standards – the first time such requirements were developed – was to promote a high level of compliance with the Commonwealth Disability Discrimination Act 1992 (Disability Discrimination Act) within the community. The Disability Discrimination Act prohibits discrimination against people with disability.
12. As the Disability Discrimination Act does not provide a specific guide to ensuring that buildings are accessible to all people, Premises Standards were developed to fulfil this role.
13. The Premises Standards stipulate that the relevant Minister, in consultation with the Attorney-General, must review the effectiveness of the standards in achieving their objects and carry out a subsequent review every five years after the previous review is finished.<sup>8</sup>
14. The current review must be completed by no later than 1 May 2016.
15. The Premises Standards apply to various different classes of buildings. The classes that are relevant to buildings which are used for the provision of tourism accommodation include:
  - Class 1a – A single dwelling (including private residential houses);
  - Class 1b – A boarding house, guesthouse, hostel or similar where the total area of all floors does not exceed 300 square metres and where no more than 12 people would ordinarily reside, or four or more single dwellings located on one allotment which are used for short-term holiday accommodation;
  - Class 2 – A building which contains two or more sole-occupancy units, each being a separate dwelling. A sole-occupancy unit is defined as a room or other part of a building which is owned, jointly owned, leased or otherwise to the exclusion of other occupiers of the building and includes a dwelling, or a room or suite of rooms in a Class 3 building that includes sleeping facilities, or a room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building, or a room or suite of rooms in an aged care building; and
  - Class 3 – A residential building, other than a Class 1 or 2 building, including boarding houses, guesthouses, hostels, lodges, backpacker accommodation, motels and hotels.

---

<sup>6</sup> Tourist Accommodation, Australia, 2013-14, Australian Bureau of Statistics

<sup>7</sup> Ibid

<sup>8</sup> Disability (Access to Premises – Buildings) Standards 2010, Page 17

For reference, Class 5 relates to office buildings, Class 6 relates to shops, Class 7 relates to car parks and warehouses, Class 8 relates to laboratories and factories and Class 9 relates to buildings used for health care, assembly and aged care purposes.<sup>9</sup>

16. The Premises Standards stipulate the following number of accommodation rooms must be made available for people with disability:

- Class 1a  
No requirements
- Class 1b
  - Where there are a total of 4-10 dwellings – 1 dwelling (which works out to be 10-25 per cent of dwellings)
  - 11-40 dwellings – 2 dwellings (5-18 per cent of dwellings)
  - 41-60 dwellings – 3 dwellings (5-7 per cent of dwellings)
  - 61-80 dwellings – 4 dwellings (5-7 per cent of dwellings)
  - 81-100 dwellings – 5 dwellings (5-6 per cent of dwellings)
  - More than 100 dwellings – 5 dwellings plus one additional dwelling for each additional 30 dwellings (or part thereof) in excess of 100 dwellings (5-6 per cent of dwellings)
  - For boarding houses, guesthouses, hostels or similar, 1 bedroom and associated sanitary facilities
- Class 2  
At least one floor containing sole-occupancy units must be accessible from the pedestrian entrance and there must be an accessible passage from accessible rooms to common areas including a cooking facility, sauna, gym, swimming pool, laundry, games room, individual shop, café/restaurant or similar
- Class 3
  - At least one floor containing sole-occupancy units must be accessible from the pedestrian entrance and there must be an accessible passage from accessible rooms to common areas including a cooking facility, sauna, gym, swimming pool, laundry, games room, TV room, individual shop, dining room, lounge or similar
  - No more than two accessible rooms may be located adjacent to each other
  - Where more than two accessible rooms are required, they must be representative of the range of rooms available
  - Where there are a total of 1-10 rooms – 1 room (10-100 per cent of rooms)
  - 11-40 rooms – 2 rooms (5-18 per cent of rooms)
  - 41-60 rooms – 3 rooms (5-7 per cent of rooms)
  - 61-80 rooms – 4 rooms (5-7 per cent of rooms)

