



New South Wales

# **Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Act 2002 No 94**

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New South Wales

# **Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Act 2002 No 94**

Act No 94, 2002

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An Act to amend the *Environmental Planning and Assessment Act 1979* in relation to evidence about the use of premises as a backpackers' hostel. [Assented to 28 November 2002]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Act 2002*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Environmental Planning and Assessment Act 1979  
No 203**

The *Environmental Planning and Assessment Act 1979* is amended as set out in Schedule 1.

## Schedule 1 Amendment

(Section 3)

### Section 124A

Insert after section 124:

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

- (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.
- (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.

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

- (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,
- (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),
- (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,
- (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.

[Second reading speech made in—  
Legislative Assembly on 5 September 2002  
Legislative Council on 20 November 2002]

BY AUTHORITY