

# **NORTHERN TERRITORY OF AUSTRALIA**

## **CONSUMER AFFAIRS AND FAIR TRADING (TRAVEL AGENTS) REGULATIONS**

As in force at 1 January 2010

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 January 2010

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## CONSUMER AFFAIRS AND FAIR TRADING (TRAVEL AGENTS) REGULATIONS

### Regulations under the *Consumer Affairs and Fair Trading Act*

#### 1 Citation

These Regulations may be cited as the *Consumer Affairs and Fair Trading (Travel Agents) Regulations*.

#### 2 Definitions

In these Regulations:

***business*** means business as a travel agent.

***category 1 business***, see regulation 2A(1).

***category 2 business***, see regulation 2A(2).

***international travel*** means travel to or from a place outside Australia.

***manager***, in respect of a place where a licensee carries on business, means the person (whether or not the licensee) required to be present and in charge of the day-to-day conduct of the business under section 213 of the Act.

#### 2A Business categories

- (1) A category 1 business is a business involved in the sale or arrangement for the sale of rights to international travel.
- (2) A category 2 business is a business, other than a category 1 business, involved in the sale or arrangement for the sale of rights to travel.

#### 3 Application for licence

- (1) An application for a licence shall be in accordance with:
  - (a) where the application is made by an individual, Form 1 in Schedule 1; or

- 
- (b) where the application is made by a body corporate, Form 2 in Schedule 1.

(2) An application for a licence shall be accompanied by:

- (a) where the person is a body corporate or intends to carry on business with a body corporate, proof of the incorporation of the body corporate; and
- (b) a certificate by the Commissioner under the *Business Names Act* that the business name or business names under which the person intends to carry on business is or are registered under that Act,

and the application shall not be taken to be made unless this subregulation is complied with.

#### **4 Details to appear in notification**

The details to be included in a notice published in a newspaper under section 190(3C)(b) of the Act are:

- (a) the name of the person applying for a licence;
- (b) the name of each person who is to be a manager of the business of the person applying for a licence; and
- (c) where the application for a licence is made by a body corporate – the names of each director of the body corporate.

#### **5 Security at place of business**

For the purposes of section 195(1) of the Act, it is a condition of a licence that the licensee shall make reasonable arrangements, at each place where the licensee carries on business, for the safe custody and security against theft, loss, destruction, damage or unauthorised interference, of all sold tickets from time to time held by the licensee.

#### **6 Notification of change of particulars**

For the purposes of section 195(1) of the Act, it is a condition of a licence that the licensee shall, within 14 days after becoming aware of an alteration to the particulars supplied by the licensee in the licensee's application for the licence, provide the Commissioner with details of the alteration.

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## **7 Annual fee and return**

- (1) For the purposes of section 198(1) of the Act, the date in each year for the payment to the Commissioner of the prescribed annual licence fee, and the lodgement with the Commissioner of an annual return, is 30 June.
- (2) The information to be contained in an annual return lodged with the Commissioner under section 198(1)(b) of the Act is, where the Commissioner has provided the licensee with a copy of the particulars held by the Commissioner in respect of the licensee:
  - (a) where the particulars are correct – confirmation that the particulars are correct; or
  - (b) where the particulars are not correct – the submission of such information as is necessary to correct the particulars.

## **8 Particulars to be contained in register of licences**

The particulars in respect of a licensee to be contained in the register of licences kept under section 199 of the Act are:

- (a) the full name and residential address and telephone number of the licensee;
- (b) the date the Commissioner granted a licence to the licensee, the number of the licence and the category of licence granted;
- (c) the business name or business names under which the licensee carries on business;
- (d) the principal place of business at which the licensee carries on business and the category of business carried on at that place;
- (e) any other places at which the licensee carries on business and the category of business carried on at those places;
- (f) the name and residential address of each person who is a manager of the business of a licensee;
- (g) where the licensee is a corporation:
  - (i) the name and address of each director of the corporation;
  - (ii) the registered address of the corporation; and
  - (iii) the ASIC Number of the corporation;

