

## **TRAVEL AGENTS (AMENDMENT) BILL, 1977**

No. , 1977.

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### **A BILL FOR**

An Act to amend the Travel Agents Act, 1973, for the purposes of making further provision with respect to the licensing of travel agents, of requiring licensees to keep certain accounting records and of providing for the appointment of administrators in certain circumstances to administer the affairs and property of licensees and others, and for certain other purposes.

[MR BOOTH—17 November, 1977.]

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**BE**

*Travel Agents (Amendment).*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5    **1.** This Act may be cited as the "Travel Agents (Amend- Short title.  
ment) Act, 1977".

**2.** (1) Except as provided in this section, this Act shall Commence-  
commence on the date of assent to this Act. ment.

          (2) Section 4 shall, in its application to a provision  
10 of Schedules 1–7, commence on the day on which that  
provision commences.

          (3) The several provisions of Schedules 1–7 shall  
commence on such day or days as may be appointed by the  
Governor in respect thereof and as may be notified by  
15 proclamation published in the Gazette.

**3.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PARTS I AND II OF  
THE TRAVEL AGENTS ACT, 1973.

20    SCHEDULE 2.—AMENDMENTS TO PART III OF THE  
TRAVEL AGENTS ACT, 1973.

SCHEDULE 3.—AMENDMENTS TO PARTS IV AND V OF  
THE TRAVEL AGENTS ACT, 1973.

SCHEDULE 4.—INSERTION OF PART VA INTO THE  
TRAVEL AGENTS ACT, 1973.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5.—AMENDMENTS TO PART VI OF THE  
TRAVEL AGENTS ACT, 1973.

SCHEDULE 6.—INSERTION OF PART VIA INTO THE  
TRAVEL AGENTS ACT, 1973.

5 SCHEDULE 7.—AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PROVI-  
SIONS.

4. The Travel Agents Act, 1973, is amended in the  
10 manner set forth in Schedules 1–7.

Amendment  
of Act No.  
71, 1973.

5. Schedule 8 has effect.

Savings and  
transitional  
provisions.

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973.

15 (1) Section 2—

(a) From the matter relating to Part II, omit “9”,  
insert instead “9A”.

(b) After the matter relating to Part V, insert :—

PART VA.—TRAVEL AGENTS’ ACCOUNTS—ss.  
20 42A—42F.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5 (c) Omit the matter relating to Part VI, insert  
instead :—

PART VI.—TRAVEL AGENTS COMPENSATION  
FUND—*ss.* 43A–60.

- (d) After the matter relating to Part VI, insert :—

10 PART VIA.—ADMINISTRATION OF AFFAIRS  
AND PROPERTY OF LICENSEE, ETC.—*ss.*  
60A–60R.

- (2) (a) Section 4, definition of “fund”—

Omit “Fidelity Guarantee”, insert instead  
“Compensation”.

- 15 (b) Section 4, definition of “inspector”—

After the definition of “fund”, insert :—

“inspector” means an inspector appointed and  
holding office under section 9;

- (c) Section 4, definition of “record”—

- 20 After the definition of “person”, insert :—

“record” includes any account, deed, writing  
or document and any other record of  
information however compiled, recorded  
or stored, whether in printed or written  
25 form or on microfilm or by electronic  
process or other means;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(d) Section 4, definition of “registrar”—

5 Omit the definition, insert instead :—

“registrar” means the person for the time  
being appointed and holding office as  
registrar under section 9 (1);

10 (e) Section 4, definition of “superintendent of  
licenses”—

Omit “1912.”, insert instead “1912;”.

(f) Section 4, definition of “Supreme Court” or  
“Court”—

15 After the definition of “superintendent of  
licenses”, insert :—

“Supreme Court” or “Court” means the  
Supreme Court of New South Wales.

(g) Section 4 (2)—

At the end of section 4, insert :—

20 (2) A reference in this Act to a licensee or  
the holder of a licence includes a person referred  
to in section 5 (2) who is lawfully carrying on  
the business of a travel agent in respect of which  
25 that licensee or holder holds or held a licence,  
notwithstanding that the person so referred to is  
not himself the holder of a licence.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(3) Section 9 (8), (9), (10), (11)—

5 After section 9 (7), insert :—

(8) The Board may appoint any officer (including the registrar and the deputy registrar) appointed and holding office under subsection (1) to be an inspector for the purposes of this Act.

10 (9) The Board shall issue to each inspector a certificate of authority authorising him to exercise the powers conferred on inspectors by or under this Act.

15 (10) Where an inspector seeks to exercise any power conferred on inspectors by or under this Act, he shall, if requested to do so by any person apparently in charge of the premises in relation to which, or as the case may be, by the person in relation to whom, the power is sought to be exercised, produce to that person his certificate of authority.

20 (11) Notwithstanding any other provision of this Act, an inspector does not have authority under this Act to enter residential premises without the consent of the occupier of those premises unless the business of a travel agent is carried on in those premises.

25 (4) Section 9A—

After section 9, insert :—

9A. (1) An inspector—

(a) may for the purpose of ascertaining  
whether a person is, or at any time has been,  
carrying on the business of a travel agent in

Powers of  
entry and  
inspection.

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SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5                   contravention of this Act or whether a  
licensee is contravening or failing to comply  
with any provision of this Act or the regu-  
lations that is applicable to him, or has  
contravened or failed to comply with any  
10                   such provision, inspect and make copies  
of—
- 15                   (i) any record, or any part of any  
record, kept by or on behalf of that  
person or licensee with respect to the  
carrying on by that person or licen-  
see of the business of a travel agent;
- 20                   (ii) any record, or any part of any  
record, kept by a banker so far as  
that record relates to any business  
referred to in subparagraph (i);  
and
- 25                   (iii) where that person or licensee is a  
corporation which is being wound  
up, any record, or any part of any  
record, kept by the liquidator of that  
corporation; and
- 30                   (b) for that purpose may, subject to section 9,  
enter at any reasonable time any place at  
which that person or licensee carries on the  
business of a travel agent or at which that  
inspector has reasonable grounds for be-  
lieving that any records referred to in para-  
graph (a) are kept.

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (2) For the purpose of and in connection with  
an inspection under subsection (1), an inspector  
may—

10 (a) require any person apparently employed or  
engaged at any place entered pursuant to  
that subsection to produce to that inspector  
such records relating to the business of a  
travel agent carried on by the person or  
licensee in relation to whom the inspection  
is being conducted as are in the custody or  
under the control of the person apparently  
15 so employed or engaged;

(b) examine with respect to matters under this  
Act or the regulations any person apparently  
employed or engaged at any place so  
entered; and

20 (c) make such examination and inquiries as he  
thinks necessary to ascertain whether the  
provisions of this Act and the regulations  
are being or have been contravened or com-  
plied with.

25 (3) The expenses of and incidental to the con-  
duct of an inspection under this section shall be paid  
out of the Travel Agents Administration Account.

30 (4) Where an inspector has made a copy of  
a record or of part of a record in the exercise of the  
powers conferred on him by this section, that copy  
shall, if certified by him as being a true copy of that  
record or part, be evidence of the contents of that  
record or part in the same way as the original record.



*Travel Agents (Amendment).*

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART III OF THE  
TRAVEL AGENTS ACT, 1973.

(1) (a) Section 11 (3), (4)—

5 Omit the subsections, insert instead :—

(3) A licence shall be in force from the date of its issue or such later date as is specified in the licence until it is cancelled by or under this Act.

10 (4) Where the operation of a licence is suspended for any period under this Act, that licence is, for the purposes of this Act, deemed to be cancelled during that period.

(b) Section 11 (5)—

15 Omit “cease to be in force”, insert instead “be deemed to be cancelled”.

(2) Sections 12, 13, 14, 15, 15A, 15B, 15C, 15D, 15E—

Omit sections 12, 13, 14 and 15, insert instead :—

20 12. (1) Any individual, firm or corporation who or which proposes to carry on the business of a travel agent may make an application to the Board for the issue of a licence on his or its own behalf. Applications for licences.

25 (2) Any individual, firm or corporation who or which is the holder of a licence on his or its own behalf or who or which has made an application for such a licence (being an application which is pending) may make an application to the Board for the issue of a licence in respect of any individual who is nominated by him or it and who is or is to be in charge of a place at which he or it carries on or  
30 proposes to carry on the business of a travel agent.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

(3) An application for a licence shall—

- 5           (a) be in or to the effect of the prescribed form;
- (b) be made in the prescribed manner; and
- 10          (c) be accompanied by the prescribed fees and the prescribed initial contribution (except where the Board indicates that the initial contribution need not accompany the application).

15           (4) At least 7 days before an application is made under this section, the applicant shall cause a notice of the application, in or to the effect of the prescribed form, to be published in a newspaper which circulates generally throughout New South Wales.

20           (5) On receipt of an application made under this section, the Board shall forward to the superintendent of licenses the prescribed particulars of the application, and the superintendent shall, on receipt of those particulars, inquire into and make a report to the Board on such matters in relation to that

25           application as may be prescribed.

30           (6) An objection in writing to the granting of an application made under this section may be lodged with the Board within the prescribed period from the date on which notice of the application was published in accordance with subsection (4)—

- (a) by the superintendent of licenses or by any other member of the police force;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—continued.

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.

- 5 (b) by an inspector or by an officer of the  
Public Service; or
- (c) by any other person.

(7) An objection lodged under subsection (6)  
shall specify the grounds of the objection.

- 10 13. (1) Where an application made under section 12 (1) or (2) complies with section 12 (3) and the  
applicant has complied with section 12 (4), the Board Grant or refusal of applications.  
shall, except where the application is refused as pro-  
vided in subsections (2) to (6), grant the application  
15 at the expiration of the period for lodging objections  
under section 12 (6) or, if a hearing is required to  
be held in respect of the application as provided by  
subsection (7), at the conclusion of the hearing, and  
the registrar shall, as soon as practicable thereafter,  
issue the licence applied for.

- 20 (2) An application made under section 12 (1)  
by an individual shall be refused if that individual—

- (a) has not attained the age of 18 years;
- (b) is disqualified from holding a licence;
- (c) is unable to satisfy the Board that he—
- 25 (i) possesses sufficient experience and  
educational attainments to enable  
him to perform the duties generally  
performed by a travel agent;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (ii) has sufficient financial resources to  
enable him to carry on the business  
of a travel agent; and

(iii) is of good reputation and character  
and is otherwise a fit and proper  
person to hold a licence; or

10 (d) does not meet such other requirements as  
may be prescribed.

