

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

[2002-94]



New South Wales

Status Information

Currency of version

Repealed version for 28 November 2002 to 21 July 2003 (accessed 25 November 2024 at 20:35)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Contents

Long title	3
1 Name of Act.....	3
2 Commencement	3
3 Amendment of Environmental Planning and Assessment Act 1979 No 203	3
Schedule 1 Amendment	3

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New South Wales

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

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.