

New South Wales

# **Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Bill 2002**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The object of this Bill is to facilitate proof of the use of premises as a backpackers' hostel in proceedings before the Land and Environment Court under the *Environmental Planning and Assessment Act 1979*. The Bill makes it clear that, in any such proceedings, the Court may rely on circumstantial evidence to establish that particular premises are used as backpackers' accommodation. The new provision includes a note containing a list of examples of relevant circumstantial evidence.

Explanatory note

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## Outline of provisions

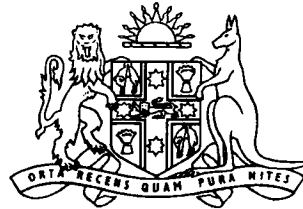
**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the Bill.

**Clause 3** is a formal provision giving effect to the amendment to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

## Schedule 1 Amendment

**Schedule 1** sets out the amendment described in the above overview of the Bill.



New South Wales

# Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Bill 2002

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New South Wales

# **Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Bill 2002**

No. , 2002

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## **A Bill for**

An Act to amend the *Environmental Planning and Assessment Act 1979* in relation to evidence about the use of premises as a backpackers' hostel.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Act 2002</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent.	6
<b>3 Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	7 8
The <i>Environmental Planning and Assessment Act 1979</i> is amended as set out in Schedule 1.	9 10

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## Schedule 1 Amendment

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(Section 3)

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### Section 124A

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Insert after section 124:

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#### 124A Evidence of use of premises as backpackers' hostel

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(1) This section applies to proceedings before the Court under this Act to remedy or restrain a breach of this Act in relation to the use of premises as a backpackers' hostel.

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(2) In any proceedings to which this section applies, the Court may rely on circumstantial evidence to find that particular premises are used as a backpackers' hostel.

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**Note.** Examples of circumstantial evidence include (but are not limited to) the following:

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(a) evidence relating to persons entering and leaving the premises (including the depositing of luggage) that is consistent with the use of the premises for a backpackers' hostel,

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(b) evidence of the premises being advertised expressly or implicitly for the purposes of a backpackers' hostel (including advertisements on or in the premises, newspapers, directories or the Internet),

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(c) evidence relating to internal and external signs and notices at the premises (including price lists, notices to occupants and offers of services) that is consistent with the use of the premises for a backpackers' hostel,

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(d) evidence of the layout of rooms, and the number and arrangement of beds, at the premises that is consistent with the use of the premises for a backpackers' hostel.

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