---

<sup>9</sup> Ibid, Pages 25-26

- 81-100 rooms – 5 rooms (5-6 per cent of rooms)
- 101-200 rooms – 5 rooms plus 1 room for every 25 rooms (or part thereof) in excess of 100 (5-6 per cent of rooms)
- 201-500 rooms – 9 rooms plus 1 additional room for every 30 rooms (or part thereof) in excess of 200 (4-5 per cent of rooms)
- More than 500 rooms – 19 rooms plus 1 additional room for every 50 rooms (or part thereof) in excess of 500 (4 per cent of rooms)<sup>10</sup>

## **SUPPORTING GUESTS WITH DISABILITY**

17. Australia’s tourism accommodation businesses have a proud and long-standing record of ensuring that guests with disability, as well as guests who are impaired are well catered for when staying and are not the subject of discrimination.
18. A central part of this is the high level of compliance with the Premises Standards by operators within our industry.
19. In addition, many tourism accommodation businesses have in place practices and procedures which are specifically designed to support guests with disability or who are impaired.
20. For example, a large hotel which is located on the edge of the central business district of Sydney has a system where guests with disability are registered when they check-in. Staff at the hotel are trained in a Personal Emergency Evacuation Plan Process, including understanding where accessible facilities are and how to operate features such as stair lifts.<sup>11</sup> This staff training can be used in the event of an emergency.
21. Operators of tourism accommodation businesses actively encourage people who are impaired and people with disability to stay in their properties by undertaking marketing initiatives which specifically target these potential guests.
22. In addition, operators of tourism accommodation businesses actively encourage people who are impaired and people with disability to apply for positions as staff.

## **INTERPRETATION OF DISABILITY ACCESS STANDARDS**

23. To ensure compliance with the Premises Standards, operators of tourism accommodation businesses must have regard to at least three different pieces of legislation, regulation and compulsory guidelines, including:
  - The Disability (Access to Premises – Buildings) Standards 2010;
  - The Disability Discrimination Act 1992; and

---

<sup>10</sup> Ibid, Pages 29-31

<sup>11</sup> An Assessment of Accessible Accommodation in Australia: Supply and Demand – Final Report, Department of Resources, Energy and Tourism/PwC, September 2013, Page 43

- The Building Code of Australia.

These must be read in conjunction with state/territory planning laws, as well as local government planning laws.

24. As a result, the current regulatory regime requires an unreasonable and time-consuming amount of administrative work (or “red tape”) and in many instances, additional costs are incurred by operators because engaging external professional services providers – such as lawyers – is necessary to analyse each set of requirements and deliver advice about how to comply.
25. It is the submission of the ABCWG that the process of interpretation of compliance with disability access standards should be simplified to ensure that, where possible, all requirements are contained within the one piece of legislation, regulation or set of guidelines.
26. Another regrettable piece of red tape is the different applications of the Premises Standards in different states and territories.
27. To provide the industry with greater certainty, the ABCWG supports harmonisation across all states and territories of the applications of the Premises Standards.
28. Educational initiatives about the applications of the Premises Standards should be undertaken to attempt to ensure that local authorities apply the Premises Standards consistently across jurisdictions.

## **PREMISES STANDARDS ARE TOO ONEROUS**

29. Operators of tourism accommodation businesses have not and do not seek to avoid their responsibilities when it comes to compliance with the Premises Standards.
30. Before the current Premises Standards took effect, disability access requirements for Class 3 buildings were:
  - Where there are a total of 1-20 rooms – 1 room (5-100 per cent of rooms)
  - 21-45 rooms – 2 rooms (4-10 per cent of rooms)
  - Where there are a total of 46 or more rooms – 2 rooms, plus 1 further room for each additional 30 rooms (or part thereof) (3-7 per cent of rooms)

In addition, where two or more accessible rooms are required, they must be distributed as equitably as practical so they are representative of the range of amenity available.<sup>12</sup>

31. Therefore, for a hotel which has 100 rooms, under the previous requirements, it had to provide four rooms. Under the Premises Standards, it has had to provide five rooms.
32. And, for a hotel which has 200 rooms, under the previous requirements, it had to provide eight rooms. Under the Premises Standards, it has had to provide nine rooms.