(3) An application made under section 12 (1)  
by a firm shall be refused if—

15 (a) any member of the firm has not attained the  
age of 18 years;

(b) the firm or any member of the firm is dis-  
qualified from holding a licence;

(c) the firm is unable to satisfy the Board that  
each member of the firm—

20 (i) possesses sufficient experience and  
educational attainments to enable  
him to perform the duties generally  
performed by a travel agent; and

25 (ii) is of good reputation and character  
and would be a fit and proper person  
to hold a licence if he were to apply  
for a licence,

30 and that the firm has sufficient financial  
resources to enable it to carry on the  
business of a travel agent; or

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (d) the firm, or any member of the firm, does  
not meet such other requirements as may  
be prescribed.

(4) An application made under section 12  
(1) by a corporation shall be refused if—

10 (a) any director of, or any person other than  
a director concerned in the management of  
the business of a travel agent carried on  
by, the corporation has not attained the age  
of 18 years;

15 (b) the corporation or any director of, or any  
person other than a director concerned in  
the management of the business of a travel  
agent carried on by, the corporation is  
disqualified from holding a licence;

20 (c) the corporation is unable to satisfy the  
Board that each director or other person  
concerned in the management of the  
business of a travel agent carried on by the  
corporation (including any director so  
concerned)—

25 (i) possesses sufficient experience and  
educational attainments to enable  
him to perform the duties generally  
performed by a travel agent; and

30 (ii) is of good reputation and character  
and would be a fit and proper  
person to hold a licence if he were  
to apply for a licence,

35 and that the corporation has sufficient  
financial resources to enable it to carry on  
the business of a travel agent and is a fit  
and proper person to hold a licence; or

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (d) the corporation or any director of, or any person other than a director concerned in the management of the business of a travel agent carried on by, the corporation does not meet such other requirements as may be prescribed.
- 10 (5) An application made under section 12 (2) shall be refused if—
- (a) the individual in respect of whom the application is made has not attained the age of 18 years;
- 15 (b) that individual is disqualified from holding a licence;
- (c) the applicant is unable to satisfy the Board that that individual—
- 20 (i) possesses sufficient experience and educational attainments to enable him to perform the duties generally performed by a travel agent; and
- (ii) is of good reputation and character and would be a fit and proper person to hold a licence if he were to apply for a licence; or
- 25 (d) that individual does not meet such other requirements as may be prescribed.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (6) Without limiting subsections (2) to (5),  
an application made under section 12 (1) or (2)  
in respect of which an objection has been lodged in  
accordance with section 12 (6) shall be refused if  
the Board is of the opinion that the objection is  
10 sustained and is sufficiently serious to warrant the  
application being refused.

15 (7) An application made under section 12  
(1) or (2) shall not be refused on any ground  
specified in subsection (2) (c) or (d), (3) (c) or  
(d), (4) (c) or (d) or (5) (c) or (d) or under  
subsection (6) unless the Board has first held a  
hearing in accordance with section 15B in respect  
of the application and has afforded the applicant an  
opportunity to appear at that hearing.

20 (8) Where an application made under section  
12 (1) or (2) is refused under this section or is with-  
drawn, there shall be refunded to the applicant, or  
to any other person who appears to the registrar to  
be entitled thereto, the fees (other than the fee  
referred to in section 16 (3)) and the initial  
25 contribution, if any, paid by the applicant under  
section 12 (3).

30 (9) Where an application made under section  
12 (1) or (2) is refused under this section, the Board  
shall forthwith, by notice in writing served on the  
applicant, inform him of that refusal and of the ground  
for that refusal.

SCHEDULE



*Travel Agents (Amendment).*

**SCHEDULE 2—continued.**

**AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.**

14. (1) A licence is subject to—

Conditions  
and  
restrictions  
to which  
a licence is  
subject.

5

(a) such conditions and restrictions as are prescribed; and

10

(b) subject to subsection (3), such conditions and restrictions as the Board imposes in accordance with the powers conferred on it by the regulations when granting the application for the licence or at any time during the currency of the licence.

15

(2) Subject to subsection (3), the Board may, at any time, revoke or vary conditions or restrictions imposed by the Board under subsection (1) (b).

20

(3) The Board shall not impose conditions or restrictions in respect of a licence, or vary conditions or restrictions applicable in respect of a licence, unless the Board has first held a hearing in accordance with section 15B with respect to the conditions or restrictions that are proposed to be imposed or varied, as the case may be, and has afforded the applicant for, or, as the case may be, the holder of, the licence an opportunity to appear at that hearing.

25

15. (1) Where a firm that is the holder of a licence— Variation of licence.

30

(a) is dissolved or otherwise terminated but the business of a travel agent carried on by the firm is continued by a new firm consisting of all or any of the members of the firm that is dissolved or otherwise terminated, together with one or more additional members; or

**SCHEDULE**



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) is reconstituted by the inclusion of one or  
more additional members without the firm  
being dissolved or otherwise terminated  
(whether any existing member ceases to be  
a member of the firm at the time of its  
reconstitution or not),

10 the new or reconstituted firm shall, within 7 days  
after the dissolution, termination or reconstitution,  
make an application to the Board to vary the licence  
by inserting the name or names of the additional  
member or members and, where appropriate, by  
15 omitting from the licence the name of any person  
who is not a member of the new or reconstituted firm.

Penalty : \$500.

20 (2) If a new or reconstituted firm referred to  
in subsection (1) does not make an application under  
that subsection to vary its licence within the period  
of 7 days after the inclusion of additional members  
of the firm or, having made such an application,  
withdraws the application before the expiration of  
that period, the licence is, by virtue of this subsection,  
25 cancelled at the expiration of that period.

(3) Where an application made by a new or  
reconstituted firm under subsection (1) to vary a  
licence—

30 (a) is withdrawn after the expiration of the  
period of 7 days referred to in subsection  
(2); or

(b) is refused by the Board,

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 the licence is, by virtue of this subsection, cancelled  
after the expiration of 7 days from the date on which  
the application is withdrawn, or, as the case may be,  
from the expiration of the period limited for appealing  
against the refusal or, where within the period so  
10 limited, an appeal against the refusal is made under  
section 42 and, on the hearing of the appeal, the  
refusal is confirmed, from the date on which the  
decision of the District Court confirming the refusal  
is notified to the firm, unless within the period of 7  
15 days last referred to in this subsection, the additional  
member or members to whom the application relates  
ceases to be a member, or, as the case may be, cease  
to be members, of the firm.

(4) Where a firm that is the holder of a  
licence—

20 (a) is dissolved or otherwise terminated but the  
business of a travel agent carried on by the  
firm is continued by a new or reconstituted  
firm consisting of some of the members of  
the firm that is dissolved or otherwise  
25 terminated or by an individual who was a  
member of that firm; or

(b) is reconstituted as a result of any of its  
members ceasing to be members of the firm  
without the firm being dissolved or otherwise  
30 terminated,

the new or reconstituted firm or, as the case may be,  
the individual shall, within 7 days after the dissolution,  
termination or reconstitution, make an application to  
the Board to vary the licence by omitting from the  
35 licence the name of any person who is not a member

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 of the new or reconstituted firm or, as the case may  
be, by omitting the names of persons other than the  
individual who made the application.

Penalty : \$100.

10 (5) A licensee who holds a licence in respect  
of an individual nominated as referred to in section  
12 (2) may make an application to the Board to vary  
the licence by substituting for the name of that  
individual the name of another individual.

15 (6) Where with respect to a prescribed  
particular contained in a licence any prescribed  
circumstance occurs, the licensee may make an  
application to the Board to vary the licence in such  
manner as is prescribed.

(7) An application for the variation of a  
licence shall be—

- 20 (a) in or to the effect of the prescribed form;  
(b) made in the prescribed manner; and  
(c) accompanied by the licence and by the  
prescribed fees (if any).

25 (8) Where prescribed, at least 7 days before  
an application is made under this section, the appli-  
cant shall cause a notice of the application, in or to  
the effect of the prescribed form, to be published in a  
newspaper which circulates generally throughout New  
South Wales.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (9) On receipt of an application made under  
this section, the Board shall, where prescribed, forward  
to the superintendent of licenses the prescribed particu-  
lars of the application, and the superintendent shall, on  
receipt of those particulars, inquire into and make a  
report to the Board on such matters in relation to that  
10 application as may be prescribed.

(10) Where prescribed, an objection in writing  
to the granting of an application made under this  
section may be lodged with the Board within the  
prescribed period from the date on which notice of  
15 the application was published in accordance with  
subsection (8)—

- (a) by the superintendent of licenses or by any  
other member of the police force; or
- (b) by an inspector or by an officer of the  
20 Public Service.

(11) An objection lodged under subsection  
(10) shall specify the grounds of the objection.

25 15A. (1) Where an application made under  
section 15 complies with section 15 (7) and the  
applicant has, where prescribed, complied with section  
15 (8), the Board shall, except as provided in sub-  
sections (2), (3) and (4), grant the application  
forthwith or, where a person is entitled to lodge an  
objection to the granting of the application, grant the  
30 application at the expiration of the period for lodging  
such an objection or, if a hearing is required to be  
held in respect of the application as provided by sub-  
section (5), at the conclusion of the hearing, and the  
registrar shall, as soon as practicable thereafter, vary  
35 the licence in the manner applied for.

Grant or  
refusal of  
application  
to vary  
licence.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5           (2) Where a firm has made an application  
under section 15 (1) to vary a licence by the inclusion  
of the names of additional members, that application  
shall be refused if the Board would, on any of the  
10 grounds specified in section 13 (3) (a), (b), (c) or  
(d), have refused that application had it been an  
application made by that firm under section 12 (1)  
for the licence as varied.

15           (3) An application made under section 15  
(5) in respect of an individual shall be refused if  
the Board would, on any of the grounds specified in  
section 13 (5) (a), (b), (c) or (d), have refused  
that application had it been an application made  
under section 12 (2) in respect of that individual.

20           (4) Without limiting subsections (2) and  
(3), an application made under section 15 in respect  
of which an objection has been lodged in accordance  
with section 15 (10) shall be refused if the Board is  
of the opinion that the objection is sustained and is  
sufficiently serious to warrant the application being  
refused.

25           (5) An application made under section 15  
(1) or (5) shall not be refused on any ground speci-  
fied in section 13 (3) (c) or (d) or, as the case may  
be, section 13 (5) (c) or (d) or under subsection  
(4) unless the Board has first held a hearing in  
30 accordance with section 15B in respect of the applica-  
tion and has afforded the applicant an opportunity to  
appear at that hearing.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (6) Where an application to vary a licence is refused under this section or is withdrawn, there shall be refunded to the applicant, or any other person who appears to the registrar to be entitled thereto, the fees (other than the fee referred to in section 16 (3)) paid by the applicant under section 15 (7).

