



Queensland

# Travel Agents Amendment Regulation (No. 1) 2005

## Subordinate Legislation 2005 No. 35

made under the

*Travel Agents Act 1988*

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**1 Short title**

This regulation may be cited as the *Travel Agents Amendment Regulation (No. 1) 2005*.

**2 Commencement**

This regulation commences on 1 April 2005.

**3 Regulation amended**

This regulation amends the *Travel Agents Regulation 1998*.

**4 Replacement of s 7 (Qualifications to be held by person for licence)**

Section 7—

*omit, insert—*

**‘7 Qualifications to be held by person for licence**

‘The prescribed qualifications for section 18(1)(c)(i)(A) and (ii)(A) of the Act are in schedule 3.’.

**5 Amendment of s 11 (Licensee to give notice of change of address and other changes)**

Section 11(2)(c)(ii), ‘qualifications stated in schedule 3, part 1’—

*omit, insert—*

‘qualifications, stated in schedule 3’.

**6 Insertion of new s 13**

After section 12—

*insert—*

**‘13 Transitional provision for category 1 licence qualifications**

‘(1) In addition to schedule 3, subsection (2) sets out prescribed qualifications for section 18(1)(c)(i)(A) and (ii)(A) of the Act until 31 March 2006.

- ‘(2) The prescribed qualifications for a category 1 licence may be satisfied by a person holding the qualifications prescribed under schedule 3, for the licence categories 1 or 2 prescribed under schedule 1, as the schedules were in force immediately before the commencement of this section.
- ‘(3) This section expires on 1 April 2006.’.

## **7 Replacement of sch 1 (Licence categories)**

Schedule 1—

*omit, insert—*

### **‘Schedule 1 Licence categories**

section 3

#### **‘1 Category 1**

‘The type of business for a category 1 licence is—

- (a) selling or arranging for the sale of—
- (i) a right to travel to or from a place outside Australia (*international travel*); or
  - (ii) a right to international travel and accommodation outside Australia; and
- (b) the type of business that a licensee may carry on under a category 2 licence.

#### **‘2 Category 2**

‘The type of business for a category 2 licence is selling or arranging for the sale of—

- (a) a right to travel between places in Australia (*domestic travel*); or
- (b) a right to domestic travel and accommodation in Australia.’.

**8 Amendment of sch 2 (Exemptions)**

- (1) Schedule 2, section 6, heading, ‘3 or 4’—  
*omit, insert—*  
‘2’.
- (2) Schedule 2, section 6(1)(a) and (b), ‘3 or 4’—  
*omit, insert—*  
‘2’.
- (3) Schedule 2, section 6(1)(b), ‘\$30 000’—  
*omit, insert—*  
‘\$50 000’.
- (4) Schedule 2—  
*insert—*

**‘9 Exemption for travel agents in another State**

- ‘(1) A person who is authorised to carry on business as a travel agent under a law of a reciprocating State is exempt from the application of the Act to the extent that the person—
  - (a) advertises in Queensland, if the person states in the advertisement—
    - (i) the person’s name; and
    - (ii) the licence number of any licence issued to the person under the law; and
    - (iii) the name, or a generally accepted abbreviation of the name, of the reciprocating State in which the licence was issued; or
  - (b) provides information to prospective customers in Queensland in connection with the person’s business as a travel agent.
- ‘(2) The exemption from the application of the Act under this section does not apply—
  - (a) if the person is physically present in Queensland; or
  - (b) if the person operates through another person who is physically present in Queensland.

‘(3) In the section—

*reciprocating State* means 1 or more of the following—

- (a) Australian Capital Territory;
- (b) New South Wales;
- (c) South Australia;
- (d) Tasmania;
- (e) Victoria;
- (f) Western Australia.’.

## **9 Replacement of sch 3 (Prescribed qualifications and approved travel training courses)**

Schedule 3—

*omit, insert—*

### **‘Schedule 3 Prescribed qualifications**

section 7

#### **‘1 Qualifications for category 1 licence**

‘(1) For a category 1 licence, the prescribed qualifications are—

- (a) the successful completion of a unit of competency that—
  - (i) is titled THTSOP20A (Construct normal international airfares); and
  - (ii) is provided by an organisation registered by a State registering authority to—
    - (A) deliver training or conduct assessments; and
    - (B) issue nationally recognised qualifications under the Tourism Training Package (THT02) in the Australian Quality Training Framework; or
- (b) 1 years’ full-time experience, during the 5 years before the application is made—

- (i) selling or arranging for the sale of a right to travel to or from a place outside Australia; or
- (ii) in employment as the person in charge of the day-to-day conduct of a place of business of a licensed travel agent in a participating State, selling or arranging for the sale of a right to travel to or from a place outside Australia.

‘(2) In this section—

***Australian Quality Training Framework*** means the AQTF under the *Vocational Education, Training and Employment Act 2000*.

***participating State*** means 1 or more of the following—

- (a) Australian Capital Territory;
- (b) New South Wales;
- (c) Queensland;
- (d) South Australia;
- (e) Tasmania;
- (f) Victoria;
- (g) Western Australia.

## ‘2 **Qualifications for category 2 licence**

‘For a category 2 licence, no qualifications are prescribed.’.

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### ENDNOTES

- 1 Made by the Governor in Council on 17 March 2005.
- 2 Notified in the gazette on 18 March 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Office of Fair Trading.