

## EXPLANATORY MEMORANDUM

### TOURIST ACCOMMODATION (AMENDMENT) BILL 2012

The purpose of this Bill is to de-regulate and de-control the provision of tourist accommodation on Norfolk Island. The immediate effect of the Bill will be to remove the restriction on non-resident ownership which is to be effected by the repeal of the *Tourist Accommodation (Ownership) Act 1989*. The next step is to amend the *Tourist Accommodation Act 1984* in order to remove the requirement for managers to be registered, and to remove the quota system and mandatory grading. These latter changes will simplify the legislation and reduce it to a system of basic registration of details of each accommodation property. In order to provide for a smooth change of process, the changes to the quota and unit licencing is to take place 3 months after the Bill becomes law or such earlier date as may be notified in the Gazette. The final step in the process is to amend the *Planning Act 2002* in order to remove the requirement to hold a unit licence before a development application is lodged and processed. The three month delay will provide a transition period to allow Commonwealth approval of changes to the *Planning Act 2002* to be obtained.

It is hoped that these changes to the law will open the market for tourist accommodation to greater competition and benefit to the community of Norfolk Island and its tourist visitors.

The Bill is divided into 5 Parts as follows—

**Part 1 – Preliminary** provides for the short title and for the commencement of the legislation in stages.

**Clause 2(1)** provides that Parts 1, 2, 3 and 4 commence upon notification of assent, while **clause 2(2)** provides that Part 4 is not effective until 3 months thereafter or such earlier time as the Administrator notifies in the Gazette. **Clause 2(3)**, as an amendment repealing relevant parts of the *Planning Act 2002*, is a matter referable to the Governor General for assent and will not commence until that assent is given and Gazetted.

**Part 2 – Repeal,**

**Clause 3** repeals the *Tourist Accommodation (Ownership) Act 1989*.

**Part 3 – Schedule of immediate amendments of the Tourist Accommodation Act 1984**

**Clause 4** repeals in a **Schedule**, provisions that are concerned with the registration of managers and amends provisions dealing with registration of accommodation houses in order to simplify the system and make it a system of record rather than one of control.

Item 1 of the Schedule removes a definition that is no longer required.

Item 2 removes from section 5 the provisions concerned with the registration of managers and while still requiring accommodation houses to be registered removes some restrictive provisions.

Item 3 repeals the provision for registration of managers in section 6.

Item 4 amends section 7 to remove the requirement that an application for registration of an accommodation house must be considered with reference to restrictive provisions of the Act and retains the requirement to notify change of ownership.

Item 5 repeals section 7A providing for the registration of homestays.

**Part 4 – Schedule of delayed amendments of the Tourist Accommodation Act 1984**

Clause 5 deals with various provisions of the Act that will in time be removed or amended as set out in a Schedule.

Item 1 repeals 10 sections of the Act dealing with—

- 8. Fixing of quota
- 8A. No compensation payable by Crown
- 8B. Quota administration
- 13. Particulars in instruments of registration
- 14. Obligation of managers
- 15A. Transfer of registration
- 16. Temporary conduct of tourist accommodation houses
- 17. Cancellation or suspension of registration
- 29. Information may be required
- 31. Application of revenue

Item 2 removes repealed cross-references in section 15.

Items 3 and 4 repeal cross references in sections 26 and 27 that are redundant.

Item 5 removes various references to the compulsory grading system in section 31A but retains a power to appoint a person who may grade accommodation houses without that being compulsory but continues to provide that it is an offence, if graded, to misrepresent the grading and also retains provision against mis-representing an unregistered accommodation house as registered.

Item 6 repeals the wide-ranging regulation making power for a general power to make regulations for the purpose of the Act.

**Part 5 – Amendment to the Planning Act 2002**

Clause 6 repeals provisions of section 34 of the *Planning Act 2002* that prevent the Chief Executive Officer receiving, considering, processing or approving an application for a development approval unless the applicant has obtained a place in the tourist accommodation quota.

31 May 2012