10 (7) Where an application made under section 15 is refused under this section, the Board shall forthwith, by notice in writing served on the applicant, inform him of that refusal and of the ground for that refusal.

15 (8) A notice served under subsection (7) shall be accompanied by the applicant's licence.

15B. (1) A hearing referred to in section 13 (7), 14 (3) or 15A (5) shall be held as in open court at a meeting of the Board at which a quorum is present.

Hearings in respect of applications for licences and variations of licences, etc.

20 (2) At any such hearing—

(a) the applicant or, as the case may be, the licensee who is entitled to appear at the hearing may appear personally or by a barrister, solicitor or other agent appointed by him;

(b) the objector (if any) may appear personally or by a barrister, solicitor or other agent appointed by him; and

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

(c) the Board—

- 5 (i) shall permit evidence relevant to the  
hearing to be adduced by or on  
behalf of the objector (if any), and  
to be adduced by or on behalf of  
10 the applicant or, as the case may be,  
the licensee, with respect to any  
matters relating to the determination  
of the hearing, whether that evi-  
dence would be admissible in  
15 proceedings before a court of law or  
not;
- (ii) may receive any submission,  
whether written or verbal, made by  
or on behalf of the objector (if any),  
20 or made by or on behalf of the  
applicant or, as the case may be, the  
licensee, with respect to any such  
matters;
- (iii) may, subject to section 13 of the  
Oaths Act, 1900, require evidence  
25 at the hearing to be given on oath;  
and
- (iv) may, from time to time, adjourn the  
hearing to such time and place as  
it may specify.
- 30 (3) Any such hearing may be held in the  
absence of the applicant or, as the case may be, the  
licensee who is entitled to appear at the hearing if the  
Board is satisfied that the applicant or, as the case  
35 may be, the licensee was served with notice of the time  
and place of the hearing.

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5           (4) The Board may issue a subpoena in or  
to the effect of the prescribed form requiring the  
person to whom it is addressed—

          (a) to attend as a witness at any such hearing;  
              or

10           (b) to attend and produce at that hearing any  
records in his possession or under his  
control relating to any matter relevant to  
that hearing and specified in the subpoena.

15           (5) The issue of a subpoena under subsection  
(4) may be made by the Board on its own motion or  
on an application made to it by or on behalf of the  
objector (if any) or the applicant or, as the case may  
be, the licensee who is entitled to appear at the  
hearing.

20           (6) Where a subpoena is issued under sub-  
section (4), the registrar shall serve the subpoena on  
the person to whom it is addressed.

          (7) Where—

          (a) a person is served with a subpoena under  
              subsection (6);

25           (b) an amount that is sufficient to defray his  
travelling and out-of-pocket expenses in  
attending the hearing specified in the  
subpoena and producing anything required  
30           by the subpoena to be produced is tendered  
to him at the time of the service; and

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (c) without reasonable cause, he refuses or fails  
to comply with the subpoena,  
he is guilty of an offence and is liable on conviction to  
a penalty not exceeding \$200.

(8) A person on whom a subpoena is served  
under subsection (6) is entitled to receive—

10 (a) where the subpoena was issued by the Board  
on its own motion or on the application of  
an objector (being the superintendent of  
licenses or other member of the police force,  
15 an inspector or an officer of the Public  
Service), from the Board;

(b) where the subpoena was issued by the Board  
on the application of the applicant or  
licensee who is entitled to appear at the  
20 hearing, from that applicant or licensee, as  
the case may be; or

(c) where the subpoena was issued by the Board  
on the application of an objector (not being  
an objector referred to in paragraph (a)),  
from that objector,

25 his reasonable costs, including any loss of earnings,  
incurred by him in complying with the subpoena,  
calculated in accordance with the scales relating to  
subpoenas issued out of the District Court.

30 15c. (1) A licensee shall, in each year at the time  
when or during the period within which he is required  
to lodge a statement referred to in subsection (2) with  
the Board, pay to the Board the prescribed annual  
fees.

Annual fees  
and  
statement.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) A licensee shall, on a prescribed date in each year or within a prescribed period after that date, lodge with the Board, in respect of each year or part of a year during the currency of the licence, a statement containing such information as is prescribed.

10 (3) The Board, in its discretion, may, on the application of a licensee, extend or further extend the time for paying a fee under subsection (1) or lodging a statement under subsection (2).

15D. (1) Where—

15 (a) an individual who is, or a member of a firm that is, the holder of a licence, or any individual in respect of whom a licence is held—

Cancellation  
and  
suspension  
of licences.

20 (i) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or any part of his property for their benefit;

25 (ii) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a  
30 person under detention under Part VII of that Act; or

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (iii) is convicted of an offence involving fraud or dishonesty that is punishable by imprisonment for a period of or exceeding 3 months;
- (b) a corporation that is the holder of a licence—
- 10 (i) is commenced to be wound up, is under official management or has ceased to carry on business; or
- (ii) has entered into a compromise or scheme of arrangement with its
- 15 creditors;
- (c) a receiver and manager has been appointed, whether by the Supreme Court or otherwise, in respect of the property of a corporation that is the holder of a licence; or
- 20 (d) any director or other person concerned in the management of the business of a travel agent carried on by, a corporation is convicted of an offence involving fraud or dishonesty punishable by imprisonment for
- 25 a term of 3 months or more,

the Board may cancel the licence.

(2) Where the holder of a licence fails to comply with any provision of section 15c, the Board may cancel the licence.

30 (3) If in a case to which subsection (1) applies the Board considers it desirable to do so, the Board may, instead of cancelling the licence, suspend the licence for a specified period and may at any time remove such a suspension.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (4) Where a licence is cancelled or suspended under this section, the Board shall forthwith, by notice in writing served on the person who was the holder of the licence, inform him of that cancellation or suspension and of the ground for that cancellation or suspension.

10 15E. Where a licence held by a person on his or its own behalf is cancelled or suspended, any licence held by that person in respect of an individual is deemed to be cancelled or, as the case may be, suspended. Cancellation, etc., of licence held by licensee on behalf of an individual.

15 (3) Section 16 (1), (2), (3)—

Omit “or renewal” wherever occurring.

(4) Section 19—

Omit the section, insert instead :—

20 19. (1) The Board may, by notice in writing served on the holder of a licence, require that holder to deliver that licence to the Board within such period as may be specified in the notice. Failure to deliver up licence.

25 (2) The holder of a licence shall not, without reasonable excuse, fail to comply with a notice served on him under subsection (1).

Penalty : \$500.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (3) A reference in this section to a licence includes a reference to a licence that is cancelled or suspended under this Act and, in relation to any such licence, a reference in this section to the holder of a licence is a reference to the person whose licence was cancelled or suspended.

- 10 (5) (a) Section 22 (1) (b)—

Omit the paragraph, insert instead :—

- 15 (b) whose application for a licence has been refused (otherwise than pursuant to section 13 (2) (a), (c) (i) or (ii) or (d)), unless such an application has been subsequently granted.

- (b) Section 22 (5)—

After section 22 (4), insert :—

- 20 (5) For the purposes of this section, an individual who holds office as a director of a corporation that is the holder of a licence is deemed to be employed by the corporation notwithstanding that he would not, but for this subsection, be an employee of the corporation.

- 25 (6) Section 30 (3) (a) (ii)—

Omit “renewals.”

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*Travel Agents (Amendment).*

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SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PARTS IV AND V OF THE TRAVEL AGENTS  
ACT, 1973.

(1) Section 34 (b)—

5 Omit the paragraph, insert instead :—

- (b) he contravenes or fails to comply with a condition or restriction applicable in respect of the licence.

(2) Section 35 (c)—

10 Omit “nominated pursuant to section 10 (2), (3) or (4)”, insert instead “in respect of whom a licence is held”.

(3) Section 37 (2)—

15 Omit “or a person employed by the Board as an inspector in his capacity as such a member or inspector”, insert instead “by an inspector in his capacity as such”.

(4) Section 38 (1), (3)—

20 After “in this Part” wherever occurring, insert “and Part V”.

(5) (a) Section 39 (2) (a)—

Omit “and”.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(b) Section 39 (2) (b), (c)—

5 Omit section 39 (2) (b), insert instead :—

(b) particulars of the grounds upon which  
the defendant is required to show cause  
may be presented by a barrister or  
solicitor instructed by the Board or by a  
10 member of the police force or an  
inspector so instructed; and

(c) the Board—

(i) shall permit evidence relevant to  
the inquiry to be adduced by the  
person instructed by the Board as  
referred to in paragraph (b), and  
to be adduced by or on behalf of  
the defendant, with respect to the  
grounds upon which the defend-  
ant is required to show cause and  
with respect to any related  
matters, whether or not that evi-  
dence would be admissible in  
proceedings before a court of  
25 law;

(ii) may receive any submission,  
whether written or verbal, made  
by the person so instructed, or  
made by or on behalf of the  
defendant, with respect to those  
grounds and related matters and,  
where the defendant is an  
individual referred to in section  
35 (c) or is a director of a cor-  
poration or a member of a firm

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5 referred to in section 35 (e), any  
written submission made in  
answer to the notice served on  
the defendant under section 38  
10 (1) or (3) by the holder of the  
licence in respect of the defend-  
ant, the corporation of which the  
defendant is a director or the firm  
of which the defendant is a  
member, as the case may be;
- 15 (iii) may, subject to section 13 of  
the Oaths Act, 1900, require  
evidence at the inquiry to be  
given on oath; and
- 20 (iv) may, from time to time, adjourn  
the inquiry to such time and  
place as it may specify.

(6) (a) Section 40 (1)—

Omit "books, papers or writings", insert instead  
"records".

(b) Section 40 (3)—

25 Omit "a District", insert instead "the District".

(7) Section 41 (1) (c)—

Omit "not exceeding the unexpired term of the  
licence", insert instead "specified by the Board not  
exceeding 3 years".

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(8) Section 42—

5 Omit the section, insert instead :—

10 42. (1) Where the Board refuses an application for a licence on any ground specified in section 13 (2) (c) or (d), (3) (c) or (d), (4) (c) or (d) or (5) (c) or (d) or under section 13 (6), an appeal against the decision of the Board refusing the application may be made to the District Court by the applicant. Right of appeal to District Court.

15 (2) Where the Board imposes a condition or restriction under section 14 (1) (b), an appeal against the decision of the Board imposing that condition or restriction may be made to the District Court by the applicant for, or, as the case may be, the holder of, the licence in respect of which the condition or restriction is imposed.