- 
- (h) exemptions, if any, that apply to the licensee;
  - (j) the conditions or restrictions, if any, imposed on the licence;
  - (k) a record of convictions and penalties, if any, imposed for contravention of the Act;
  - (m) details of a variation, if any, of the licensee's licence;
  - (n) the date of issue of a duplicate licence, if any, to the licensee under section 202 of the Act;
  - (p) a record of a suspension or cancellation, if any, of the licensee's licence under section 198 of the Act;
  - (q) a record of disciplinary proceedings, if any, under Division 4 of Part 11 of the Act or an appeal, if any, under Division 5 of Part 11 of the Act, in respect of the licensee and the outcome of such proceedings or such an appeal;
  - (r) an order, if any, made by the Local Court under section 218 of the Act that the licensee refrain from unjust conduct and a variation or discharge, if any, of such an order under section 219 of the Act; and
  - (s) the date of surrender of the licensee's licence.

## **9 Notice and particulars to be displayed**

The notice which a licensee displays under section 209 of the Act at each place at which the licensee carries on business shall:

- (a) be not less than 200 millimetres high and not less than 200 millimetres long;
- (b) display:
  - (i) the words "Licensed Travel Agent";
  - (ii) the name of the licensee;
  - (iii) the name of the manager at that place;
  - (iv) a statement that the Commissioner of Consumer Affairs in the Northern Territory of Australia has granted a licence to the licensee and the date on which the licence was granted;
  - (v) the category of business carried on under the licence; and

- 
- (vi) the number of the licence; and
  - (c) where the Commissioner has provided to the licensee a logo for the purposes of inclusion with the notice under this regulation, display the logo.

## **10 Prescribed qualifications and experience – section 213 of Act**

- (1) The prescribed qualifications and experience for a manager for a category 1 business are:
  - (a) successful completion of Unit of Competency THTSOP20A provided or assessed by an organisation registered by a State or Territory to deliver training or conduct assessments, and to issue nationally recognised qualifications, in accordance with the Australian Quality Training Framework; or
  - (b) 1 year full-time experience, obtained during the 5 year period immediately before starting to perform duties as a manager for the business:
    - (i) selling or arranging for the sale of rights to international travel; or
    - (ii) in employment as a manager for a category 1 business; or
    - (iii) in employment as a person in charge of the day-to-day conduct of a place of business of a travel agent licensed under a corresponding law that involves the selling or arranging for the sale of rights to international travel.

### *Note*

*There are no prescribed qualifications or experience for a manager for a category 2 business.*

- (2) In this regulation:

**Australian Quality Training Framework** means the AQTF as defined in the *Northern Territory Employment and Training Act*.

## **11 Forms**

- (1) The matters required to be specified in a form are prescribed matters for the purposes of section 190 of the Act.
- (2) A form shall be completed in accordance with the directions, if any, given in the form.

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**12        Fees**

The fees prescribed in Column 2 of Schedule 2 are payable in relation to the matters described opposite in Column 1 of the Schedule.

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## Schedule 1

### FORM 1

#### NORTHERN TERRITORY OF AUSTRALIA

#### *Consumer Affairs and Fair Trading Act*

#### **CONSUMER AFFAIRS AND FAIR TRADING (TRAVEL AGENTS) REGULATIONS**

regulation 3(1)(a)

#### APPLICATION FOR TRAVEL AGENT'S LICENCE BY AN INDIVIDUAL

Please use block letters. If the space is insufficient attach extra sheets. All questions must be answered and full particulars provided.

1. Application is made for a Travel Agent's Licence by (*full name*)  
.....
2. Residential Address (*not Post Office Box No.*)  
.....  
  
Address for service of notices .....  
Telephone No. (Office Hours) .....  
(After Hours) .....
3. Date of Birth ..... Place of Birth .....
4. Business name(s) .....
5. Date business name(s) registered .....
6. Principal business address (*include business name for the address if more than one business name is registered*) .....  
Telephone No. ....
7. Additional business address (*include business name for each address if more than one business name is registered*) .....
8. If you intend to carry on business in partnership with an individual, the name and the address of each intended partner (*a separate application is required by each partner*)  
.....

