



Legislative Council

Environmental Planning And Assessment Amendment (Illegal Backpacker Accommodation) Bill

Hansard - Extract

20/11/2002

Second Reading

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.01 p.m.]: I move:

That this bill be now read a second time.

The Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Bill allows circumstantial evidence to be considered in prosecutions relating to allegedly illegal backpacker accommodation. Illegal backpacker premises are causing problems in a number of areas, and councils need the power to control them. It is often not easy to prove at law that a premises is backpacker accommodation, even though that fact may be obvious to all people living in the vicinity of the premises because of the numbers of people entering and leaving the premises, perhaps the noise level, the number beds in the premises, advertisements on the Internet and in selected travel magazines, and so on. The bill allows councils to identify and close down illegal backpacker accommodation.

I note that the bill was introduced in the lower House by my colleague the honourable member for Manly to meet a need that he found in his electorate, which is a popular tourist destination. The bill gained from the experience of the Disorderly Houses Amendment (Brothels) Bill. However, it was recognised that that legislative need has had a more useful application in this bill than in the Disorderly Houses Amendment (Brothels) Bill, which I note the Government was good enough to support in the interests of local government.

I emphasise at the outset that I have absolutely nothing against backpackers. In fact, I am quite a passionate backpacker myself. I have backpacked through Australia, New Zealand, most of Europe, North America and parts of Africa. I have spent many weeks, perhaps even years, backpacking in various locations. I have slept in some very good backpacker accommodation, and I have stayed in some dives, when I have thought, "I hope there is not a fire, because if there is I'll be dead." Obviously, unsafe backpacker accommodation is a concern, and we want Australia to be a backpacker destination where there is reasonable quality control, and where backpackers fit in with the communities they visit and have safe premises in which to stay that are not firetraps, for example. Obviously, old hotels that have poor-quality facilities and are firetraps—such as the accommodation in Childers, Queensland,—are extremely dangerous and there is the potential for backpackers to lose their lives.

Each year more than 400,000 backpackers visit Australia. Indeed, backpackers spend about \$1.7 billion of the \$25 billion that tourists bring to Australia. Obviously, backpackers spend quite a lot of money because they tend to stay a lot longer than people who stay in hotels. The advantage of backpacking is that the backpacker does not need to spend a lot of money to stay in expensive hotels when a bed anywhere will suffice. Visitors to Australia want to look at the country, not the hotel, which may be at the top end of the market. Indeed, many hotels throughout the world adopt a common formula such that sometimes it is difficult to know which country one was in.

There have been problems associated with illegal backpacker accommodation that is not located in appropriate suburban areas. Programs such as *A Current Affair* have featured segments about landlords whose nice, old properties, which are let to people in good faith and used as backpacker accommodation, are absolutely trashed—sometimes even the rent is not paid. Often the landlord is not aware that their property is being used as a backpacker establishment. They get badly ripped off, and their place gets badly damaged. The neighbours complain about the noise and the comings and goings of the people who use the establishment, and it is fairly unsatisfactory from a planning point of view. Obviously, councils want to have control over development applications, and they want to be able to ensure that the accommodation meets fire safety and hygiene standards. In a society in which councils are looking after the welfare of residents, it is reasonable that councils have the power to do these things. The Youth Hostels Association supports the bill and is quite happy to work within a sensible framework.

The bill contains provisions similar to those set out in the Disorderly Houses Amendment (Brothels) Bill. Certainly I am on record as not supporting that bill, which allowed circumstantial evidence to be considered in prosecutions relating to premises suspected of being a disorderly house. My lack of support for that bill was on the basis of privacy in relation to small, two-person brothels in houses that did not disturb neighbours—operations that should come under the category of home businesses. However, such premises are quite different from backpacker accommodation, which often houses many people and is more likely to disturb the neighbourhood.

Although this bill is modelled on the disorderly houses legislation, I support it because it distinguishes between a home in which two people may work quietly and discreetly, and accommodation for large numbers of people who

want a safe and comfortable place to bed down as they explore Australia. The bill will make things easier for councils, it provides important safety measures, and I commend it to the House.