20 (3) Where the Board refuses an application to vary a licence on any ground specified in section 13 (3) (c) or (d) (as referred to in section 15A (2)) or in section 13 (5) (c) or (d) (as referred to in section 15A (3)) or under section 15A (4), an appeal against the decision of the Board refusing the application may be made to the District Court by the licensee who made the application.

*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (4) Where the Board grants an application  
for a licence or an application to vary a licence and  
an objection to the granting of the application was  
lodged in accordance with section 12 (6) or, as the  
case may be, section 15 (10), an appeal against the  
10 decision of the Board granting the application may be  
made to the District Court by the objector.

15 (5) Where the Board refuses an application  
made under section 23 or imposes any condition under  
that section in relation to any such application, an  
appeal against the decision refusing the application or  
imposing the condition, as the case may be, may be  
made to the District Court by the licensee who made  
the application.

20 (6) Where the Board makes a determination  
under section 41 (1) (paragraph (a) excepted), an  
appeal against the determination may be made to the  
District Court by any of the following persons :—

- (a) the defendant in respect of whom the  
determination is made;
- 25 (b) where the defendant is an individual in  
respect of whom a licence is or was held,  
the licensee or former licensee, as the case  
may be;
- (c) where the defendant is a director of a cor-  
poration, or member of a firm, that is or  
30 was the holder of a licence, that corporation  
or firm.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5 (7) Where the Board makes a determination referred to in section 41 (1) (a) and the inquiry in relation to which the determination was made resulted from a complaint made under section 35 or 36, an appeal against the determination may be made to the District Court by the complainant.
- 10 (8) An appeal under this section shall not be dealt with unless it is made within the prescribed period in accordance with the rules of court of the District Court.
- 15 (9) An appeal made under this section shall be dealt with by way of rehearing in accordance with the rules of court of the District Court.
- 20 (10) Notice of an appeal made under this section shall be given to such persons as may be prescribed by rules of court of the District Court or as the District Court may direct and those persons shall, together with the appellant, be the parties to the hearing of the appeal.
- 25 (11) At the hearing of an appeal made under this section, the District Court may admit in evidence any statement, submission or other evidence which was or could have been adduced in the proceedings before the Board which gave rise to the appeal, notwithstanding that that statement, submission or evidence might not normally be admitted in evidence
- 30 in a court of law.

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (12) The District Court may, in deciding an  
appeal made under this section—

(a) confirm the decision or determination of  
the Board appealed against; or

10 (b) substitute for that decision or determination  
any decision or determination that the  
Board had jurisdiction to make.

(13) The decision of the District Court in  
respect of an appeal made under this section shall be  
final and shall be deemed to be the decision or  
determination of the Board.

15 (14) Where the decision of the District Court  
in respect of an appeal made under subsection (6)  
confirms a determination cancelling or suspending the  
licence of a person or the decision of that Court in  
20 respect of an appeal made under subsection (6) or  
(7) is a determination cancelling or suspending a  
licence and the licence is not already in the possession  
of the Board, the person in possession of that licence  
shall, forthwith after being notified of the decision  
of the Court, lodge the licence with the Board.

25 Penalty for an offence against this subsection :  
\$500.

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SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4.

Sec. 4.

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973.

Part VA—

5 After Part V, insert :—

PART VA.

TRAVEL AGENTS' ACCOUNTS.

42A. (1) A licensee shall—

Accounts  
to be kept  
by a  
licensee.

10

(a) keep such accounting records as correctly  
record and explain the transactions and  
financial position of the business of a travel  
agent carried on by him;

15

(b) keep his accounting records in such a  
manner as will enable true and fair profit  
and loss accounts and balance sheets to be  
prepared from time to time; and

20

(c) keep his accounting records in such a  
manner as will enable profit and loss  
accounts and balance sheets of the business  
of a travel agent carried on by him to be  
conveniently and properly audited.

Penalty : \$1,000 or imprisonment for a term of  
6 months.

25

(2) A licensee shall be deemed not to have  
complied with subsection (1) in relation to accounting  
records unless those records—

30

(a) are kept in the English language or in such  
manner as will enable them to be readily  
converted into writing in the English  
language;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (b) are kept in sufficient detail to show particulars of—
- (i) all money received or paid by the licensee, including money paid to, or disbursed from, a trust account;
- 10 (ii) all income received from commissions and other sources, and all expenses, commissions and interest paid, by the licensee; and
- (iii) all the assets and liabilities (including contingent liabilities) of the licensee;
- 15 (c) are kept in sufficient detail to show separately particulars of every transaction of the licensee; and
- 20 (d) specify the day on which, or the period within which, each transaction by the licensee took place.

25 (3) Without affecting the operation of subsection (2), a licensee shall keep accounting records in sufficient detail to show separately particulars of all transactions by the licensee with, or for the account of—

- (a) clients of the licensee, excluding in the case of a licensee that is a firm, the members of the firm;
- 30 (b) the licensee himself, and, where the licensee is a firm, the members of the firm;

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

(c) other licensees;

5 (d) travel agents carrying on business outside  
New South Wales; and

(e) employees of the licensee.

Penalty : \$500.

10 (4) An entry in the accounting records of a  
licensee required to be kept in accordance with this  
section shall, until the contrary is proved, be deemed  
to have been made by the licensee or with his approval  
or authority.

15 (5) Where an accounting record required by  
this section to be kept is not kept in writing in the  
English language, the licensee shall, if required to  
convert the record into writing in the English language  
by a person entitled to examine the record, comply  
with the requirement within a reasonable time.

20 Penalty : \$500.

25 (6) Notwithstanding any other provision of  
this section, a licensee shall be deemed not to have  
failed to keep an accounting record referred to in  
subsection (1) by reason only that the record is kept  
as a part of, or in conjunction with, the records  
relating to any business carried on by him other than  
that of a travel agent.

30 (7) If a licensee keeps accounting records at  
a place outside New South Wales, he shall cause to be  
sent to and kept at a place in New South Wales such

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 particulars with respect to the business dealt with in  
those records as will enable true and fair profit and  
loss accounts and balance sheets to be prepared.

Penalty : \$500.

10 42B. (1) In this section and in section 42C, Licensee's  
“client”, in relation to a licensee, means a person from trust  
whom or on whose account the licensee receives money accounts.  
as referred to in subsection (3).

15 (2) A licensee shall open at and maintain  
with a bank or banks in New South Wales one or more  
current or deposit accounts designated as a trust  
account or, as the case may be, as trust accounts.

20 (3) Subject to subsections (4) and (5),  
where money is received by a licensee from or on  
account of a person for whom he is acting in relation  
to the receipt of that money in the course of his carry-  
ing on the business of a travel agent and is money to  
or in respect of which a person other than the licensee  
is entitled or has a claim, the licensee shall pay that  
money into a trust account maintained by him under  
subsection (2), not later than the next day on which  
25 the bank at which that account is maintained is open  
for business after the day on which he received that  
money.

30 (4) Where money which would, but for this  
subsection, be required under subsection (3) to be  
paid into a trust account is received by a licensee at a  
place outside New South Wales, the licensee may pay  
that money into a trust account maintained by the  
licensee in that place.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (5) Subsection (3) does not apply to and  
in relation to a cheque, bank cheque, bank draft or  
money order made payable to or to the order of a  
specified person or bearer (not being a cheque, bank  
cheque, bank draft or money order in which the payee  
10 is the licensee or a member of a firm that is the  
licensee) received from or on account of a client with  
instructions, express or implied, that the cheque, bank  
cheque, bank draft or money order is to be delivered  
to the person to whom it is payable.

15 (6) A licensee who fails to comply with sub-  
section (2) or (3) is guilty of an offence and is liable  
on conviction to a penalty not exceeding \$500.

20 (7) A licensee who, with intent to defraud,  
fails to comply with subsection (2) or (3) is guilty  
of an offence and is liable on conviction to a penalty  
not exceeding \$5,000 or to imprisonment for a term  
not exceeding 2 years, or both.

25 42C. (1) A licensee shall not, without the prior  
written approval of the Board, withdraw money  
received from or on account of a client and paid  
into a trust account as required by section 42B(3)  
except for the purpose of—  
Purposes for which money may be with-  
drawn from a trust account.

30 (a) paying an amount properly payable to the  
client or properly payable on behalf of the  
client in respect of the provision of travel  
on a conveyance, hotel or other accommo-  
dation or other services ordinarily provided  
for travellers;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (b) satisfying a debt properly due to the licensee  
from the client in respect of commission or  
other charges;
- 10 (c) reimbursing the licensee for money properly  
expended by him on behalf of the client in  
respect of the provision of travel on a con-  
veyance, hotel or other accommodation or  
other services ordinarily provided for  
travellers;
- 15 (d) paying in New South Wales an amount to  
another licensee in accordance with an  
authority in writing given by the client; or
- (e) paying an amount that is otherwise  
authorised by the regulations to be paid.

Penalty : \$1,000 or imprisonment for a term of 6  
months.

- 20 (2) Subsection (1) does not prohibit a  
licensee from withdrawing from a trust account main-  
tained in accordance with section 42B (2) money  
to which he is entitled, being money which was paid  
into that account but which was not required to be  
25 so paid.

- 30 (3) Except as otherwise provided in this  
Part, money held in a trust account is not available for  
payment of the debts of a licensee or liable to be  
taken in execution under the order or process of a  
court.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (4) Nothing in this Part takes away or  
affects a lawful claim or lien that a person has against  
or on any money received from the sale of any tickets  
entitling an individual to travel, or from arranging  
for an individual a right of passage, on any conveyance (not being a prescribed conveyance) or from  
10 selling to, or arranging or making available for, any  
individual rights of passage to, or hotel or other  
accommodation at, any place.

42D. (1) In this section—

Licensee's  
accounts.

15 “financial year”, in relation to a licensee,  
means—

- (a) where the licensee is an individual or firm, the period of 12 months ending on 30th June; and
- 20 (b) where the licensee is a corporation, the financial year of the corporation within the meaning of the Companies Act, 1961;

“prescribed day”, in relation to a financial year of a licensee, means—

- 25 (a) where the licensee is an individual or firm, the day that is 2 months after the end of that financial year; or
- 30 (b) where the licensee is a corporation, the day that is 3 months after the end of that financial year,

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5                   or where, in either case, an extension of  
time is approved pursuant to subsection  
(3), the day on which the extended time  
expires.

10                   (2) A licensee shall, in respect of each  
financial year, other than a financial year that ended  
before the commencement of Schedule 4 to the Travel  
Agents (Amendment) Act, 1977, or ended on or after  
that commencement but before the date on which the  
15                   licensee commenced to carry on the business of a travel  
agent, prepare a true and fair profit and loss account  
and balance sheet on the basis of such accounting  
principles (if any) and containing such information  
and matters as are prescribed and lodge them with the  
Board before the prescribed day for that financial year,  
together with an auditor's report containing the  
20                   prescribed information and matters.

