

2006

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

AGENTS AMENDMENT REGULATION 2006 (No 1)

SUBORDINATE LAW SL2006-18

EXPLANATORY STATEMENT

Circulated by authority of the
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AGENTS AMENDMENT REGULATION 2006 (No 1)

Overview

The Agents Amendment Regulation is made under the *Agents Act 2003* and modifies the qualification requirements for ACT travel agents and exempts licensed travel agents in other jurisdictions who advertise in the ACT, but do not have a physical presence in the ACT, from the requirement to be licensed in the ACT.

Qualification requirements for travel agents

The new qualifications are based on competency standards that are part of a nationally recognised training package endorsed by the National Quality Council. If applied uniformly across jurisdictions, the new requirements will become the “national standard”.

Under the new qualification requirement, applicants can either have completed the relevant unit of competency under the *Tertiary Accreditation and Registration Act 2003* provided or assessed by an accredited provider, or have worked in the travel industry for one year over the preceding five years.

Multiple licence exemption

All Australian jurisdictions have agreed to adopt a uniform approach to the issue of licensing where licensed travel agents advertise or promote their services in a participating jurisdiction, other than the jurisdiction in which they hold a licence. This would eliminate the need for multiple licensing in such cases and relieve licensed agents of the need to hold more than one licence in some circumstances, while allowing them to conduct limited travel agency business across jurisdictions, without compromising the rights of consumers. This means that ACT travel agents can advertise in other jurisdictions without the need to be licensed in each jurisdiction.

The transitional provision will expire one year after the commencement of this regulation to ensure that the licensing eligibility interests of individuals who may have commenced or will complete the former qualification course after the amendment takes effect, are protected. The multiple licensing exemption will commence upon notification.

Outline of Clause Notes

Regulations 1 and 2 – Name of regulations and commencement

Regulations 1 and 2 are formal requirements for all regulations, specifying the title of the regulations and the commencement date. Regulation 2 provides that the regulations will commence upon notification.

Regulation 3 – Legislation amended

This regulation explains that the regulations amend the *Agents Act Regulations 2003*.

Regulation 4 – New section 5A

This regulation inserts in Part 1 of the Agents Regulation a new section 5A exemption which exempts a licensed travel agent in another jurisdiction, who advertises as a travel agent in the ACT, from the requirement to be licensed as a travel agent in the ACT. The travel agent must, however, include in each advertisement their name, the licence number of their travel agent's licence in another jurisdiction and the State in which the licence is current. The exemption from the application of the *Agents Act 2003* does not apply in circumstances where the licensed person advertising from another jurisdiction has a physical presence in the ACT or operates through another person who is physically present in the ACT. Similarly, ACT travel agents can take advantage of the exemption which will apply in all other Australian jurisdictions.

Regulation 5 – Section 6(4)

This regulation replaces subsection 6(4) of the Agents Regulation with a new subsection that sets out the various ways in which an individual applying for a travel agent's licence in the ACT can meet the qualification requirements for a licence. The transitional provisions ensure that the licensing interests of those individuals who were eligible for a travel agent's licence before the repeal of the *Agents Act 1968*, and those individuals who may have already commenced or will complete the former qualification course after the amendment takes effect, are protected.

These Regulations are made under the *Agents Act 2003* including section 6 and section 178 (the general regulation-making power).