



**LIQUOR AND ACCOMMODATION AMENDMENT ACT
1993**

No. 81 of 1993

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**AN ACT to amend the *Liquor and Accommodation Act 1990*
[Royal Assent 23 November 1993]**

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Liquor and Accommodation Amendment Act 1993*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Liquor and Accommodation Act 1990** is referred to as the Principal Act.

Part 3: Division 9 inserted

4—After section 158 of the Principal Act, the following Division is inserted in Part 3:—

Division 9—Miscellaneous**Liability of accommodation provider for lost, destroyed or damaged property**

158A—(1) In this section, unless the contrary intention appears—

“**accommodation provider**” means a person who—

- (a) is the holder of an accommodation licence;
or
- (b) is the holder of an accommodation permit;
or
- (c) provides tourist accommodation under the authority of a general accommodation exemption;

“**employee**” means a person employed at tourist accommodation premises;

“**guest**” means a person—

- (a) who is temporarily absent from his or her usual residence; and
- (b) who has engaged sleeping accommodation, or on whose behalf sleeping accommodation has been engaged, at tourist accommodation premises;

* No. 44 of 1990. Amended by No. 46 of 1991.

“**tourist accommodation premises**” means the premises specified in an accommodation licence or an accommodation permit or in which tourist accommodation is provided under the authority of a general accommodation exemption.

(2) An accommodation provider is not liable to make compensation in relation to the loss, destruction or damage of or to property brought to tourist accommodation premises by or on behalf of a guest except as provided in subsection (3).

(3) An accommodation provider is liable to make compensation in relation to the loss, destruction or damage of or to property brought to tourist accommodation premises by or on behalf of a guest if—

- (a) the loss, destruction or damage is attributable to some negligence or deliberate or reckless act or default of the accommodation provider or an employee; or
- (b) the property—
 - (i) had been deposited expressly for safe custody with the accommodation provider or an employee authorized or apparently authorized to accept guests’ property for safe custody; and
 - (ii) where the accommodation provider or that employee so required, had been placed in a container and fastened or sealed by the person depositing the property for safe custody; and
 - (iii) was lost, destroyed or damaged while so deposited; or

- (c) a notice, in a form approved by the Commissioner, that relates to the liability of an accommodation provider to pay compensation under this section is not conspicuously displayed in, at or near the reception office, reception desk or principal entrance of the accommodation premises.

*[Second reading presentation speech made in:—
House of Assembly on 13 October 1993
Legislative Council on 26 October 1993]*