                  (3) The Board may approve an extension of  
the period of 2 months or, as the case may require,  
the period of 3 months, referred to in the definition of  
"prescribed day" in subsection (1) where an applica-  
25                   tion for the extension is made by the licensee and his  
auditor, and such an approval may be given subject  
to such conditions, if any, as the Board thinks fit to  
impose.

30                   (4) A licensee who fails to comply with  
subsection (2), or with any condition imposed under  
subsection (3), is guilty of an offence and is liable  
on conviction to a penalty not exceeding \$500.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 42E. (1) Where the Board proves to the satisfaction of the Supreme Court—
- (a) that there are reasonable grounds for believing that there is a deficiency in a trust account of a person who is or has been a licensee;
- 10 (b) that there has been undue delay, or unreasonable refusal, on the part of a person who is or has been a licensee, in paying, applying or accounting for trust money as required by this Act;
- 15 (c) that a person who is or has been a licensee has not paid money into a trust account as provided by section 42B; or
- 20 (d) where the business of a travel agent is carried on, was carried on or was last carried on, as the case may be, by a person otherwise than as a member of a firm that is the holder of a licence—
- (i) that the licence of that person has been cancelled or suspended;
- 25 (ii) that that person, being an individual, is incapable, by reason of physical or mental infirmity, of managing his affairs;
- 30 (iii) that that person has ceased to carry on the business of a travel agent; or

Power of  
Supreme  
Court to  
restrain  
dealings  
with  
licensee's  
bank  
accounts.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (iv) that that person, being an individual,  
has died,

the Court may make an order restraining dealings in  
respect of all or any of the bank accounts of that  
person, subject to such terms and conditions as the  
Court thinks fit to impose.

10 (2) Where an order made under subsection  
(1) is directed to a banker, the banker shall—

15 (a) disclose to the Board every account kept at  
the bank in the name of the person to whom  
the order relates, and any account that the  
banker reasonably suspects is held or kept  
at the bank for the benefit of that person;  
and

20 (b) permit the Board to make a copy of any  
account of the person to whom the order  
relates or any of the records relating to that  
person that are in the custody of or under  
the control of the banker or to make a copy  
of any part of any such account or records.

25 (3) Where an order is made under subsection  
(1), the Supreme Court may, on the application of the  
Board or of a person affected by the order, make  
further orders—

(a) dealing with such ancillary matters as the  
Court considers necessary or desirable;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) directing that all or any of the money in an  
account affected by an order so made be  
paid by the bank to the Board or a person  
nominated by the Board, subject to such  
terms and conditions as the Court thinks fit  
to impose; and

10 (c) discharging or varying the order.

(4) An order made under subsection (3)  
(b) may include a direction requiring the Board or  
person nominated by the Board to cause the money  
paid to the Board or that person in accordance with  
15 the order to be paid into a separate trust account and  
a direction authorising the Board or that person—

(a) where that money is sufficient to pay all  
proved claims, to prepare a scheme for  
the distribution of that money to those  
20 claimants who, during the period of 6  
months after that money is received by the  
Board or that person, satisfy the Board or  
that person that they are entitled to that  
money or to any part of it; or

25 (b) where the money is insufficient to pay all  
proved claims, to prepare a scheme for the  
apportionment of that money in proportion  
to the claims of those claimants who, during  
the period of 6 months after that money is  
30 received by the Board or that person, satisfy  
the Board or that person that they are  
entitled to that money or to any part of it  
and for the distribution to those claimants  
of the money so apportioned.

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (5) When a scheme has been prepared in  
accordance with a direction included in an order  
pursuant to subsection (4), the Board or person  
nominated by the Board shall make an application to  
the Supreme Court for the approval of the scheme,  
and, on the hearing of any such application, the Court  
10 may approve or disapprove the scheme and, if it  
approves the scheme, give such directions as it thinks  
fit as to—

- (a) the money held in a separate trust account  
pursuant to a direction so included;
- 15 (b) the persons to whom and in what amounts  
that money or any part of that money shall  
be paid; and
- (c) the disposal of the balance of that money  
(if any) remaining after the amounts  
20 referred to in paragraph (b) have been  
paid.

(6) On the approval of a scheme under sub-  
section (5), the Board or person nominated by the  
Board shall distribute the money in accordance with  
25 the scheme and any directions given by the Supreme  
Court under that subsection.

42F. (1) A bank does not incur liability or obliga-  
tion to any person by reason only that it has failed to  
secure that any provision of this Part, or of the regula-  
tions, with respect to the keeping of trust accounts  
and the withdrawal of money from any such account  
has been complied with.

Protection  
of banks  
from  
liability.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) A bank at which a licensee keeps a trust  
account shall not, in respect of any liability of the  
licensee to the bank (not being a liability in connec-  
tion with that account), have any recourse or right,  
whether by way of set-off, counterclaim, charge or  
10 otherwise, against money standing to the credit of that  
account.

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973.

(1) Part VI, heading—

15 Omit "FIDELITY GUARANTEE", insert instead  
"COMPENSATION".

(2) Section 43A—

Before section 43, insert :—

20 43A. (1) In this Part, except so far as the Interpre-  
context or subject-matter otherwise indicates or Pt. VI.  
requires—

25 "failure to account" means a failure by a licensee  
to account for money or other valuable  
property entrusted to the licensee, or to any  
employee or agent of the licensee, in the

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 course of the business of a travel agent  
carried on by the licensee, which arises from  
any act or omission of the licensee or of his  
employee or agent, being an act or omission  
which occurred after the commencement of  
10 Schedule 5 to the Travel Agents  
(Amendment) Act, 1977;

“pecuniary loss” or “loss” includes—

- 15 (a) all costs (including the legal costs  
and disbursements of making and  
proving a claim), charges and  
expenses which a claimant has  
suffered or incurred as a direct  
consequence of a failure to account;  
and
- 20 (b) all interest on money or other  
valuable property which a claimant  
would have received but for a failure  
to account for the money or other  
property, calculated to the date on  
25 which the Board determines the  
claimant’s claim to, or a judgment is  
recovered against the Board in rela-  
tion to the fund in respect of, that  
money or other property.

30 (2) For the purpose of the definition of  
“failure to account” in subsection (1), a reference in  
that definition to an employee of a licensee includes

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 a reference to a person who has the apparent control  
or charge for the time being of the business of a travel  
agent carried on by the licensee or of any office at  
which that business is carried on.

(3) Sections 43, 44—

10 Omit “Fidelity Guarantee” wherever occurring, insert  
instead “Compensation”.

(4) Section 51—

Omit the section, insert instead :—

15 51. (1) Subject to this Part, the fund shall be held <sup>Application</sup> and applied for the purpose of compensating any <sup>of fund.</sup>  
person who may suffer or incur pecuniary loss by  
reason of a failure to account.

20 (2) A person who claims to have suffered or  
incurred pecuniary loss by reason of a failure to  
account may make a claim against the fund in respect  
of that failure to account, but only if the claim is made  
in writing to the Board within 6 months after the  
person has become aware of that failure to account or  
within a period of 2 years from the date of that failure  
to account, whichever period first expires.

SCHEDULE



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*Travel Agents (Amendment).*

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**SCHEDULE 5—continued.****AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—continued.**

5 (3) A person who carries on a business which  
comprises or includes the provision of means of trans-  
port for the conveyance of passengers, or the provision  
of hotel or other accommodation, or who carries on  
the business of a travel agent, shall not have a claim  
10 against the fund in respect of any pecuniary loss  
suffered or incurred in connection with that business  
by reason of a failure to account.

(5) (a) Section 52 (1)—

15 Omit “commission of the theft or fraudulent  
misapplication”, insert instead “failure to  
account”.

(b) Section 52 (2)—

After “balance of the”, insert “pecuniary”.

(c) Section 52 (4), (4A), (4B)—

Omit section 52 (4), insert instead :—

20 (4) Subject to subsection (5), the aggregate  
sum which may be applied in compensating all  
persons who suffer or incur pecuniary loss by  
reason of a failure to account, or of related fail-  
25 ures to account, by a licensee shall not exceed  
such sum as is for the time being prescribed for  
the purpose of this subsection.

**SCHEDULE**

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

(4A) Where—

- 5 (a) a sum has been applied in compensating persons who have suffered or incurred pecuniary loss by reason of a failure to account, or of related failures to account, by a licensee;
- 10 (b) other persons have made claims against the fund in respect of a subsequent failure to account, or of subsequent failures to account, by that licensee; and
- 15 (c) the Board is satisfied that that subsequent failure to account was not, or, as the case may be, those subsequent failures to account were not, connected with the first mentioned failure or
- 20 related failures to account,

subsection (4) shall, if the Board so determines, apply to and in respect of that subsequent failure or those subsequent failures as if no part of that sum had been so applied.

- 25 (4B) A reference in subsections (4) and (4A) (a) to a failure to account, or to related failures to account, by a licensee includes a reference to theft or fraudulent misapplication committed after the commencement of this Part

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 but before the commencement of Schedule 5 to  
the Travel Agents (Amendment) Act, 1977, by  
that licensee or by an employee of that licensee  
in the course of his employment with that  
licensee or by any person having the apparent  
10 control or charge of any office or business of  
that licensee of any money or other valuable  
property entrusted to that licensee or to that  
employee or other person in the course of the  
business of a travel agent carried on by that  
licensee.

15 (6) Section 60—

Omit the section, insert instead :—

60. (1) For the purpose of safeguarding the fund, Examination  
the chairman or any 2 members of the Board may, by of records  
instrument in writing, appoint an accountant— of licensee,  
etc., by  
accountant.

20 (a) to examine the records kept by or on behalf  
of a licensee specified in the instrument of  
appointment, or a person so specified who,  
at any time within the period of 3 years  
preceding the date of appointment, has been  
25 the holder of a licence which has since been  
cancelled or suspended, so far as those  
records relate to the business of a travel  
agent carried on by that licensee or, as the  
case may be, formerly carried on by that  
30 person (in this section subsequently referred  
to as a "former licensee"); and

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) to prepare a confidential report as to any  
irregularity or alleged or suspected irregu-  
larity in those records which may be dis-  
closed by that examination, or as to any  
other matter which, in the opinion of the  
10 accountant so appointed, should, in the  
interests of safeguarding the fund, be further  
investigated and to submit that report to the  
Board.