- 
9. If you intend to carry on business in partnership with a corporation, the name, business name, the address of the registered office, the date and place of incorporation, and the name and address of each director of each corporation  
.....
10. What is the category of travel business to be conducted? (*Circle the appropriate category*)
- Category 1
- Category 2
11. Persons in charge of the day-to-day operations of each business location must have the prescribed experience and qualification(s) (See *explanatory notes*)
- (a) Details of such persons at each business location listed
- Name .....
- Date and Place of Birth .....
- Private Address .....
- (Not Post Office Box No.) .....
- Telephone No. ....
- (*If more than one, please provide details on a separate sheet*)
- (b) Experience, as a travel consultant/manager, of persons nominated in paragraph (a) (*employers' names and periods of employment*)  
.....
- (c) Details of travel courses successfully completed by persons nominated in paragraph (a)  
.....
12. With respect to any person included in this application:
- (a) has he or she ever been convicted, fined or disqualified by a Court, Tribunal, Board or other Authority in respect of any business or other dealings in the Northern Territory or elsewhere or been a member of a company so dealt with?  
.....
- (b) by what other name(s) is he or she known, or has been known?  
.....

- 
- (c) has he or she been convicted of an offence/offences involving fraud or dishonesty in the 10 years preceding the date of application? If so, please quote the relevant date(s), jurisdiction(s) and sentence(s).  
.....

- (d) has he or she been declared bankrupt or assigned his or her estate for the benefit of his or her creditors? If so, please give date(s) and jurisdiction(s).  
.....

- (e) has he or she held a position as secretary or director in a company which has been wound up or placed under a receiver or official manager, or which has entered into a scheme of arrangement with its creditors? If so, please give details.  
.....

#### DECLARATION

I hereby declare that to the best of my knowledge the particulars furnished for the purpose of obtaining a licence under the *Consumer Affairs and Fair Trading Act* are true and correct in every detail.

.....  
Date

.....  
Signature

#### NOTES

1. A certificate of the Commissioner under the *Business Names Act* that each business name stated in this application has been registered under that Act must accompany this form.
2. Where the application intends to carry on business as a travel agent in partnership with a body corporate proof of the body corporate's incorporation must also accompany this form.

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**FORM 2**

**NORTHERN TERRITORY OF AUSTRALIA**

***Consumer Affairs and Fair Trading Act***

***CONSUMER AFFAIRS AND FAIR TRADING (TRAVEL AGENTS)  
REGULATIONS***

regulation 3(1)(b)

**APPLICATION FOR TRAVEL AGENT'S LICENCE BY A BODY  
CORPORATE**

Please use block letters. If space insufficient attach extra sheets. All questions must be answered and full particulars provided.

1. Application is made for a Travel Agent's Licence by (*show registered name of corporation*)  
.....
2. Date and place of incorporation .....  
.....
3. Principal business address .....  
Telephone No .....  
Business trading name(s) registered for purpose of carrying on  
business as a travel agent .....  
Date business name(s) registered .....  
Address for service of notices .....
4. Registered office address (*if different from principal business address*)  
.....  
.....
5. Addresses where you will carry on business as a travel agent (*include business name for each address if you have registered more than one business name in respect of the business*)  
.....
6. Information in respect of each director, or other persons concerned in the management of the corporation

Names	Position Held	Residential Address	Post Code	Date of Birth	Place of Birth
.....					
.....					
.....					

- 
7. If you intend to carry on business in partnership with an individual, the name and the address of each individual (*a separate application is required by each partner*)  
 .....
8. If you intend to carry on business in partnership with a corporation, the name, business name, address of the registered office, date and place of incorporation, and the name and address of each director of each corporation  
 .....
9. What is the category of travel business to be conducted? (*Circle the appropriate category*)
- Category 1
- Category 2
10. Persons in charge of the day-to-day operations of each business location must have the prescribed experience and qualification(s). (See *explanatory notes*)
- (a) Details of such persons at each business location listed
- Name .....
- Date and Place of Birth .....
- Private Address .....
- (Not Post Office Box No.) .....
- Telephone No. ....
- (*If more than one, please provide details on a separate sheet*)
- (b) Experience, as a travel consultant/manager, of persons nominated in paragraph (a) (*employers' names and periods of employment*)  
 .....
- (c) Details of travel courses successfully completed by persons nominated in paragraph (a)  
 .....
11. Are there any persons, other than those detailed in the answers to questions 6 and 10, with substantial control of the corporation? If so, please give details.
- Full Name .....
- Former Name(s) (if any) .....
- Occupation .....
- Residential Address .....
- Date and Place of Birth .....

