

TASMANIA

TRAVEL AGENTS AMENDMENT BILL 2007

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Part II substituted
 - PART II – Functions of Office of Consumer Affairs and Fair Trading
 6. Functions of Office of Consumer Affairs and Fair Trading under this Act
6. Section 19 amended (Application for licence)
7. Section 20 amended (Investigation of application)
8. Section 21 amended (Grant or refusal of licence)
9. Section 22 amended (Conditions of, and restrictions on, licence)
10. Section 25 amended (Form of licence)
11. Section 26 amended (Address of place of business)
12. Section 27 amended (Register of licensing)
13. Section 29 amended (Annual fee and annual statement)
14. Section 30 amended (Surrender of licence)
15. Section 31 amended (Duplicate licence)
16. Section 32 amended (Notices to show cause)
17. Section 33 amended (Determination of disciplinary measures by Director of Consumer Affairs and Fair Trading)

18. Section 34 amended (Reviews of refusal to grant licence, &c.)
 19. Section 35 amended (Death of holder of licence)
 20. Section 36 amended (Endorsement of conditions, &c., of licence)
 21. Section 41 amended (Employment of disqualified person)
 22. Section 42 amended (Compensation scheme trustees to have certain rights by subrogation and otherwise)
 23. Section 48 amended (Powers of entry, &c.)
 24. Section 49 amended (Production of records)
 25. Section 52 amended (Evidence)
 26. Section 55 amended (Regulations)
 27. Schedules 1 and 2 repealed
 28. Savings and transitional provisions
- Schedule 1 – Savings and Transitional Provisions

TRAVEL AGENTS AMENDMENT BILL 2007

(Brought in by the Minister for Justice and Workplace Relations, the Honourable Steven Kons)

A BILL FOR

An Act to amend the *Travel Agents Act 1987*

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:

1. Short title

This Act may be cited as the *Travel Agents Amendment Act 2007*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Travel Agents Act 1987** is referred to as the Principal Act.

*No. 111 of 1987

Travel Agents Amendment Act 2007
Act No. of

s. 4

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of “Board”;
- (b) by inserting the following definition after the definition of “director”:

“Director of Consumer Affairs and Fair Trading” means the Director of Consumer Affairs and Fair Trading appointed under the *Consumer Affairs Act 1988*;

5. Part II substituted

Part II of the Principal Act is repealed and the following Part is substituted:

PART II – FUNCTIONS OF OFFICE OF CONSUMER AFFAIRS AND FAIR TRADING

6. Functions of Office of Consumer Affairs and Fair Trading under this Act

- (1) The functions of the Office of Consumer Affairs and Fair Trading under this Act are as follows:
 - (a) to ensure that high standards for licensing a travel agent are maintained and to license qualified persons as travel agents;

Travel Agents Amendment Act 2007
Act No. of

s. 6

- (b) to ensure that persons who hold licences issued under section 21 to carry on the businesses of a travel agent conduct their businesses in a competent manner;
 - (c) to investigate any complaint or charge alleging that any person holding a licence issued under section 21 to carry on the business of a travel agent has contravened or failed to comply with the provisions of this Act.
- (2) The Office of Consumer Affairs and Fair Trading is to assist the Director of Consumer Affairs and Fair Trading in the performance of the functions, and the exercise of the powers, of the Director of Consumer Affairs and Fair Trading under this Act.

6. Section 19 amended (Application for licence)

Section 19 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;

Travel Agents Amendment Act 2007
Act No. of

s. 7

- (c) by omitting from subsection (5) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (7) “Board” three times occurring and substituting “Director of Consumer Affairs and Fair Trading”.

7. Section 20 amended (Investigation of application)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”.

8. Section 21 amended (Grant or refusal of licence)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;

Travel Agents Amendment Act 2007
Act No. of

s. 8

- (b) by omitting from subsection (2) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (3) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (4) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (4)(i) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (f) by omitting from subsection (5) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (g) by omitting from subsection (6) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (h) by omitting from subsection (7) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (i) by omitting from subsection (8) “Board” five times occurring and substituting “Director of Consumer Affairs and Fair Trading”.

Travel Agents Amendment Act 2007
Act No. of

s. 9

9. Section 22 amended (Conditions of, and restrictions on, licence)

Section 22 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (1)(b) “of the Board’s own motion” and substituting “on the motion of the Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (1)(b) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (5) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (6) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”.

10. Section 25 amended (Form of licence)

Section 25 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (1)(b) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (2) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

11. Section 26 amended (Address of place of business)

Section 26(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from paragraph (b) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from paragraph (c) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

12. Section 27 amended (Register of licensing)

Section 27 of the Principal Act is amended as follows:

Travel Agents Amendment Act 2007
Act No. of

s. 13

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (3) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (4) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (5) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

13. Section 29 amended (Annual fee and annual statement)

Section 29 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (3) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;

- (c) by omitting from subsection (7) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (8) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (9) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (f) by omitting from subsection (11) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

14. Section 30 amended (Surrender of licence)

Section 30 of the Principal Act is amended by omitting “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

15. Section 31 amended (Duplicate licence)

Section 31(1) of the Principal Act is amended by omitting “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”.

