

LORD HOWE ISLAND BOARD

POLICY

TITLE	Business Licensing (Commercial Undertakings) Policy		
DATE ADOPTED	May 2013	AGENDA ITEM	8 (ii) May 2013
CURRENT VERSION	August 2021	AGENDA ITEM	CEO Approval
REVIEW	5 years	FILE REFERENCE	PO0030
ASSOCIATED LEGISLATION	<i>Lord Howe Island Act 1953 (NSW)</i> <i>Lord Howe Island Regulation 2014 (NSW)</i> <i>Local Government Act 1993 (NSW)</i> <i>Competition and Consumer Act 2010</i> <i>Fair Trading Act 1987 and other legislation administered by Fair Trading</i>		
ASSOCIATED POLICIES	Conditions of Licence to Provide Tourist Accommodation		

1. Policy Overview

The aim of this policy is to ensure that:

- All businesses (known as commercial undertakings) on Lord Howe Island operate in accordance with all the requirements of the New South Wales and Commonwealth Governments for each business type;
- As well as the Government requirements for each business type, businesses that have a high risk of serious injury to people and/or high risk of serious damage to the environment satisfy additional conditions imposed by the Lord Howe Island Board ('the Board'); and
- All businesses on Lord Howe Island comply with relevant provisions of the *Lord Howe Island Regulation 2014*.

2. Roles of Other Agencies

The NSW Department of Fair Trading safeguards consumer rights, regulates specific industries and occupations, and advises traders on fair and ethical business practices. Refer www.fairtrading.nsw.gov.au

The Australian Securities and Investment Commission (ASIC) administers the national business names registration service. Refer www.asic.gov.au

The Australian Business Licence and Information Service,(ABLIS) a joint venture between the Australian and State Governments, helps people find the government licences, permits, approvals, registrations, codes of practice, standards and guidelines they need to be familiar with to meet their compliance responsibilities. Detailed information specific to occupations and trades, such as

qualifications and waste disposal requirements, and more general information, such as that pertaining to business registration requirements, can be found at <https://ablis.business.gov.au/>.

3. Generic Requirements of the Board

The *Lord Howe Island Regulation 2014* requires all commercial undertakings to be carried out in accordance with a licence granted by the Board for that purpose.

All businesses (known as commercial undertakings on Lord Howe Island) are required to comply with the following generic terms and conditions:

- a) Abide by the provisions of the Lord Howe Island Act 1953 (the “Act”), and any Regulations, and the Lord Howe Island Local Environment Plan 2010;
- b) Ensure that no adverse environmental impact will result from the carrying on of the Business;
- c) Ensure that adequate safeguard measures are adopted to minimise the exposure of the general public and clients of the Business to any unnecessary risks;
- d) Maintain appropriate and adequate insurances including public liability insurance, and provide evidence of currency of such insurances on request from the Board;
- e) Remit an annual licence fee in consideration for the right to operate a Business on Lord Howe Island, such licence fee to be paid quarterly in arrears in accordance with an appropriate invoice issued by the Board. This Licence shall remain current provided the amount of fee levied is paid within 30 days of issue of the invoice; and
- f) Comply with all other laws, regulations, licences or conditions pertaining to all aspects of the Business such as those under the *Fair Trading Act 1987* (NSW) or the *Competition and Consumer Act* (Cth) 2010.

4. Specific Requirements of the Board

- a) Under the Lord Howe Island Regulations a person carrying on a commercial undertaking or using premises for such an undertaking on the island must have a licence granted by the Board.
- b) In regard to a business that the Board determines does not have a high risk of serious injury to people and/or high risk of serious damage to the environment, the Board will issue a licence provided that the business holds all relevant government licences, permits, approvals and registrations relating to their activities.
- c) In regard to a business that the Board determines does have a high risk of serious injury to people and/or high risk of serious damage to the environment, the business may also be required to satisfy additional conditions imposed by the Board. This is for the management of the island and the safety of its inhabitants.

5. Non-Commercial Undertakings

The following activities are deemed by the Board not to be commercial undertakings and are not, therefore, required to hold a business licence:

- Stallholders at market days who do not earn revenue outside the market days,
- Fundraisers for non profit organisations;
- Activities relating to the pursuit of non-commercial hobbies;
- Provision of community medical services directly associated with the operations of the Gower Wilson Memorial Hospital;

- Business activities conducted on the island by persons or entities not normally based on the island provided the on-island activities are restricted to specific projects or limited in duration and the commercial undertaking does not undertake any form of advertising or promotion on the Island.

All business deemed not to be commercial undertakings under the Lord Howe Island Act 1953 must comply with any New South Wales or Commonwealth laws relevant to their activities.

All businesses must comply with any relevant New South Wales or Commonwealth laws.

6. Business Licence Fees

The fees charged by the Board are levies imposed for the granting of permission to carry out a commercial undertaking on the island in accordance with any *Lord Howe Island Regulation 2014*.

The Board in no way warrants or guarantees the quality or standard of and goods or services provided by businesses on the island.

The fees charged will be determined by the Board from time to time.

7. Delegations

The Chair, Chief Executive Officer or Manager Business and Corporate Services of the Board is delegated to determine any application made under this policy, provided that the application complies with this policy.

The Chair, Chief Executive Officer or Manager Business and Corporate Services of the Board is delegated to suspend or withdraw any approval given under this policy where it can be established to the satisfaction of that officer that a significant breach of the conditions of approval has occurred.

LORD HOWE ISLAND BOARD

APPLICATION FOR A BUSINESS LICENCE

Name of Applicant			
Name of Business			
ABN			
Premises Address			
Postal Address			
Contacts	Phone		
	Email		
Business Activities to be carried out under this Licence			
Statement by Applicant	<p>I, _____, being the applicant and proprietor of the business described above hereby apply for a business licence to undertake the stated activities on Lord Howe Island and declare all the information provided in this application is true and correct.</p> <p>I declare that I hold appropriate and adequate insurances in relation to the business and that all of the activities specified in this application are covered by my policy. I have attached a written statement from my insurer to confirm this.</p> <p>I also declare that I hold all relevant State and Commonwealth approvals required for the activities specified in this application.</p> <p>I understand that there is an annual licence fee applicable and I agree to pay that fee quarterly as invoiced by the Board, and continue to pay the required fee unless the licence expires or is suspended or cancelled. I also understand that if the business ceases to operate I will be liable to pay the licence fee until the quarter after I have informed the Board in writing that I no longer require a business licence.</p>		
	<p>_____</p> <p>Signature of Applicant</p>	<p>_____</p> <p>Signature of Witness</p>	
	<p>_____</p> <p>Name of Applicant</p>	<p>_____</p> <p>Name of Witness</p>	
	<p>_____</p> <p>Date</p>	<p>_____</p> <p>Date</p>	