



# Travel Agents Repeal Act 2014

**Current as at 27 August 2014**

## **Reprint note**

This is the last reprint before repealed. Repealed on 31 August 2016 by 2014 Act No. 30 s 14.





## Queensland

# Travel Agents Repeal Act 2014

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# Travel Agents Repeal Act 2014

## An Act to repeal the *Travel Agents Act 1988*

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Travel Agents Repeal Act 2014*.

#### 2 Interpretation

(1) In this Act—

***commencement*** means the commencement of this section.

***former***, in relation to a provision, means a provision of the repealed Act.

***pre-repeal matter*** means an act, event or omission of a kind mentioned in former section 40(1)(a), (b) or (c) that was done, occurred or was omitted to be done before the commencement.

***repealed Act*** means—

- (a) for sections 11 to 13—the *Travels Agents Act 1988* as in force immediately before the commencement and that Act as continued in effect under this Act; or
  - (b) otherwise—the *Travel Agents Act 1988* as in force immediately before the commencement.
- (2) Terms defined in the repealed Act and used in this Act have, if the context permits, the same meaning as they had under the repealed Act.

## **Part 2                      Repeal of Travel Agents Act 1988**

### **3                      Repeal of Travel Agents Act 1988**

The Travel Agents Act 1988, No. 56 is repealed.

## **Part 3                      Savings and transitional provisions for repeal of Travel Agents Act 1988**

### **4                      Continuing effect of particular disqualifications**

- (1) This section applies to a person who was, immediately before the commencement, subject to a disqualification of the type mentioned in former section 25(2)(b) imposed by the commissioner permanently or for a specified period ending after the commencement.
- (2) On and from the commencement—
  - (a) former section 25(6) continues to apply, despite its repeal, to the person; and

*Note—*

Former section 25(2)(b) provided for the disqualification of a person from being involved in the direction, management or conduct of business as a travel agent.

- (b) former sections 26 and 26A continue to apply, despite their repeal, in relation to the review by QCAT of the commissioner's decision to impose the disqualification.

### **5                      Review provisions**

On and from the commencement, former sections 27, 27A and 37 continue to apply, despite their repeal, in relation to the

review by QCAT of a decision mentioned in former section 27(1) made by the trustees before the commencement.

## **6 Account keeping**

On and from the commencement, former section 33 continues to apply, despite its repeal, to a person who carried on business as a travel agent immediately before the commencement.

## **7 Compensation fund and trust deed**

- (1) On and from the commencement, former sections 36 and 38(1) and (3) continue to apply despite their repeal.
- (2) The trust deed, or an amendment to the trust deed, approved before the commencement continues to have effect on and from the commencement.

*Note—*

A copy of the Travel Compensation Fund Substitution Trust Deed is available from the Travel Compensation Fund's website, <[www.tcf.org.au](http://www.tcf.org.au)>.

## **8 Claims for compensation**

On and from the commencement—

- (a) former section 40 continues to apply, despite its repeal, in relation to a claim for compensation for loss suffered in consequence of a pre-repeal matter, whether the loss is suffered before, on or after the commencement; and
- (b) former section 41 continues to apply, despite its repeal, for determining a claim for compensation mentioned in paragraph (a) that is—
  - (i) made, but not finally determined by the trustees, immediately before the commencement; or
  - (ii) made on or after the commencement.

## **9 Trustees' subrogation rights etc.**

On and from the commencement, former section 42 continues to apply, despite its repeal, in relation to a payment made to a claimant under the compensation scheme, whether the claim or payment was made before, on or after the commencement.

## **10 Proceedings by or against trustees**

On and from the commencement, former section 43 continues to apply, despite its repeal, for—

- (a) a proceeding by or against the trustees started, but not finally concluded, before the commencement; or
- (b) an application by a claimant for review of—
  - (i) a decision of the trustees to refuse the claimant's claim for compensation, whether the decision was made before, on or after the commencement; or
  - (ii) a decision mentioned in section 5; or
- (c) a proceeding to exercise or enforce the trustees' subrogation rights under former section 42(3) started before, on or after the commencement.

## **11 Authorised officers**

- (1) For the purposes of investigating, monitoring and enforcing compliance with the repealed Act, on and from the commencement—
  - (a) former sections 45 to 47 and 50 continue to apply, despite their repeal; and
  - (b) an appointment of a person as an inspector, or an authorisation of a person as an authorised officer, under the repealed Act in effect immediately before the commencement, continues in effect.
- (2) Subsection (1)(b) stops applying when the appointment or authorisation expires or otherwise ends under the repealed Act.



## **12 Delegations**

- (1) This section applies for the purpose of—
  - (a) administering the repealed Act in relation to pre-repeal matters; and
  - (b) investigating, monitoring or enforcing compliance with the repealed Act.
- (2) On and from the commencement—
  - (a) the chief executive may make a delegation under former section 44A(1); and
  - (b) the commissioner may make—
    - (i) a delegation under former section 44; and
    - (ii) a subdelegation under former section 44A(2); and
  - (c) a delegation made under former section 44 or 44A(1), or a subdelegation made under former section 44A(2), in force immediately before the commencement continues in force until the delegation expires or otherwise ends under the repealed Act.