---

<sup>12</sup> Building Code of Australia 2007, Volume 1, Australian Building Codes Board, Page 212

33. These increases came about following a review of the previous requirements which was conducted by the Australian Building Codes Board (ABCB) before the Premises Standards commenced.
34. The ABCB's position was:
- “Some people thought it (the increase) was not enough. Some people thought it was too much. But, generally, the consensus through the process was that we probably got the numbers about right.”<sup>13</sup>
35. However, according to a recent major study of supply and demand of accessible accommodation in Australia:
- Accessible rooms are rented by people with disability around 30.2 per cent of the time<sup>14</sup>;
  - It is estimated that accessible rooms comprise 4 per cent of the total supply of all tourism accommodation and represent 2.8 per cent of the rooms demanded<sup>15</sup>; and
  - The occupancy rate of accessible rooms across Australia is estimated at 45.5 per cent, compared with 65.9 per cent for all rooms.<sup>16</sup>
36. Therefore, supply of accessible rooms continues to significantly outstrip demand and occupancy levels in accessible rooms remain low.
37. The Productivity Commission has researched this issue and made the following assessment:
- “The Commission notes that the accessible room requirements in the new Premises Standards were determined without the benefit of a detailed quantitative assessment of the supply and demand for accessible rooms.”<sup>17</sup>
38. The Commission has also stated that:
- “The first scheduled review would be the appropriate time to reconsider the level of the accessible room requirements.”<sup>18</sup>
39. This clearly demonstrates that there is no tangible evidence that the accommodation industry is aware of which, since the Premises Standards were adopted, shows the increase in the number of and percentage of accessible rooms in tourism accommodation businesses has been justified by an increase in demand for them.
40. The ABCWG supports the percentage of accessible rooms required to be provided by tourism accommodation businesses being lowered from what is contained in the current Premises Standards.
41. These lower percentages should be in line with the disability access requirements which existed before the Premises Standards commenced.
42. At the very least, the existing requirements in the Premises Standards should be re-examined by both the ABCB and the relevant Commonwealth Parliamentary committee.

---

<sup>13</sup> Access All Areas, Final Report of the Inquiry into Draft Disability (Access to Premises – Buildings) Standards, House of Representatives Standing Committee on Legal and Constitutional Affairs, Pages 96-97

<sup>14</sup> An Assessment of Accessible Accommodation in Australia: Supply and Demand – Final Report, Department of Resources, Energy and Tourism/PwC, September 2013, Page viii

<sup>15</sup> Ibid, Page viii

<sup>16</sup> Ibid, Page viii

<sup>17</sup> Annual Review of Regulatory Burdens on Business: Business and Consumer Services, Research Report, Productivity Commission, August 2010, Page 197

