

Travel Agents Order 2005

[2005-136]



New South Wales

Status Information

Currency of version

Repealed version for 8 April 2005 to 30 June 2014 (accessed 17 July 2024 at 21:34)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Order was impliedly repealed by repeal of the [Travel Agents Act 1986 No 5](#) by sec 3 to the [Travel Agents Repeal Act 2014 No 17](#) with effect from 1.7.2014.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 2014

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Travel Agents Order 2005



New South Wales

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

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.

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*.