15 (2) An appointment made under subsection  
(1) shall be in writing signed by the registrar and the  
chairman or the members of the Board who made the  
appointment.

20 (3) The Board, by notice in writing served on  
the licensee or former licensee in respect of whom an  
accountant has been appointed under subsection (1),  
may—

- (a) advise the licensee or former licensee of that  
appointment;
- 25 (b) fix a date for the holding of an examination  
of the records kept by or on behalf of the  
licensee or former licensee in connection  
with the business of a travel agent carried  
on or, as the case may be, formerly carried  
on by him; and
- 30 (c) require the licensee or former licensee to  
ensure that he or another person authorised  
by him is in attendance on that date at the  
office or place of business of the licensee or  
former licensee specified in the notice for

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 the purpose of producing to the accountant  
or to any assistant of the accountant such of  
the records kept by or on behalf of the  
licensee or former licensee in connection  
with the business of a travel agent carried  
10 on or, as the case may be, formerly carried  
on by him as the accountant or his assistant  
may wish to examine.

(4) A licensee or former licensee shall not  
refuse or fail to comply with a requirement contained  
15 in a notice served on him under subsection (3) so far  
as it is within his power so to comply.

Penalty : \$500.

(5) A licensee or former licensee in respect  
of whom an accountant has been appointed under  
20 subsection (1), or, in the absence of that licensee or  
former licensee, any person having the apparent control  
or charge for the time being of the business of a  
travel agent carried on by that licensee or, as the case  
may be, formerly carried on by that former licensee or  
25 of any office or place at which that business is or was  
formerly carried on, shall, on being required to do so  
by that accountant and on production by that  
accountant of his instrument of appointment—

(a) produce to that accountant or to any  
30 assistant of that accountant such of the  
records kept by or on behalf of that licensee  
or former licensee in connection with the  
business of a travel agent carried on or, as  
the case may be, formerly carried on by  
him as the accountant or his assistant may  
35 wish to examine;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) provide the accountant or his assistant with such information relating to that business and those records as the accountant or his assistant may reasonably require; and

10 (c) provide the accountant or his assistant with any authority or order that may be required to enable the accountant or his assistant to have access to and examine any records maintained by a banker of the licensee or former licensee in connection with that business or any records kept by any other  
15 person on behalf of the licensee or former licensee, as the case may be, in connection with that business.

20 (6) Any licensee, former licensee or person who refuses or fails to comply with subsection (5) so far as it is within his power so to comply, or any person who, without reasonable excuse (the burden of proof of which is on him), obstructs, hinders or delays an accountant appointed under subsection (1), or any  
25 assistant of any such accountant, in the conduct of an examination under this section, is guilty of an offence against this Act.

(7) Where the registrar—

(a) is satisfied that—

30 (i) the licensee or former licensee in respect of whom an accountant has been appointed under subsection (1) cannot be located or has left New South Wales; or

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (ii) that licensee or former licensee, or  
any person having the apparent  
control or charge for the time  
being of the business of a travel  
agent carried on by that licensee or,  
10 as the case may be, formerly carried  
on by that former licensee or of any  
office or place at which that  
business is or was formerly carried  
on, has refused or failed to comply  
15 with a requirement made to him by  
an accountant in accordance with  
subsection (5) to provide an  
authority or order referred to in  
paragraph (c) of that subsection;  
and
- 20 (b) has reason to believe that that licensee or  
former licensee, as the case may be, has  
deposited any money in an account kept  
with a banker or that any other person is  
25 in possession of any records kept in connec-  
tion with the business of a travel agent  
carried on by that licensee or, as the case  
may be, formerly carried on by that former  
licensee,
- 30 the registrar may, by instrument in writing in or to  
the effect of the prescribed form, give a certificate as  
to those matters and require that banker to produce  
to that accountant or any assistant of that accountant  
for examination the records of the bank so far as they  
relate to that account or, as the case may be, require  
35 that other person to produce to that accountant or to  
any assistant of that accountant any records in  
his possession so far as they relate to the business of

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 a travel agent carried on by that licensee or, as the  
case may be, formerly carried on by that former  
licensee.

10 (8) On the service on a banker or other  
person of an instrument referred to in subsection (7),  
that banker or person shall comply with any require-  
ment specified in the instrument so far as it is within  
his power so to comply.

Penalty : \$500.

15 (9) The Board shall cause a copy of a report  
submitted to it by an accountant under this section to  
be sent forthwith to the licensee or former licensee to  
whom the report relates.

20 (10) An accountant appointed to make an  
examination of records for the purpose of this section  
shall not, without the consent of the licensee or former  
licensee in respect of whom he is appointed, communi-  
cate the fact of his appointment to any person other  
than any person assisting him, that licensee or former  
licensee or any employee or agent of that licensee or  
former licensee or communicate any matter which may  
25 come to his knowledge in the course of that examina-  
tion to any person except in the course of his report to  
the Board or for the purposes of or in connection with  
any proceedings before any court or tribunal  
exercising judicial functions.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (11) An assistant of an accountant appointed  
to make an examination of records for the purpose of  
this section shall not, without the consent of the  
licensee or former licensee in respect of whom the  
accountant is appointed, communicate the fact of the  
10 appointment to any person other than that licensee or  
former licensee or any employee or agent of that  
licensee or former licensee or communicate any matter  
which may come to his knowledge in the course of  
that examination to any person other than that  
15 accountant or the Board except for the purposes of  
or in connection with any proceedings before any  
court or tribunal exercising judicial functions.

20 (12) Any accountant who contravenes sub-  
section (10), or any assistant of an accountant who  
contravenes subsection (11), is, in addition to any  
other proceedings, penalty or punishment to which he  
may be liable, guilty of an offence against this Act.

25 (13) A court which finds a licensee, former  
licensee or person guilty of an offence of refusing or  
failing to comply with subsection (5) (a) or (c) may,  
whether or not it convicts the licensee, former licensee  
or person of the offence and whether or not it imposes  
a penalty for the offence, order that licensee, former  
licensee or person to produce the records referred to  
in subsection (5) (a), or, as the case may be, to  
30 provide the authority or order referred to in subsection  
(5) (c), to the accountant appointed in respect of  
that licensee or former licensee within such period as  
may be specified in the order.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (14) A court which finds a banker or person  
guilty of an offence of failing to comply with sub-  
section (8) may, whether or not it convicts the banker  
or person of the offence and whether or not it imposes  
a penalty for the offence, order that banker or person  
10 to comply with any requirement specified in the  
instrument served on that banker or person under  
subsection (7) within such period as may be specified  
in the order.

15 (15) If a licensee, former licensee or person  
in respect of whom an order is made under subsection  
(13), or a banker or person in respect of whom an  
order is made under subsection (14), refuses or fails  
to comply with the order so far as it is within his power  
so to comply, that licensee, former licensee, banker or  
20 person is guilty of an offence and is liable on conviction  
to a penalty not exceeding \$50 for each day  
during which the offence continues.

*Travel Agents (Amendment).*

SCHEDULE 6.

Sec. 4.

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973.

Part VIA—

5 After Part VI, insert :—

PART VIA.

ADMINISTRATION OF AFFAIRS AND PROPERTY OF  
LICENSEE, ETC.

10 60A. (1) In this Part, except so far as the context  
or subject-matter otherwise indicates or requires— Interpretation:  
Pt. VIA.

“administrator” means an administrator  
appointed and holding office under this  
Part;

15 “affairs”, in relation to a licensee or a person  
whose licence is cancelled or suspended,  
means the affairs relating to the carrying on  
by him of the business of a travel agent;

“failure to account” has the meaning ascribed to  
that expression by section 43A;

20 “property”, in relation to a licensee or a person  
whose licence is cancelled or suspended,  
means—

25 (a) money or other property which was,  
in the course of or in connection  
with the business of a travel agent  
carried on by that licensee or person,  
entrusted to or received on behalf

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 of any other person by that licensee  
or person or by any employee or  
agent of that licensee or person, or  
by any other licensee with whom  
that licensee or person shares  
10 remuneration, and which has not  
been paid or delivered by that  
licensee or person to the person  
entitled or in accordance with  
directions of the person entitled or  
otherwise according to law;
- 15 (b) money or other property which  
would, but for the appointment of  
an administrator of the affairs and  
property of that licensee or person,  
be receivable by that licensee or  
20 person on behalf of any other person  
after that appointment;
- 25 (c) money received by an administrator  
of the affairs and property of that  
licensee or person, being interest,  
dividends or other income arising  
from any property of that licensee or  
person held by that administrator  
under this Part; and
- 30 (d) any records kept by or on behalf of  
that licensee or person in connection  
with the business of a travel agent  
carried on by that licensee or person.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) A reference in this Part to a licensee in  
respect of whom an administrator is or was appointed  
includes, where the context so requires, a reference to  
a person who was, at the time of the appointment of  
that administrator, the holder of a licence but who has  
10 for any reason subsequently ceased to be the holder of  
that licence.

60B. (1) The Supreme Court may, on the applica-  
tion of the Board, make an order appointing an  
administrator of the affairs and property of a licensee  
on the ground—

Power of  
Supreme  
Court to  
appoint an  
administra-  
tor in  
certain  
cases.

- 15 (a) that any failure to account has occurred  
in relation to any trust account or trust  
fund of the licensee; or
- (b) that any person is unable for any reason to  
20 obtain from the licensee payment or delivery  
of money or other property to which that  
person is entitled.

25 (2) Where the Board has cancelled or sus-  
pended the licence of any person under this Act, the  
Supreme Court may, on the application of the Board  
made not later than 12 months after the date on  
which the cancellation or suspension took effect and,  
in the case of a suspension, before the removal of, or  
the expiry of the period of, the suspension, make an  
order appointing an administrator of the affairs and  
30 property of that person on being satisfied that the  
appointment is necessary or desirable in order to pro-  
tect the interests of clients of that person.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5        60C. Where the Board makes an application under section 60B for the appointment of an administrator of the affairs and property of a licensee or a person whose licence has been cancelled or suspended, that licensee or person is—

Hearing of  
application  
for appoint-  
ment of  
administra-  
tor.

10        (a) unless the Supreme Court dispenses with service, entitled to be served with a copy of the originating process; and

      (b) entitled to appear and be heard at the hearing of the application, either personally or by his counsel or solicitor.

15        60D. As soon as practicable after the Supreme Court has made an order appointing an administrator, the Board shall, unless the licensee or person in respect of whom that administrator is appointed or the representative of that licensee or person appeared in the proceedings in the course of which that order was made or the Court dispenses with service, serve a copy of the order on that licensee or person and shall serve a copy of the order on any other person to whom the Court directs notice of the appointment to be given.