<sup>18</sup> Ibid

## PREMISES STANDARDS ARE STIFLING INVESTMENT

43. The lack of demand by guests for accessible rooms in tourism accommodation establishments combined with the onerous requirements of the Premises Standards is stifling investment in tourism accommodation infrastructure in Australia.
44. The Premises Standards are imposing significant additional costs on owners of land who have or are seeking to construct tourism accommodation establishments.
45. For example, a new hotel which was recently constructed in Queensland had to install a stair-lifter at a cost of \$35,000 to comply with the Premises Standards and it has rarely, if ever, been turned on for guests since the hotel opened.
46. The Premises Standards are imposing significant additional costs on owners and operators of buildings who are seeking to convert the buildings to hotels or other tourism accommodation establishments.
47. The Premises Standards are imposing significant additional costs on owners and operators who have been and are seeking to undertake major improvements or renovations to tourism accommodation establishments.
48. See below for a case study which outlines the significant additional costs that the Premises Standards imposed on the lease-holder of a prominent property in the city of Perth who undertook major renovations of the heritage-listed building on the property to convert it to a leading hotel.
49. In December 2011, Australia's National Long-Term Tourism Strategy was updated to more closely align the strategy with the 2020 Tourism Industry Potential. The result was an integrated "Tourism 2020" road-map.<sup>19</sup>
50. Among the findings contained in Tourism 2020 was that Australia requires 40,000-70,000 new accommodation rooms to meet potential.<sup>20</sup>
51. The ABCWG is unaware of any figures which show that Australia is on track to achieve this target. The absence of such figures is further evidence of investment in tourism accommodation infrastructure being stifled – and among the reasons for this are the requirements within the current Premises Standards.

---

<sup>19</sup> Tourism 2020, Australian Government, December 2011, Page 1

<sup>20</sup> Ibid

## CASE STUDY – RENOVATION OF THE TERRACE HOTEL PERTH

52. Property details: The Terrace Hotel Perth, 237 St Georges Terrace, Perth, WA, 6000

Website: [www.terracehotelperth.com.au](http://www.terracehotelperth.com.au)



The Terrace Hotel Perth – which is located on the corner of St Georges Terrace and Mount Street in the Perth central business district – encompasses the heritage-listed St George’s House.

St George’s House was built in 1892 by the Anglican Church and is a superb example of a Federation Queen Anne style of building.

The land on which the hotel stands is still owned by the Anglican Church and the original name of St George’s House – Bishop’s Grove – is derived from the original owner of the land, the first Anglican Bishop of Perth.

In its early years, St George’s House was predominantly leased to private residential tenants. In the 1960s, it was converted from boarding houses into offices. It became vacant in 2002.

In 2009, the current lease-holder took over the site and two years later, major renovations to restore St George’s House to its former glory commenced. The renovations were completed in 2012 and the Terrace Hotel Perth opened for business in November 2012. Since then, it has been successful in a number of tourism industry awards, which are listed below.

The total cost borne by the current lease-holder for the renovations of St George’s House was approximately \$13.5 million. However, this was approximately \$7.5 million more than the cost of the renovations which was outlined in the original contracts for this work, of \$6 million.

There were numerous reasons for the additional cost, including the onset of the new Building Code of Australia 2012/13 and various interpretations of the codes in respect of heritage buildings and the cost of compliance with disability access standards. These new and stringent requirements under the Building Code of Australia 2012/13 were previously the subject of exemptions under the previous regime of building codes. These exemptions for heritage buildings were not made an “as of right” under the new Building Code of

Australia. Councils and Heritage WA were placed in a position of needing to specifically exempt buildings, if any protection was to be sought for heritage buildings. The WA Building Commissioner, among others, applied the letter of the Building Code of Australia to all projects, including those with important heritage fabric. In the case of this project, of the additional \$7.5 million (approximately) which was spent on the project, around \$3 million was directly or indirectly attributable to the cost of compliance with disability access standards.

The extra cost of compliance was taken up by:

- Altering the size of the original corridors (the original size was just less than 900mm wide) to allow for minimum access provisions of the code;
- Altering the size of the original door frames (the original sizes were around 720mm wide) to allow for minimum access provisions of the code;
- Creating large openings in the built fabric at regular intervals of travel distance to allow for wheelchair manoeuvring;
- Altering the structural fabric of the building to cope with these invasive and structurally destabilising works – including additional underpinning, footings, structural steel bearers, joists all having to be inserted into existing fabric with manual and not mechanical means;
- The flow-on costs of altering the sizes of the original corridors and door frames because in some instances, removing existing doors (to alter the size of the original door frames) resulted in walls collapsing due to the way in which the building was originally constructed;
- Professional services to interpret what was required for the building to comply and remain structurally viable, including engagement with regulatory authorities and government; and
- The need to rebuild the new fabric at full conservation quality over a significantly expanded scope of works and re-detailed to maintain the heritage agreements which underpin the use and repurposing of the building, including fabric which could not easily be replicated in this century.