## **13 Offences against and proceedings under repealed Act**

- (1) On and from the commencement—
  - (a) former section 54 continues to apply, despite its repeal, in relation to an offence against the repealed Act; and
  - (b) former sections 55 and 56 continue to apply, despite their repeal, to a proceeding under or for the purposes of the repealed Act started before, on or after the commencement.
- (2) For subsection (1), it does not matter whether the offence was committed or the proceedings were started before, on or after the commencement.

## **Part 4                      Expiry**

### **14              Expiry**

This Act expires on the day the compensation scheme, established by the trust deed, is terminated under clause 27.1 of the trust deed.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Table of renumbered provisions

## 2 Key

Key to abbreviations in list of legislation and annotations

| Key         | Explanation                           | Key           | Explanation                |
|-------------|---------------------------------------|---------------|----------------------------|
| <b>AIA</b>  | <b>= Acts Interpretation Act 1954</b> | <b>(prev)</b> | <b>= previously</b>        |
| <b>amd</b>  | <b>= amended</b>                      | <b>proc</b>   | <b>= proclamation</b>      |
| <b>amd</b>  | <b>= amendment</b>                    | <b>prov</b>   | <b>= provision</b>         |
| <b>t</b>    |                                       |               |                            |
| <b>ch</b>   | <b>= chapter</b>                      | <b>pt</b>     | <b>= part</b>              |
| <b>def</b>  | <b>= definition</b>                   | <b>pubd</b>   | <b>= published</b>         |
| <b>div</b>  | <b>= division</b>                     | <b>R[X]</b>   | <b>= Reprint No. [X]</b>   |
| <b>exp</b>  | <b>= expires/expired</b>              | <b>RA</b>     | <b>= Reprints Act 1992</b> |
| <b>gaz</b>  | <b>= gazette</b>                      | <b>reloc</b>  | <b>= relocated</b>         |
| <b>hdg</b>  | <b>= heading</b>                      | <b>renu</b>   | <b>= renumbered</b>        |
|             |                                       | <b>m</b>      |                            |
| <b>ins</b>  | <b>= inserted</b>                     | <b>rep</b>    | <b>= repealed</b>          |
| <b>lap</b>  | <b>= lapsed</b>                       | <b>(retro</b> | <b>= retrospectively</b>   |
|             |                                       | <b>)</b>      |                            |
| <b>notf</b> | <b>= notified</b>                     | <b>rv</b>     | <b>= revised version</b>   |
| <b>d</b>    |                                       |               |                            |
| <b>num</b>  | <b>= numbered</b>                     | <b>s</b>      | <b>= section</b>           |

| <b>Key</b>    | <b>Explanation</b>        | <b>Key</b>   | <b>Explanation</b>                             |
|---------------|---------------------------|--------------|------------------------------------------------|
| <b>o in c</b> | <b>= order in council</b> | <b>sch</b>   | <b>= schedule</b>                              |
| <b>om</b>     | <b>= omitted</b>          | <b>sdiv</b>  | <b>= subdivision</b>                           |
| <b>orig</b>   | <b>= original</b>         | <b>SIA</b>   | <b>= Statutory Instruments Act 1992</b>        |
| <b>p</b>      | <b>= page</b>             | <b>SIR</b>   | <b>= Statutory Instruments Regulation 2012</b> |
| <b>para</b>   | <b>= paragraph</b>        | <b>SL</b>    | <b>= subordinate legislation</b>               |
| <b>prec</b>   | <b>= preceding</b>        | <b>sub</b>   | <b>= substituted</b>                           |
| <b>pres</b>   | <b>= present</b>          | <b>unnum</b> | <b>= unnumbered</b>                            |
|               |                           | <b>m</b>     |                                                |
| <b>prev</b>   | <b>= previous</b>         |              |                                                |

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| <b>Current as at</b> | <b>Amendments included</b> | <b>Notes</b>                                          |
|----------------------|----------------------------|-------------------------------------------------------|
| 1 July 2014          | none                       | certain provs commenced<br><br>RA ss 7(1)(k), 40, 42A |
| 25 August 2014       | 2014 Act No. 30            | RA ss 40, 43                                          |
| 27 August 2014       | —                          | certain provs expired                                 |