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12. With respect to any person included in this application:

- (a) has he or she ever been convicted, fined or disqualified by a Court, Tribunal, Board or other Authority in respect of any business or other dealings in the Northern Territory or elsewhere or been a member of a company so dealt with?  
.....
- (b) by what other name(s) is he or she known, or has been known?  
.....
- (c) has he or she been convicted of an offence/offences involving fraud or dishonesty in the 10 years preceding the date of application? If so, please quote the relevant date(s), jurisdiction(s) and sentence(s).  
.....
- (d) has he or she been declared bankrupt or assigned his or her estate for the benefit of his or her creditors? If so, please give date(s) and jurisdiction(s).  
.....
- (e) has he or she held a position as secretary or director in a company which has been wound up or placed under a receiver or official manager, or which has entered into a scheme of arrangement with its creditors? If so, please give details.  
.....

#### DECLARATION

I/We hereby declare that to the best of my/our knowledge the particulars furnished for the purpose of obtaining a licence under the *Consumer Affairs and Fair Trading Act* are true and correct in every detail. (To be signed by no less than two directors).

.....  
Signature

.....  
Signature

.....  
Full Name

.....  
Full Name

.....  
Date

.....  
Date

#### NOTES

1. A certificate of the Commissioner under the *Business Names Act* that each business name stated in this application has been registered under that Act must accompany this form.

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2. Proof of the incorporation of the applicant and of any partner with whom the applicant intends to carry on business as a travel agent who is a body corporate must also accompany this form.

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**Schedule 2**

regulation 12

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Matter	Fee (revenue units)
Processing of licence application – section 190(2) of the Act	25
Grant of licence – section 193(8) of the Act	25
Variation of licence – section 194(5) of the Act	25
Annual licence fee – section 198(1)(a) of the Act	55
Amount for default – section 198(2) of the Act	200
Issue of certificate – section 199(5) of the Act	25
Issue of duplicate licence – section 202(1) of the Act	25

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Consumer Affairs and Fair Trading (Travel Agents) Regulations (SL No. 26, 1995)***

Notified	30 June 1995
Commenced	30 June 1995

***Statute Law Revision Act 2002 (Act No. 18, 2002)***

Assent date	7 June 2002
Commenced	7 June 2002

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date	14 December 2005
Commenced	14 December 2005

***Consumer Affairs and Fair Trading Amendment Regulations 2006 (SL No. 15, 2006)***

Notified	31 May 2006
Commenced	1 July 2006 (r 2, s 2 <i>Consumer Affairs and Fair Trading Amendment Act 2002</i> (Act No. 41, 2002) and Gaz G20, 17 May 2006, p 6)

***Business Names Act 2007 (Act No. 1, 2007)***

Assent date	8 March 2007
Commenced	22 August 2007 (Gaz G34, 22 August 2007, p 7)

***Consumer Affairs and Fair Trading (Travel Agents) Amendment Regulations 2008 (SL No. 10, 2008)***

Notified	28 May 2008
Commenced	28 May 2008

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

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**3**

**LIST OF AMENDMENTS**

r 2	amd No. 10, 2008, r 3
r 2A	ins No. 10, 2008, r 4
r 3	amd Act No. 1, 2007, s 70
r 4	and No. 15, 2006, r 10
r 8	amd Act No. 18, 2002, s 7; Act No. 44, 2005, s 35
r 10	sub No. 10, 2008, r 5
sch 1	amd Act No. 1, 2007, s 71; No. 10, 2008, r 6
sch 2	sub No. 10, 2008, r 7; No. 34, 2009, r 5