16. Section 32 amended (Notices to show cause)

Section 32 of the Principal Act is amended as follows:

Travel Agents Amendment Act 2007
Act No. of

s. 17

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (1)(g) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (1) “Board” third occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (6) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (6) “Board” second occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (f) by omitting from subsection (7) “Board” three times occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (g) by omitting from subsection (8) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

17. Section 33 amended (Determination of disciplinary measures by Director of Consumer Affairs and Fair Trading)

Section 33 of the Principal Act is amended as follows:

Travel Agents Amendment Act 2007
Act No. of

s. 17

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (1) “Board” second occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (1)(b) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (1)(g) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (2) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (f) by omitting from subsection (3) “Board” three times occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (g) by omitting from subsection (5) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (h) by omitting from subsection (5) “Board” second occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (i) by omitting from subsection (6) “Board” twice occurring and substituting

Travel Agents Amendment Act 2007
Act No. of

s. 18

“Director of Consumer Affairs and Fair Trading”;

- (j) by omitting from subsection (7) “Board” three times occurring and substituting “Director of Consumer Affairs and Fair Trading”.

18. Section 34 amended (Reviews of refusal to grant licence, &c.)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (4) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (d) by omitting from subsection (5) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (6) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;

- (f) by omitting from subsection (7) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (g) by omitting from subsection (10) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

19. Section 35 amended (Death of holder of licence)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2) “Board” three times occurring and substituting “Director of Consumer Affairs and Fair Trading”.

20. Section 36 amended (Endorsement of conditions, &c., of licence)

Section 36(1) of the Principal Act is amended by omitting “Board” three times occurring and substituting “Director of Consumer Affairs and Fair Trading”.

Travel Agents Amendment Act 2007
Act No. of

s. 21

21. Section 41 amended (Employment of disqualified person)

Section 41(1) of the Principal Act is amended by omitting “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

22. Section 42 amended (Compensation scheme trustees to have certain rights by subrogation and otherwise)

Section 42(2) of the Principal Act is amended by omitting “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

23. Section 48 amended (Powers of entry, &c.)

Section 48 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (1)(d)(ii) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (2) “Board” first occurring and substituting “Director of Consumer Affairs and Fair Trading”;

- (d) by omitting from subsection (2)(a) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (e) by omitting from subsection (3) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (f) by omitting from subsection (4)(a) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

24. Section 49 amended (Production of records)

Section 49 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “authorized person” and substituting “authorized officer”;
- (c) by omitting from subsection (3) “authorized person” and substituting “authorized officer”;
- (d) by omitting from subsection (6) “authorized person” and substituting “authorized officer”.

25. Section 52 amended (Evidence)

Section 52 of the Principal Act is amended as follows:

Travel Agents Amendment Act 2007
Act No. of

s. 26

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Director of Consumer Affairs and Fair Trading”.

26. Section 55 amended (Regulations)

Section 55 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(e) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (b) by omitting from subsection (2)(h) “Board” and substituting “Director of Consumer Affairs and Fair Trading”;
- (c) by omitting from subsection (3) “Board” and substituting “Director of Consumer Affairs and Fair Trading”.

27. Schedules 1 and 2 repealed

Schedules 1 and 2 to the Principal Act are repealed.

Travel Agents Amendment Act 2007
Act No. of

s. 28

28. Savings and transitional provisions

Schedule 1 has effect.

Travel Agents Amendment Act 2007
Act No. of

sch. 1

**SCHEDULE 1 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 28

1. Interpretation

In this Schedule –

“Board” means the Travel Agents’ Licensing Board in existence immediately before the commencement day;

“commencement day” means the day on which this Act commences.

2. Assets and liabilities of Board

On the commencement day –

- (a) the assets of the Board are, by virtue of this clause, vested in the Crown on the same terms and conditions as they were vested in the Board; and
- (b) all rights, obligations and liabilities of the Board which were subsisting immediately before that day are transferred to the Crown.

3. References to Travel Agents' Licensing Board

On and from the commencement day, a reference to the Travel Agents' Licensing Board in –

- (a) a written law; or
- (b) a contract, award or other instrument to which the Board was a party –

is to be construed as a reference to the Director of Consumer Affairs and Fair Trading.

4. Acts, &c., done by or to Board

All acts, matters and things done or omitted to be done by, or done or suffered in relation to, the Board before the commencement day have, on that day, the same force and effect as if they had been done or omitted to be done by, or done or suffered in relation to, the Director of Consumer Affairs and Fair Trading.