



compliance

The Office of Consumer and Business Affairs investigates breaches of the *Travel Agents Act 1986*, including unlicensed operators.

SUBSTANTIAL PENALTIES MAY BE IMPOSED

We strongly recommend that you obtain a copy of the *Travel Agents Act 1986* and Regulations from:

Service SA, Government Legislation Outlet, Lands Titles Office, 101 Grenfell Street, Adelaide SA 5000
Telephone **13 23 24**
or visit
www.parliament.sa.gov.au

Office of Consumer and Business Affairs

Business and Occupational Services

Level 3, Chesser House
91 - 97 Grenfell Street
Adelaide SA 5000
Telephone (08) 8204 9686

Regional Centres

Berri, Mount Gambier, Naracoorte, Port Augusta, Port Lincoln, Port Pirie,
Telephone **131 882**

Translating and Interpreting Services (TIS)

Telephone **131 450**

www.ocba.sa.gov.au

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Travel Agents

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Occupational Services



www.ocba.sa.gov.au

The main reason for licensing travel agents is to provide consumer protection. The Commissioner for Consumer Affairs administers the *Travel Agents Act 1986*. The legislation sets out minimum entry standards and promotes professional and ethical work practices in the travel industry.

Business Name

Under the *Travel Agents Act 1986*, you must not carry on business as a travel agent under any name except the agent's authorised name. The authorised name means either the name of the travel agent as it appears in the licence, or a business name registered by the travel agent under the *Business Names Act 1996*. The Commissioner must also be advised in writing of your business name before you commence business.

Management of a Travel Business

A travel agent's business must be managed and supervised by a person with qualifications approved by the Commissioner regardless of whether that person is the licensed travel agent or not.

Qualifications/Experience

To manage the business of a travel agent, certain qualifications and/or experience are required. There are two categories of travel business, each one having a different level of qualification and/or experience.

Category A / Business

Any business involving the sale of tickets or the arrangement of rights of passage for any international travel (by air or sea).

Category A / Qualifications

Successful completion of Unit of Competency THTSOP20A provided by an organisation registered by a state authority to deliver training and/or conduct assessments and issue nationally recognised qualifications in accordance with the Australian Quality Training Framework

OR

One year experience, in the five years preceding the application or employment, in selling of tickets or the arrangement of rights of passage for international travel or as a person in charge of the day to day conduct of a place of business of a licensed travel agent in a participating jurisdiction, selling tickets or arranging rights of passage for international travel.

Category B / Business

Any business involving the sale of tickets or the arrangement of rights of passage for any travel, or travel and accommodation, other than specified in Category A.

Category B / Qualifications

No Qualifications

For a list of approved training courses please contact us on 8204 9686, or visit our web site at www.ocba.sa.gov.au.

Travel Agents must be Licensed

Any natural person or body corporate who carries on business as a travel agent must be licensed under the *Travel Agents Act 1986*, subject to certain limited exceptions outlined below. If a business operates as a partnership then each proprietor of the business must hold an individual licence.

Are you Considered a Travel Agent?

You are considered to be carrying on the business of a travel agent if you:

- sell or arrange to sell the rights to travel in a vehicle that you do not own
- **OR**
- sell or arrange to sell the rights to accommodation at a place which you do not own if there is a travel component and even if you own the means of transport
- **OR**
- make incidental arrangements such as organising car hire or traveller's cheques if there is a travel component.

This therefore not only includes operators who promote themselves as travel agents, but may include wholesale or retail agents, railways, airlines, coach/bus/car/boat hire operators and tour operators.

Under the definition of 'accommodation', backpacker houses, hostels, bed and breakfast venues, motels, hotels, caravan and camping parks, conference organisers, and others may also require a licence.

Please note, if you are selling or arranging to sell the rights to travel as an employee of a travel agent, you are not considered to be carrying on the business of a travel agent.

Licence Required

If you are considered to be carrying on the business of a travel agent (refer previous), then you must be licensed if you are selling or arranging to sell the rights to:

- any overseas travel (and accommodation)
- **OR**
- travel (and accommodation) within Australia where the rights sold in any one year exceed \$50,000.

Licence not Required

You are not required to hold a licence as a travel agent if you are selling or arranging to sell the rights to:

- travel (and accommodation) within Australia where the rights sold in any one year do not exceed \$50,000
- **OR**
- travel in a vehicle for the purposes of day trips only (i.e. a round trip completed in a day) or
- **OR**
- travel in a vehicle used to provide regular passenger transport services where there are regular routes and timetables (excluding boats or aircraft).

Penalties

If you are convicted by the Courts of acting as a travel agent whilst unlicensed, you may be liable for a penalty of up to \$50,000 and the Court must order confiscation of profits made.

Entitlement to be Licensed

You are entitled to hold a licence if you:

- are 18 years of age or older
- are not disqualified from holding a travel agent's licence
- have made suitable arrangements in order to fulfill obligations that may arise under the Act
- are a member of the Travel Compensation Fund (TCF), and
- are a fit and proper person.

If the Commissioner refuses your licence application you can appeal to the District Court within one month from the date of refusal.

Obtaining a Licence

First, you need to apply for membership of the Travel Compensation Fund (TCF) and lodge the application with their office.

Travel Compensation Fund
15 Castlereagh Street
SYDNEY NSW 2000

Telephone (02) 8227 3500

Facsimile (02) 8227 3535

www.tcf.org.au

You can apply for a new licence by answering a series of questions orally, either over the telephone or in person at our Grenfell Street office. We will complete the application form for you using our computer-based system and an application form with your answers will be produced for you to check and sign. You will need to lodge with your application the specified fees and supporting documents. Our office will then assess your application to determine if you have met all the necessary criteria. You may wish to lodge your licence application at the same time as you lodge the TCF application. The TCF will notify the Commissioner as to whether you have been admitted into the Fund.

Travel Compensation Fund

You cannot be granted a licence unless you have been accepted as a member of the TCF. The TCF provides compensation for consumers who suffer loss from dealing with a travel agent. Each licensed travel agent contributes to the Fund and no travel agent will be admitted to membership unless they have sufficient financial resources to carry on business.

Once admitted to membership you will be required to regularly submit financial data and pay annual renewal fees to the Fund. The Fund covers consumer losses arising from the collapse of travel agents.

If, at any time, your membership is discontinued by the TCF, your licence will be cancelled.

Licence Fees

To obtain a list of current fees and charges and a licence application, telephone our office on (08) 8204 9686.

Your licence must be renewed and the fee paid each year. If you fail to do this, a penalty may be imposed and the licence cancelled.

In the case of a partnership, all partners are required to be licensed and pay the relevant fees.

Licence Certificate

A licence certificate is issued for each place of business. As a licensed travel agent, you must display your authorised name and licence number in a prominent position at each place of business (e.g. your certificate).

Some of your Obligations

When advertising in any media (other than recruiting staff), you must include your authorised travel agent's name and licence number. Business documents (e.g. letters, invoices, cheques etc) must also include these details.

You must notify the Commissioner in writing (within 14 days) of changes to your personal or business details (e.g. address, directorship, business name etc).

Mutual Recognition

If you want to carry on a business in South Australia as a travel agent and hold a current interstate/New Zealand registration in an equivalent occupation, you may be able to apply for mutual recognition in this State. For more details please contact this office.

Mutual Recognition only applies to individuals and not companies.