It was the lease-holder's strong preference for regulatory authorities and government to recognise that when St George's House was first constructed (in the 1890s), social codes were different and given this, there should be a degree of flexibility within the existing regulatory framework which doesn't currently exist. Specifically, the lease-holder is aware that the WA Building Commissioner may have considered granting special dispensation in relation to disability access for the renovation of St George's House, but the Commissioner felt he was not in a position to do so because of the existing regulatory framework.

The significant additional costs which were incurred interpreting what the exact disability access requirements for the renovated property were, among other things, due to the requirements being spread over at least three different pieces of legislation, regulation and other mandatory guidelines.

Above all else, the lease-holder has made the point that even if there were no legal disability access requirements that they needed to comply with, the renovations of St George's House would have been completed such that every visitor to the property would still have access to

every room. If such a hypothetical scenario had existed, most – or even all – of the additional \$3 million would not have been incurred.

Footnote: Acknowledgement of the Terrace Hotel Perth’s excellence has included:

- 2015 TripAdvisor Certificate of Excellence
- 2014 Gold Plate Awards Winner – New Restaurant
- 2014 Gold Plate Awards Winner – Wine List of the Year
- 2014 Gold Plate Awards Finalist – Licensed Dining (Metro)
- 2014 Gold Plate Awards Finalist – Licensed Casual Dining (Metro)
- 2014 Perth Airport WA Tourism Awards Bronze Winner – Luxury Accommodation
- 2014 Perth Airport WA Tourism Awards Finalist – Tourism Restaurant
- 2014 AHA Awards for Excellence Finalist – Best Premium Restaurant
- 2014 AHA Awards for Excellence Finalist – Best Wine List
- 2014 AHA Awards for Excellence Finalist – Best Sommelier
- 2013 Gold Plate Awards Finalist – Wine List of the Year
- 2013 Gold Plate Awards Finalist – Best New Restaurant
- 2013 Gold Plate Awards Finalist – Licensed Dining (Metro)
- 2013 Perth Airport WA Tourism Awards Silver Winner – New Tourism Development
- 2013 AHA Awards for Excellence Finalist – WA’s Best New Venue
- 2013 AHA Awards for Excellence Finalist – Best Sommelier (Highly Commended)
- 2013 AHA Awards for Excellence Finalist – Best Premium Restaurant
- 2013 AHA Awards for Excellence Finalist – Best Wine List
- 2013 AHA Accommodation Industry Awards Winner – Accommodation Hotel Wine List
- 2013 AHA Accommodation Industry Awards Finalist – Redeveloped Accommodation Hotel
- 2013 AHA Accommodation Industry Awards Finalist – Deluxe Accommodation
- 2013 AHA Accommodation Industry Awards Finalist – Restaurant within an Accommodation Hotel
- UK Sunday Times “2013 Hottest Hotel in Australasia”
- 2013 Luxury Travel Magazine Gold List Finalist – Best New Property

- 2013 WA Heritage Awards Finalist – Outstanding Tourism Product
- 2013 Gourmet Traveller Awards Finalist – Best City Boutique Accommodation
- 2013 Social Hotel Awards Winner – Best Integrated Digital Campaign
- “2012 Party of the Year” – Sunday Times Perth