Copy of  
order  
appointing  
administra-  
tor to be  
served on  
licensee,  
etc.

      60E. (1) On the appointment of an administrator taking effect, the administrator shall—

30        (a) subject to and in accordance with any directions given to him by the Supreme Court, administer the affairs of the licensee or person in respect of whom he was appointed until the appointment is terminated; and

Duty of  
adminis-  
trator to  
administer  
the affairs  
and  
property of  
licensee, etc.



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*Travel Agents (Amendment).*

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## SCHEDULE 6—continued.

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—continued.

5 (b) subject to this Part, acquire or take into his possession and administer all property to which that licensee or person is or appears to be entitled.

## (2) If—

10 (a) the licensee or person in respect of whom the administrator was appointed, on being required by the administrator to transfer or deliver to the administrator, or to permit the administrator to acquire or take possession of, any such property that is in his possession  
15 or at his disposal or under his control, does not comply with the requirement; or

(b) it appears to the administrator that that licensee or person, on being so required, has not fully complied with the requirement,  
20 the administrator may, in his own name or in the name of that licensee or person, make an application to the Supreme Court for an order for the transfer or delivery to him of that property, and, on the hearing of any such application, the Court may, subject to  
25 such conditions (if any) as it thinks fit to impose, make the order applied for.

(3) If it appears to an administrator that an order made by the Supreme Court under subsection (2) is not complied with, the Court may, on the  
30 application of that administrator, by further order authorise a member of the police force, or that administrator or some other person and a member of the police force—

35 (a) to enter any premises or other place specified in the order;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) to search for any property which the administrator is entitled to acquire or take into his possession; and

(c) to seize any such property and remove it to such place as the administrator thinks fit.

10 (4) Any person who, without reasonable excuse (the burden of proof of which is on him), obstructs, hinders or delays any member of the police force, the administrator or other person, in the exercise of a power conferred by an order made under subsection (3) is guilty of contempt of the Supreme Court and may be punished accordingly.

(5) Subject to subsection (6), an administrator—

20 (a) may deal with any property which he has acquired or of which he has taken possession under this section in any manner in which the licensee or person in respect of whom he is appointed might lawfully have dealt with that property; and

25 (b) shall, as soon as practicable after acquiring or taking possession of that property, deliver that property to such persons as appear to him to be lawfully entitled to it.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (6) An administrator shall apply the property  
acquired and held by him, or in his possession, in his  
capacity as administrator in the following order for  
the following purposes :—

10 (a) firstly, in reimbursing the Board in respect  
of all amounts paid out of the fund in  
settlement in whole or in part of claims  
made against the fund in respect of a failure  
to account by the licensee or person in  
respect of whom he is appointed;

15 (b) secondly, in satisfying or partially satisfying  
the amounts of claims against that licensee  
or person with respect to the business of a  
travel agent carried on by that licensee or  
person to the extent that those claims have  
not otherwise been fully satisfied; and

20 (c) thirdly, in paying the amounts incurred by  
him as expenses of the administration,

and, if after that application, any such property  
remains, he shall hold that property in trust for that  
licensee or person.

25 (7) Amounts referred to in a paragraph of  
subsection (6) shall rank equally between themselves  
and shall be paid in full unless the property referred  
to in that subsection is insufficient for those amounts  
to be paid, in which case they shall abate in equal  
30 proportions between themselves.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (8) Without restricting any power conferred  
on an administrator by this section, he may, in his  
own name or in the name of the licensee or person  
in respect of whom he is appointed—
- 10 (a) prove, grant, claim and draw a dividend in  
respect of any debt due to that licensee  
or person in connection with the business  
of a travel agent carried on by that licensee  
or person;
- 15 (b) take or defend proceedings relating to any  
matter concerning the business of a travel  
agent carried on by that licensee or person  
before any court for the recovery of damages  
or for any other remedy, whether for a tort,  
a breach of contract or any other cause of  
20 action, which could have been taken or  
defended by that licensee or person;
- 25 (c) employ a barrister or solicitor or other agent  
to give advice or take or defend proceedings  
with respect to any matter concerning the  
business of a travel agent carried on by that  
licensee or person or otherwise to act for  
him in relation to the administration of the  
affairs and property of that licensee or  
person;
- 30 (d) for the purpose of providing sufficient money  
to make any reimbursement, or to satisfy or  
pay any amount, referred to in subsection  
(6), sell, lease or hire any property that he  
has acquired or of which he has taken  
possession under this section; and

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (e) give receipts for money received by him in  
the course of and in connection with the  
administration of the affairs and property  
of that licensee or person.

10 (9) A receipt given under subsection (8) (e)  
shall effectively discharge the person paying the money  
from all responsibility with respect to the application  
of that money.

(10) Property held by or in the possession  
of an administrator in his capacity as such shall not be  
levied upon or taken or attached under any judgment.

15 60F. (1) Where an administrator has reasonable Power of  
grounds for believing that there is in any bank account administra-  
money received for or on behalf of any person by tor to  
the licensee or person in respect of whom the prohibit  
administrator is appointed, he may serve on the bank withdrawal  
a notice in writing, accompanied by a copy of the of money  
order appointing him, prohibiting, otherwise than from bank.  
20 with the authority of the administrator, the withdrawal  
of money from, or any dealing (including the com-  
pletion of any dealing commenced before the service  
25 of the notice) with, that account.

(2) Without preventing any other mode of  
service, service of a notice under subsection (1) may  
be effected by leaving the notice and the copy of the  
order accompanying the notice with the manager of,  
30 or the person apparently in charge of, the branch of  
the bank at which an account referred to in that  
subsection is kept.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (3) The bank on which a notice under subsection (1) is served shall not permit the withdrawal of money from, or any dealing (including the completion of any dealing commenced before the service of the notice) with, any account to which the notice relates except with the authority of the administrator.

10 (4) Any bank that contravenes subsection (3) is liable to the administrator in respect of any loss sustained by reason of that contravention and the amount of that loss may be recovered by the administrator in proceedings taken against the bank  
15 in a court of competent jurisdiction.

(5) The administrator may withdraw from an account referred to in subsection (1) all or any of the money held in that account and pay that money into a special account or special accounts in his own  
20 name and may operate, and otherwise deal with, that account or those accounts according to law.

25 60G. (1) An administrator may invest any money acquired by him or of which he has taken possession under section 60F in any manner in which a trustee is authorised by law to invest funds in respect of which he is the trustee. Power of administrator to invest money.

30 (2) Any income accruing from the investment of any money by an administrator under subsection (1) and any profit resulting from the sale of any such investment shall be added to, and shall form part of, the property held by him or in his possession in his capacity as administrator.

## SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 60H. (1) An administrator may require any person who is in possession of information concerning property in respect of which he has been appointed administrator to provide him with that information. Power of administrator to require information to be given.

10 (2) A person to whom a requirement has been made under subsection (1) and who, without reasonable excuse (the burden of proof of which is on him), refuses or fails to comply with that requirement is guilty of an offence against this Act.

15 60I. Any person who, without reasonable excuse (the burden of proof of which is on him), obstructs, hinders or delays an administrator in the exercise of any power conferred, or the performance of any duty imposed, on him by this Part is guilty of an offence against this Act. Obstruction, etc., of administrator.

20 60J. (1) Any person who, with the intention of defeating the purposes of this Part— Improper withdrawal of money, etc.

(a) withdraws money from, or makes any payment out of, any account kept by or on behalf of a licensee or a person whose licence is cancelled or suspended; or

25 (b) destroys or conceals, or removes from one place to another, or delivers into the possession or control of any other person, any property in relation to which an administrator is subsequently appointed,

30 is guilty of an offence and is liable on conviction to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 12 months, or both.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) Any person who, after being notified or  
becoming aware of the appointment of an  
administrator—

(a) withdraws money from, or makes any pay-  
ment out of, any account kept by or on  
behalf of a licensee or person in respect of  
10 whom the administrator is appointed; or

(b) destroys or conceals, or removes from one  
place to another, or delivers into the  
possession or control of any other person,  
any property in relation to which the  
15 administrator has been appointed,

without the authority of the administrator, is guilty  
of an offence and is liable on conviction to a penalty  
not exceeding \$2,000 or to imprisonment for a term  
not exceeding 12 months, or both.

20 60K. (1) Where an administrator has been appointed and has not vacated his office—

Application  
to Supreme  
Court for  
directions.

(a) that administrator;

(b) the licensee or person in respect of whom  
that administrator is appointed; or

25 (c) any person who has submitted a claim to  
that administrator in relation to any  
property being administered by him,

30 may make an application to the Supreme Court for  
directions as to the manner in which that administrator  
is required to exercise the powers conferred, or to  
perform the duties imposed, on him by this Part,  
either generally or with respect to any particular  
matter specified in the application.

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) On the hearing of an application made  
under subsection (1), the Supreme Court may, by  
order, give such directions as it considers to be  
appropriate in the circumstances of the case.

10 60L. (1) An administrator may serve on any Claims  
person (including the licensee or person in respect of against  
whom he is appointed) a notice to the effect that, if property  
that person has any claim in respect of any property administered  
held by or in the possession of the administrator in by adminis-  
his capacity as such, that claim will not be entertained trator.  
15 unless full particulars of the property claimed and the  
grounds of the claim are submitted to the adminis-  
trator within such period, being not less than 30 days  
from the service of the notice, as is specified in the  
notice.

20 (2) Where a notice under subsection (1) has  
been served on a person, the administrator may dis-  
regard any claim made by that person otherwise than  
in compliance with the terms of the notice.

25 60M. (1) On the application of an administrator, Power of  
the Supreme Court may order any person (including Supreme  
the licensee or person in respect of whom that Court to  
administrator is appointed) to appear before the Court order  
to be examined on oath with respect to any property person to  
that is being administered by the administrator or attend  
that the administrator is entitled to administer. before  
Court for  
examination.

30 (2) On any such examination before the  
Supreme Court, the Court may put or allow to be put  
to the person being examined such questions as it  
thinks fit.

## SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (3) A person examined pursuant to an order  
made under this section is not excused from answering  
a question put to him on the ground that the answer  
might incriminate him, but, where that person claims,  
before answering the question, that the answer might  
10 incriminate him, neither the question nor the answer  
is admissible in evidence against him in criminal  
proceedings other than proceedings in relation to the  
making of a false statement on oath in respect of the  
answer.

15 (4) A person attending for examination  
under this section is entitled to be paid such expenses  
(if any) as the Supreme Court may allow.

(5) Expenses allowed under subsection (4)  
shall be paid by the administrator and shall form part  
of the expenses of the administration.

