



New South Wales

Travel Agents Order 2005

under the

Travel Agents Act 1986

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 5 of the *Travel Agents Act 1986*, make the following Order.

Dated, this 6th day of April 2005.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Minister for Fair Trading

Explanatory note

The objects of this Order are as follows:

- (a) to exempt a person from the requirement to be licensed under the *Travel Agents Act 1986 (the Act)* if the gross turnover of the person's business as a travel agent (excluding the value of any business in respect of a conveyance or accommodation owned by the travel agent) does not exceed \$50,000 for the current financial year (which is an increase from the current threshold of \$30,000, which applies to the preceding calendar year),
- (b) to provide that a licensee who carries on business in partnership with any number of other licensees is exempt from section 33 of the Act if at each place that the licensee carries on business one or more of the other licensees displays a notice in accordance with that section,
- (c) to provide that a licensee who carries on business in partnership with any number of other licensees is exempt from the requirement under section 34 of the Act to specify in an advertisement the number of the licensee's licence if in that advertisement one or more of the other licensees specifies the number of that other licensee's licence,

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- (d) to provide that if a licensee's business only involves domestic travel services, the person in charge at the licensee's place of business is not required to be qualified in accordance with section 36 of the Act,
- (e) to exempt licensed interstate travel agents from the need to be licensed in New South Wales, but only to the extent that they advertise or provide information in New South Wales and not if they are physically present in New South Wales,
- (f) to repeal existing Orders under section 5 of the Act.

This Order is made under section 5 of the *Travel Agents Act 1986*.

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Clause 1 Travel Agents Order 2005

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under the

Travel Agents Act 1986

1 Name of Order

This Order is the *Travel Agents Order 2005*.

2 Commencement

This Order commences on 8 April 2005.

3 Definition

In this Order:

the Act means the *Travel Agents Act 1986*.

4 Exemption based on turnover limited to travel in Australia

(1) Section 6 (1) of the Act does not have effect in relation to a person carrying on business as a travel agent during any financial year if, as at any day:

- (a) the gross turnover of the business as a travel agent during that financial year, excluding the value of any business in respect of a conveyance or accommodation owned by the travel agent, has not exceeded \$50,000, and
- (b) the only rights to travel, or travel and accommodation, sold during that period in the course of the business were rights to travel, or travel and accommodation, within Australia.

(2) In this clause:

financial year means the period from 1 July to 30 June.

5 Display of notice by partners

Section 33 of the Act does not have effect in relation to a licensee who carries on business as a travel agent in partnership with any number of other licensees if, at each place that the licensee carries on business, one or more of the other licensees displays a notice in accordance with section 33 of the Act.

6 Printing in advertisements of partners' licence numbers

Section 34 of the Act, to the extent that it requires the number of a licence to be specified in an advertisement, does not have effect in relation to a licensee who carries on business as a travel agent in partnership with any number of other licensees if, in that advertisement, one or more of the other licensees specifies the number of that other licensee's licence.

7 Supervision of conduct of business

Section 36 of the Act does not have effect in relation to a licensee at a particular place of business if the only business as a travel agent carried on at that place is the business of selling tickets, or arranging rights of passage, for travel wholly within Australia or for travel and accommodation wholly within Australia.

8 Exemption for travel agents in reciprocating State or Territory

- (1) Part 2 of the Act does not have effect in relation to a person who is authorised to carry on business as a travel agent under a corresponding Act of a reciprocating State or Territory to the extent that the person:
 - (a) advertises in New South Wales, so long as the person states in the advertisement:
 - (i) the person's name, and
 - (ii) the number of any licence issued to the person under that corresponding Act, and
 - (iii) the name of the reciprocating State or Territory in which the licence was issued, or
 - (b) provides information to prospective customers in connection with the person's business as a travel agent.
- (2) Subclause (1) does not authorise the person to carry on business as a travel agent:
 - (a) if the person is physically present in New South Wales, or
 - (b) through another person who is physically present in New South Wales.
- (3) In this clause:

reciprocating State or Territory means the Australian Capital Territory, Queensland, South Australia, Tasmania, Victoria or Western Australia.

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9 Repeals

The following orders are repealed:

- (a) the *Travel Agents Order No 1—1987*,
- (b) the *Travel Agents Order No 2—1987*,
- (c) the *Travel Agents Order—Australian Airlines Ltd*,
- (d) the *Travel Agents Order—Coach and Bus Tour Operators*.

BY AUTHORITY