## **ISSUES WITH WHEN THE PREMISES STANDARDS ARE TRIGGERED**

53. The Premises Standards define a new part of a building as being an extension to the building or a modified part of the building which an application for the building work is submitted on or after 1 May 2011 “to the competent authority in the state or territory where the building is located”.<sup>21</sup>
54. This means that any building work carried out on tourism accommodation establishments which requires a Development Application (DA) or similar must comply with the Premises Standards.
55. In addition, the Premises Standards state that there must be an accessible path of travel from the entrance to the new part.<sup>22</sup>
56. Both of these requirements have proven extremely costly and difficult for operators of tourism accommodation businesses to comply with.
57. The ABCWG is aware of operators who intended to carry out more significant renovations on tourism accommodation properties, but on learning that a DA would trigger the Premises Standards (and that the standards are onerous), they decided to withdraw this investment in infrastructure, preferring instead to make cosmetic changes.
58. Given the prevalence of small-to-medium and historic properties in regional areas and that there is lower overall investment in regional accommodation properties, constructing and/or upgrading tourism accommodation establishments in these areas may be held back by further problems.<sup>23</sup>
59. The accommodation industry remains strongly opposed to any requirement that if a DA for building work is required on a tourism accommodation establishment, the entire establishment would be forced to comply with the Premises Standards. Such a requirement could force many historic and/or heritage-listed accommodation businesses in Australia to close because the costs of compliance with the Premises Standards would be prohibitive.
60. At a time when Australia is seeking to upgrade ageing and tired tourism accommodation infrastructure, the Premises Standards have become a significant barrier to investment in our industry.

---

<sup>21</sup> Disability (Access to Premises – Buildings) Standards 2010, Page 7

<sup>22</sup> Ibid

<sup>23</sup> An Assessment of Accessible Accommodation in Australia: Supply and Demand – Final Report, Department of Resources, Energy and Tourism/PwC, September 2013, Page 45

## **TOURISM ACCOMMODATION IN RESIDENTIAL BUILDINGS**

61. The recent rapid emergence of companies which operate online platforms for Australian residential properties to be used for tourism accommodation, e.g. Airbnb, has raised the possibility of significant non-compliance with regulatory requirements for disability access for Class 1a buildings which are used for short-term tourism accommodation.
62. Specifically, any Class 1a residence which is used – through Airbnb or other similar online platforms – for short-term tourism accommodation ceases to be a Class 1a building and automatically becomes a Class 1b building, triggering a range of different disability access requirements.
63. Airbnb has publicised a study conducted by BIS Shrapnel which found that in the period August 2012 to July 2013 inclusive, Airbnb supported \$214 million of economic activity in Sydney.<sup>24</sup> This demonstrates the reach of Airbnb into Australia and, potentially, the broad occurrence of non-compliance with the Premises Standards in Australia.
64. It is the submission of the ABCWG that the owner of any Class 1a building found to be in breach of the Premises Standards should be liable for a fine of not less than \$1 million per property which is in breach.

## **OTHER ISSUES – WHEELCHAIR ACCESS/INDUSTRY SUBSIDIES**

65. It is the policy position of the accommodation industry that all passageways and building features in tourism accommodation establishments meet 80<sup>th</sup> percentile wheelchair dimensions.
66. The accommodation industry is not aware of any issues which have been raised in relation to 80<sup>th</sup> percentile requirements.
67. With regard to industry subsidies, the accommodation industry notes that the taxi industry receives significant subsidies from government for accommodating people with disability. These subsidies take the form of discounted on-road costs for taxis and subsidised fares for passengers with disability. The accommodation industry receives no such subsidies.

## **CONCLUSION**

68. The ABCWG would be pleased to provide the Department of Industry and Science and/or the Attorney-General's Department with further information in relation to our submission through a meeting or other appropriate form of engagement and/or consultation.

Date: 15 June 2015

---

<sup>24</sup> Airbnb Media Release, <https://www.airbnb.com.au/press/news/new-study-airbnb-community-contributes-aud-214-million-to-sydney-and-its-suburbs-brings-tourists-to-new-neighbourhoods>, retrieved 1 June 2015