NORTHERN TERRITORY OF AUSTRALIA

HOTEL-KEEPERS AMENDMENT ACT 2002

Act No. 36 of 2002

TABLE OF PROVISIONS

Section

SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Act No. 36 of 2002

AN ACT

to amend the *Hotel-keepers Act*

[Assented to 13 September 2002]
[Second reading 19 June 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1.   Short title

This Act may be cited as the *Hotel-keepers Amendment Act 2002*.

2.   Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3.   Principal Act

The *Hotel-keepers Act* is in this Act referred to as the Principal Act.

4.   Long title

The long title of the Principal Act is amended by omitting "hotel-keepers" and substituting "accommodation providers".

5.   Short title

Section 1 of the Principal Act is amended by omitting "*Hotel-keepers Act*" and substituting "*Accommodation Providers Act*".

6. Interpretation

Section 3 of the Principal Act is amended –

(a) by omitting from subsection (1) the definition of "hotel" and substituting the following:

" 'accommodation establishment' means, irrespective of whether it is licensed under the *Liquor Act* –

(a) a common inn or an establishment held out by an accommodation provider as providing, without special contract, sleeping accommodation to a person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities offered and who is in a fit state to be received;

(b) any premises used for the purposes of providing board and lodgings for members of the public as a commercial enterprise and includes a boarding-house, guest-house and lodging-house; and

(c) a facility that is prescribed, or is of a type that is prescribed, for the purposes of this definition,

but (subject to paragraph (c)) does not include a caravan park or the erection or placement and use of tents, mobile homes or cabins for the purposes of providing board and lodgings for members of the public as a commercial enterprise;";

(b) by omitting from subsection (1) the definition of "hotel-keeper" and substituting the following:

" 'accommodation provider' means the operator of an accommodation establishment;";

(c) by inserting after subsection (1) the following:

"(1A) The Regulations may prescribe a facility or type of facility as an accommodation establishment for the purposes of the definition of 'accommodation establishment' in subsection (1) despite that the facility is of a type that would otherwise be excluded by the terms of the definition."; and

(d) by adding at the end the following:

"(4) If a regulation prescribes a facility or type of facility to be an accommodation establishment for the purposes of this Act, the law in force immediately before the commencement of the regulation relating to the rights and liabilities of an innkeeper with respect to the property of a guest ceases to apply to

the operator of the facility (or a facility of that type, as the case may be) on and from the commencement of the regulation.".

7. Guest at accommodation establishment

Section 4 of the Principal Act is amended –

(a) by omitting from subsection (1) "hotel" (all references) and substituting "accommodation establishment"; and

(b) by omitting subsection (2).

8. Restriction of accommodation provider's liability

Section 6 of the Principal Act is amended –

(a) by omitting from subsection (1) "hotel-keeper" and substituting "accommodation provider";

(b) by omitting from subsection (1) "hotel" (all references) and substituting "accommodation establishment";

(c) by omitting from subsection (1) "$200." and substituting "$200 or, if the Regulations prescribe another amount for the purposes of this subsection, that amount.";

(d) by inserting after subsection (1) the following:

"(1A) The amount that applies in respect of the loss of or damage to property referred to in subsection (1) is the amount that is prescribed at the time the loss or damage occurred.";

(e) by omitting from subsection (2) "hotel" (all references) and substituting "accommodation establishment"; and

(f) by omitting from subsection (3) "hotel-keeper" (all references) and substituting "accommodation provider".

9. New section

The Principal Act is amended by inserting after section 11 the following:

"12. Regulations

"The Administrator may make regulations, not inconsistent with this Act, prescribing matters –

(a) required or permitted by this Act to be prescribed; or

(b)   necessary or convenient to be prescribed for carrying out or giving effect to this Act.".

10.   Further amendments

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 10

Provision	Amendment	
	omit	substitute
Sections 5 and 7	hotel-keeper (all references)	accommodation provider
	hotel	accommodation establishment
Section 8	hotel-keeper (all references)	accommodation provider
Sections 9 and 10	hotel-keeper (all references)	accommodation provider
	hotel-keeper's	accommodation provider's
	hotel	accommodation establishment
Section 11	hotel-keeper (all references)	accommodation provider
Schedule	*Hotel-keepers Act* (all references)	*Accommodation Providers Act*
	hotel-keeper (all references)	accommodation provider
	hotel	accommodation establishment

| $200 | $200 (or any greater amount that is prescribed) |

, a horse and carriage,

ALTERATION TO SECTION HEADING

On the day on which the *Hotel-keepers Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading to section 5 of the *Hotel-keepers Act* is altered by omitting **"hotel-keeper"** and substituting **"accommodation provider"**.