

22.6/83

SUPREME COURT OF VICTORIA — FULL COURT

EADES v SUNDOWNER CARAVAN PARKS PTY LTD

Young CJ, McInerney and Southwell JJ

26, 27 August; 15 November 1982

[1983] VicRp 48; [1983] 1 VR 514; (1982) 48 LGRA 307

HEALTH – "COMMON LODGING HOUSE" – A CARAVAN PARK IS NOT A COMMON LODGING HOUSE.

The magistrate's dismissal of a charge that the defendant was the keeper of an unregistered common lodging house, was the subject of review by the Full Court. It appeared that the defendant conducted a "caravan park," which was not registered as a common lodging house under the *Health Act* 1958. The Full Court expressed the view that the allegation was "inherently unlikely", and after reviewing the history of the legislation dealing with "common lodging house" said:

THE COURT: "From this long history there can be drawn an indication that when Parliament used the expression "common lodging house" in the *Health Act* 1958 and defined it in the way that it did, it did not intend to alter the basic concept which had stood for over one hundred years. A caravan park of the kind conducted by the respondent is clearly not within that concept."
