

AUSTRALIAN CAPITAL TERRITORY

AGENTS ACT 1968

EXEMPTION APPLICATION BY BUSINESS TRAVELLERS PTY LIMITED

NO. 1 OF 1996

EXPLANATORY STATEMENT

This instrument (copy attached) exempts Business Travellers Pty Limited from the “nominated” director requirements of paragraph 47B(b) of the *Agents Act 1968*, in order that the company may obtain a licence as a travel agent in the ACT

Background

The need for flexibility in licensing provisions was realised when drafting the legislation, and the exemption provision under subsection 3(2) of the Act was therefore included. The company has requested, in relation to its application for a licence as a travel agent, an exemption under the *Agents Act 1968*. This is not the first time that such an exemption has been granted to a travel company

Business Travellers Pty Limited is part of the Traveland Pty Limited group, which has extensive travel agency interests in all states and territories. Traveland Pty Limited itself holds an exemption, although this exemption does not cover other entities within the group. Particulars of Board members of Business Travellers Pty Limited are enclosed at *Attachment A*.

Paragraph 47B(b) of the *Agents Act 1968* requires a director of a travel company to have the prescribed qualifications before a licence can be granted. Under section 47C a person has the prescribed qualifications if he or she:

is of good fame and character;

has three years' experience as a travel agent or as an employee of a travel agent; and

has a prescribed educational qualification eg travel and tourism associate diploma awarded by a TAFE College

Eligibility of Business Travellers Pty Limited

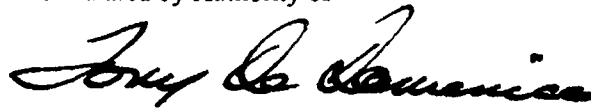
In the case of licence applications from organisations such as airlines and banks who have diversified into the travel agency business, or travel companies who operate in all or a number of other states, the requirement to have a director who holds specific travel industry qualifications may be impractical in the sense that the organisation may not have such a director.

With companies in this position, where the head office is interstate or in some cases overseas, the directors may be chosen for other management expertise rather than perhaps specific technical expertise (ie travel agency experience). The public's interests are protected by a requirement of section 71A of the *Agents Act 1968* that each branch be managed by a person holding the prescribed qualifications and who has been approved by the Agents Board of the ACT. The company must also be a participant in the Travel Compensation Fund.

The Agents Board is satisfied that the company's two outlets in the ACT are managed by persons with the prescribed qualifications, thereby complying with section 71A of the Act. The Board has approved the company's application, subject to an exemption under subsection 3(2) of the *Agents Act 1968* from the requirements of section 47B(b) of the Act, and has recommended that the exemption be granted.

Business Travellers Pty Limited to date is licensed in New South Wales, Queensland, South Australia and Tasmania. It should be noted that the states do not have the requirement that a company have a director who holds prescribed qualifications. This is a matter which will receive further attention in the Review of the *Agents Act 1968*.

Circulated by Authority of



Tony De Domenico
MINISTER FOR BUSINESS, EMPLOYMENT AND TOURISM

Date.

3 January, 1986.

BUSINESS TRAVELLERS PTY LIMITED
ACN 069 087 438

COMPANY DIRECTORS:

NAME	RESIDENTIAL ADDRESS	DATE & PLACE OF BIRTH	NATIONALITY	DATE OF APPOINTMENT
Graham Scott Perry	39 Raglan Street, Mosman, NSW, 2088	15/03/55, London, UK	British	15/07/95
Lyell Francis Strambi	3 Yeovil Road, Burwood, VIC, 3125	07/02/58, Melbourne, Aust	Australian	01/05/93
Gary Leigh Smith	33 Illawong Drive, Donvale, VIC, 3111	20/05/56, Melbourne, Aust	Australian	13/10/94

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