

2006

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

AGENTS AMENDMENT REGULATION 2006 (No 3)

SUBORDINATE LAW (No SL2006-47)

EXPLANATORY STATEMENT

Circulated by authority of
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AGENTS AMENDMENT REGULATION 2006 (No 3)

Overview

The Agents Amendment Regulation is made under the *Agents Act 2003*. The Agents Act and Agents Regulation commenced on 1 November 2003. The Agents Act regulates the conduct of real estate, stock and station, business, travel and employment agents through the imposition of a licensing and registration system and a complaints and disciplinary system.

This Regulation amends the Agents Regulation 2003 to exempt a public company (within the meaning of the Corporations Act) operating in the ACT and one or more States, whose core business is the provision of a travel service, for example, an airline or a bus company, from the statutory requirement in section 24(4)(b) of the Agents Act 2003 for one of its directors to obtain a qualification when applying for a travel agent's licence in the ACT.

The exemption is necessary to facilitate a public company obtaining a travel agent's licence in circumstances where no directors of its corporation are able to satisfy the qualification requirement in section 24(4)(b) of the Agents Act. A key role of directors of public companies is the formulation of company policy rather than the day-to-day hands-on provision of travel agency services to the public.

Consumer protection for the ACT community will still apply in terms of the public having access to a licensed qualified manager running the day-to-day travel agency business, as the Agents Act requires a corporate licensee to employ a licensed (qualified) agent in charge of each place of business.

Outline of Clause Notes

Regulations 1 and 2 – Name of regulation and commencement

Regulations 1 and 2 are formal requirements for all regulations, specifying the title of the regulation and the commencement date.

Regulation 3 – Legislation amended

This regulation explains that the regulation amends the Agents Regulation 2003.

Regulation 4 – New section 5B

This regulation inserts a new clause 5B which exempts a public corporation operating in the ACT and one or more States seeking a corporate travel agent's licence from the statutory requirement to satisfy section 24(4)(b) of the Agents Act 2003.

Regulation 5 – Dictionary, note 2, new dot point

Regulation 5 inserts a definition of *Corporations Act* in the Dictionary at the end of the Agents Regulation 2003.