

Passed by both Houses



New South Wales

Travel Agents Repeal Bill 2014

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2014



New South Wales

Travel Agents Repeal Bill 2014

Act No , 2014

An Act to repeal the *Travel Agents Act 1986* and deal with savings and transitional matters.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Travel Agents Repeal Act 2014*.

2 Commencement

This Act commences on 1 July 2014.

3 Repeal

The *Travel Agents Act 1986* and the *Travel Agents Regulation 2011* are repealed.

Schedule 1 Amendment of other legislation

1.1 Administrative Decisions Review Regulation 2009

Clause 5 Reviewable decisions excluded from internal review

Omit clause 5 (m).

1.2 Fair Trading Act 1987 No 68

Schedule 5 Savings and transitional provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

Part Provisions consequent on enactment of Travel Agents Repeal Act 2014

Definition

- (1) In this Part, *compensation scheme* means the scheme for compensating persons who suffer a pecuniary loss by reason of an act or omission by a person who carries on, or carried on, business as a travel agent prescribed under section 57 of the *Travel Agents Act 1986* immediately before the repeal of that Act (and as subsequently amended in accordance with that scheme).

Note. A copy of the compensation scheme trust deed can be found on the website of the Travel Compensation Fund at www.tcf.org.au.

- (2) Expressions used in this Part have the same meanings as in the *Travel Agents Act 1986* immediately before the repeal of that Act.

No compensation payable by State

- (1) Compensation is not payable by or on behalf of the State because of the enactment or operation of the *Travel Agents Repeal Act 2014*, or for any consequence of that enactment or operation.

- (2) In this clause:

compensation includes damages or any other form of monetary compensation.

the State means the Crown within the meaning of the *Crown Proceedings Act 1988*, and includes a public sector agency of the State and an officer, employee or agent of the Crown or a public sector agency of the State.

Administrative reviews by Tribunal

Division 4 of Part 2 of the *Travel Agents Act 1986*, despite the repeal of that Act, continues to apply to and in respect of a decision made before that repeal.

Certain appeals rights continue

Without limiting section 30 of the *Interpretation Act 1987*, and despite the repeal of the *Travel Agents Act 1986*, a right of appeal to the Tribunal continues to apply with respect to appeals against decisions of the administrators of the compensation scheme, and with respect to the determining of any such appeal, in accordance with the compensation scheme.

Certain rights of compensation scheme trustees to continue

- (1) Section 40 (Compensation scheme trustees to have certain rights by subrogation and otherwise) of the *Travel Agents Act 1986*, despite the repeal of that Act, continues to apply to and in respect of a payment made to a

claimant under the compensation scheme whether the payment was made, or the act or omission concerned occurred, before or after that repeal.

- (2) Section 52 (Legal action by compensation scheme trustees) of the *Travel Agents Act 1986*, despite the repeal of that Act, continues to apply.

Offences under Travel Agents Act 1986

Section 49 of the *Travel Agents Act 1986* and clause 12 of the *Travel Agents Regulation 2011*, despite the repeal of that Act and that Regulation, continue to apply to and in respect of any act or omission occurring before that repeal.

Continuation of disqualification

- (1) A person who was disqualified under section 21 of the *Travel Agents Act 1986* from holding a licence or from being involved in the direction, management or conduct of business as a travel agent immediately before the repeal of that Act, must not engage in any conduct that would have been a contravention of that disqualification during the period for which they were so disqualified.
Maximum penalty: 50 penalty units.
- (2) Section 4 of the *Travel Agents Act 1986* and clauses 4 and 5 of the *Travel Agents Regulation 2011*, despite the repeal of that Act and that Regulation, continue to apply for the purposes of this clause.

Part ceases to have effect

This Part ceases to have effect on and from a day to be appointed by proclamation.

Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Travel Agents Repeal Act 2014*.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.