## 4 List of legislation

### **Travel Agents Repeal Act 2014 No. 30 (prev Construction and Tourism (Red Tape Reduction) and Other Legislation Amendment Act 2014)**

date of assent 28 May 2014

ss 1–2 commenced on date of assent

ch 3B commenced 13 May 2014 (see s 2(1A))

ch 2, ss 21(1), 25, 27–29, 31(1), ch 5, sch 1 commenced 1 July 2014 (see s 2(1))

ss 11–12 commenced 24 August 2014 (see s 2(2))

ss 14–16 commenced 1 July 2014 (2014 SL No. 130)

ch 6 commenced 25 August 2014 (2014 SL No. 130) and exp 26 August 2014 (see s 17)

remaining provisions commenced on date of assent

exp 31 August 2016 on the day the compensation scheme, established by the trust deed, is terminated under clause 27.1 of the trust deed (see s 14)

amending legislation—

### **Construction and Tourism (Red Tape Reduction) and Other Legislation Amendment Act 2014 No. 30 ss 1, 2(3)(b), ch 6**

date of assent 28 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 25 August 2014 (2014 SL No. 130)

## 5 List of annotations

**Long title** amd 2014 No. 30 s 78

### **PART 1—PRELIMINARY**

**pt hdg** ins 2014 No. 30 s 66

### **Short title**

s 1 amd 2014 No. 30 s 67

**Interpretation**

s 2 prev s 2 om 2014 No. 30 s 68  
pres s 2 amd 2014 No. 30 s 73

**Act amended**

s 3 om 2014 No. 30 s 69

**Amendment of s 3B (When an individual is not an eligible worker)**

s 4 om 2014 No. 30 s 69

**Amendment of s 50 (Number of days' service)**

s 5 om 2014 No. 30 s 69

**Amendment of s 71 (Exemption from payment of levy)**

s 6 om 2014 No. 30 s 69

**Amendment of s 73 (Meaning of cost of building and construction work)**

s 7 om 2014 No. 30 s 69

**Amendment of s 77 (Duty to sight approved form)**

s 8 om 2014 No. 30 s 69

**Act amended**

s 9 om 2014 No. 30 s 70

**Omission of s 52 (Casino community benefit fund)**

s 11 om 2014 No. 30 s 70

**Insertion of new pt 11, div 9**

s 12 om 2014 No. 30 s 70

**PART 4—EXPIRY**

pt hdg prev pt 4 hdg om 2014 No. 30 s 74  
pres pt 4 hdg (prev ch 5 pt 5 hdg) renum 2014 No. 30 s 75

**Expiry**

s 14 pres s 14 amd 2014 No. 30 s 76

**Application of pt 1**

s 15 prev s 15 exp 26 August 2014 (see s 17)

**Renumbering of Act**

s 16 prev s 16 exp 26 August 2014 (see s 17)

**Expiry of chapter**

s 17 prev s 17 exp 26 August 2014 (see s 17)

**Application of pt 2**

s 18 prev s 18 exp 26 August 2014 (see s 17)

**Expiry of Act**

s 19 prev s 19 exp 26 August 2014 (see s 17)

**CHAPTER 1—PRELIMINARY**

**ch hdg** om 2014 No. 30 s 66

**CHAPTER 2—AMENDMENT OF BUILDING AND CONSTRUCTION INDUSTRY (PORTABLE LONG SERVICE LEAVE) ACT 1991**

**ch hdg** om 2014 No. 30 s 69

**CHAPTER 3—GAMING AND WAGERING AMENDMENTS**

**ch hdg** om 2014 No. 30 s 70

**PART 1—AMENDMENT OF CASINO CONTROL ACT 1982**

**pt hdg** om 2014 No. 30 s 70

**CHAPTER 4—AMENDMENT OF REPRINTS ACT 1992**

**ch 4** (ss 49–50) om 2014 No. 30 s 71

**CHAPTER 5—REPEAL OF TRAVEL AGENTS LEGISLATION**

**ch hdg** om 2014 No. 30 s 72

**PART 1—PRELIMINARY**

**pt hdg** om 2014 No. 30 s 72

**Legislation amended**

**s 63** om 2014 No. 30 s 75

**CHAPTER 6—CONSEQUENTIAL AMENDMENTS OF CONSTRUCTION AND TOURISM (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT ACT 2014**

**ch hdg** exp 26 August 2014 (see s 17)

**PART 1—AMENDMENTS APPLICABLE BEFORE EXPIRY OF CH 5**

**pt hdg** exp 26 August 2014 (see s 17)

**PART 2—AMENDMENTS APPLICABLE AFTER EXPIRY OF CH 5**

**pt hdg** exp 26 August 2014 (see s 17)

**SCHEDULE 1—CONSEQUENTIAL AND MINOR AMENDMENTS**

om 2014 No. 30 s 77

## **6 Table of renumbered provisions**

under the Reprints Act 1992 s 43 as required by the Travel Agents Repeal Act 2014, s 79

| <b>Previous</b> | <b>Renumbered as</b> |
|-----------------|----------------------|
| 51              | 2                    |
| 52              | 3                    |
| 53              | 4                    |
| 54              | 5                    |

| <b>Previous</b> | <b>Renumbered as</b> |
|-----------------|----------------------|
| 55              | 6                    |
| 56              | 7                    |
| 57              | 8                    |
| 58              | 9                    |
| 59              | 10                   |
| 60              | 11                   |
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