20 60N. (1) For the purposes of this section, an administrator vacates his office as such if—

Termination  
of appoint-  
ment of  
adminis-  
trator.

- (a) he dies;
- 25 (b) he becomes bankrupt, applies to take the  
benefit of any law for the relief of bankrupt  
or insolvent debtors, compounds with his  
creditors or makes an assignment of his  
remuneration as administrator, or his estate,  
for their benefit;
- 30 (c) he becomes a temporary patient, a continued  
treatment patient, a protected person or an  
incapable person within the meaning of the  
Mental Health Act, 1958, or a person under  
detention under Part VII of that Act;

## SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (d) he is convicted in New South Wales of a  
crime or an offence punishable by imprison-  
ment for a term of 3 months or more, or  
he is convicted elsewhere than in New South  
Wales of a crime or an offence, which if  
10 committed in New South Wales, would be a  
crime or an offence so punishable;
- (e) his appointment is revoked by the Supreme  
Court under subsection (2); or
- (f) his appointment is revoked by the Supreme  
Court under subsection (6).
- 15 (2) The Supreme Court may, on the  
application of an administrator or on the application  
of the Board, make an order revoking the appointment  
of the administrator.
- 20 (3) Where, on making an order under sub-  
section (2), the Supreme Court is of the opinion that  
the purpose for which the administrator was appointed  
has been fulfilled, the Court may, on its own motion  
or on the application of the applicant for that order,  
25 make a further order vesting in or transferring to the  
licensee or person in respect of whom that adminis-  
trator was appointed any property which that adminis-  
trator holds in trust for that licensee or person by  
virtue of section 60E (6).
- 30 (4) Where an administrator has vacated his  
office as referred to in subsection (1) (paragraph (f)  
excepted), the Supreme Court may, on the application  
of the Board and on being satisfied that the purpose  
for which that administrator was appointed has not  
yet been fulfilled, make an order appointing another  
35 person as administrator of the affairs and property of  
the licensee or person in respect of whom the first  
mentioned administrator was appointed.

## SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (5) An order made under subsection (4)  
shall provide for the vesting in or transfer to the person  
appointed by that order of all property held by or  
in the possession of the administrator who has vacated  
his office as referred to in that subsection.

10 (6) The Supreme Court may, on the appli-  
cation of a licensee or person in respect of whom an  
administrator was appointed, make an order revoking  
the appointment of the administrator if on the hearing  
of the application it is satisfied that the purpose for  
15 which that administrator was appointed has been  
fulfilled.

(7) Where—

20 (a) an administrator has vacated his office as  
referred to in subsection (1) (paragraph  
(f) excepted), no order under subsection  
(3) has been made in relation to property  
held by that administrator as referred to in  
that subsection and that vacancy is not  
filled within 14 days after it has occurred; or

25 (b) the appointment of an administrator is  
revoked by an order made under subsection  
(6),

30 the Supreme Court may, on the application of the  
licensee or person in respect of whom that adminis-  
trator was appointed, make an order vesting in or  
transferring to that licensee or person any property  
which that administrator holds in trust for that licensee  
or person by virtue of section 60E (6).

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5           (8) Except where the licensee or person in  
whose favour an order under subsection (3) or (7)  
is made has previously paid the amounts incurred by  
the administrator as expenses of the administration,  
the order shall provide for that licensee or person to  
10       pay those amounts to the administrator or, if those  
amounts have been paid to the administrator out of  
the fund as provided in section 60o (1), to the Board.

15           (9) Where an application is made under sub-  
section (2) or (4), the licensee or other person in  
respect of whose affairs and property an administrator  
was appointed is—

- (a) unless the Supreme Court dispenses with  
service, entitled to be served with a copy of  
the originating process; and
- 20       (b) entitled to appear and be heard at the  
hearing of the application, either personally  
or by his counsel or solicitor.

(10) Where an application is made under  
subsection (6) or (7), the Board is entitled—

- 25       (a) to be served with a copy of the originating  
process; and
- (b) to appear and be heard at the hearing of  
the application, either by any of its officers  
or by its counsel or solicitor.

## SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5           60o. (1) All amounts incurred by an administrator Expenses  
in the course of his administration (including money of  
payable to him as remuneration for his services and the adminis-  
costs of bringing or defending or otherwise partici- trator.  
pating in legal proceedings in the course of and in  
10           connection with his administration) shall, to the  
extent that they have not otherwise been paid to the  
administrator or met under this Part, be paid to him  
by the Board out of the fund.

15           (2) Any amounts paid or payable to an  
administrator out of the fund as expenses of the  
administration (including any reimbursement made  
pursuant to section 60p) shall be recoverable in the  
Supreme Court by the Board from the licensee or  
20           person in respect of whom the administrator was  
appointed as a debt due from that licensee or person  
to the Board.

25           (3) The Board and an administrator may  
enter into an agreement as to the amount to be paid  
to the administrator as his remuneration, and in  
default of any such agreement, the Supreme Court  
may, on the application of the Board or of the  
administrator, determine the amount of remuneration  
to be paid to the administrator.

30           (4) The Supreme Court may, on the applica-  
tion of a licensee or person in respect of whom an  
administrator has been appointed made within the  
prescribed period, re-open any agreement entered into  
under subsection (3) with respect to the remunera-  
tion paid or to be paid to that administrator and

## SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 determine the amount of remuneration that, in the  
opinion of the Court, ought, in fairness to that licensee  
or person, to have been agreed to, and, where the  
amount of remuneration agreed to has been paid to  
that administrator and that amount exceeds the  
10 amount determined by the Court, order the excess to  
be refunded to that licensee or person.

15 (5) Where, in the course of proceedings  
under subsection (2) taken against a licensee or  
person in respect of whom an administrator has been  
appointed, it appears to the Supreme Court that the  
amounts sought to be recovered from that licensee or  
person in respect of the expenses of administration are  
excessive, the Court may—

20 (a) by order, direct that an account be taken  
between the Board and the administrator;  
and

25 (b) by further order or orders, relieve that  
licensee or person from payment of any  
amount in excess of the amount which is  
adjudged by the Court as being fairly  
payable by that licensee or person in respect  
of those expenses, and, if any such excess  
amount has been paid to or allowed in  
account by the Board to the administrator,  
30 direct that excess amount to be refunded by  
the administrator.

35 60P. If any claim or charge is made by any person  
against an administrator for any act or omission com-  
mitted in good faith by the administrator, or by any  
employee or agent of the administrator, and in execu-  
tion or purported execution of the powers conferred,  
Claim or charge against administrator may be paid from fund.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 or the duties imposed, on him by or under this Part,  
the Board shall reimburse the administrator out of  
the fund in respect of any costs, charges, expenses  
or damages which he has reasonably incurred in  
relation to the claim or charge.

10 60Q. For the purpose of enabling an administrator  
to administer the affairs and property of the licensee  
or person in respect of whom he is appointed, the  
Supreme Court may, on the application of that  
15 administrator and without derogating from any other  
provision of this Part, make orders authorising that  
administrator to do such things as the Court thinks  
fit.

Power of  
Supreme  
Court to  
make  
certain  
orders.

20 60R. Subject to any orders made or directions given  
by the Supreme Court under this Part, an administra-  
tor shall, at such times as the Court determines,  
provide the Court and the Board with a report of his  
administration containing such information as the  
Court requires, and on the conclusion of that  
administration, he shall forthwith lodge with the  
Court, in addition to his final report, all records in his  
25 possession or under his control relating to that  
administration, and subject to any order of the Court  
directing the destruction or other disposal of those  
records, those records shall be kept in the custody of  
the Court for such period as the Court may determine.

Reports,  
etc., by  
administra-  
tor.

*Travel Agents (Amendment).*

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART VIII OF THE TRAVEL AGENTS ACT,  
1973.

(1) (a) Section 67 (a)—

- 5           After “obtained”, insert “and who is entitled to  
give that consent”.

(b) Section 67 (c)—

Omit the paragraph, insert instead :—

- 10           (c) for the purposes of or in connection with  
proceedings before any court or any  
tribunal exercising judicial functions or  
of any report of any such proceedings; or

(2) Section 69 (b)—

Omit the paragraph, insert instead :—

- 15           (b) where it is addressed to a licensee or an  
applicant for a license—
- 20           (i) by delivering it to the place of residence  
or business of that licensee or applicant  
last known to the Board and by  
leaving it for that licensee or applicant  
with a person who apparently resides  
or, as the case may be, is apparently  
employed at that place, being a person  
who has apparently attained the age of
- 25           16 years; or
- 30           (ii) by sending it by certified mail in a duly  
stamped and properly addressed  
envelope to that licensee or applicant  
at his place of residence or business  
last known to the Board,

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(3) Section 73 (3)—

- 5 After “(other than section 74)”, insert “or of the regulations”.

(4) Section 74A—

After section 74, insert :—

- 10 74A. Any person who, without reasonable excuse (the burden of proof of which is on him)—
- Offence to obstruct, etc., inspector.
- (a) obstructs, hinders or delays an inspector in the exercise by him of any power conferred on inspectors by this Act;
- 15 (b) refuses or delays the admission to any place of an inspector in the exercise by him of the power of entry conferred by section 9A;
- (c) fails to comply with a request of an inspector made pursuant to the exercise by him of any power conferred by section 9A;
- 20 (d) conceals from an inspector any person whom the inspector wishes to examine or prevents any such person from being examined by an inspector or attempts so to conceal or prevent any person; or
- 25 (e) conceals from an inspector, or destroys, mutilates or alters, any record that an inspector is empowered by section 9A to inspect,
- 30 is guilty of an offence and is liable on conviction to a penalty not exceeding \$500.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(5) (a) Section 78 (2) (d)—

5 Omit the paragraph, insert instead :—

(d) prescribe conditions and restrictions to  
which licences or any class of licences are  
or is to be subject and prescribe con-  
10 ditions and restrictions that the Board is  
empowered to impose when granting an  
application for a licence and during the  
currency of a licence;

(b) Section 78 (2) (g)—

15 Omit “paragraph (e).”, insert instead “paragraph  
(e);”.

(c) Section 78 (2) (h), (i), (j)—

After section 78 (2) (g), insert :—

(h) prescribe the records to be kept by a  
licensee (in addition to those required to  
20 be kept by virtue of Part VA) and the  
form and manner of keeping records so  
prescribed;

(i) require licensees to appoint auditors,  
prescribe the duties and privileges of  
25 auditors so appointed, provide for the  
payment of the fees and expenses of any  
such auditors, and provide for the  
resignation and removal of any such  
auditors;

(j) provide for the disposal of unclaimed  
money held by a licensee in a trust  
account kept by him, being unclaimed  
30 money to which the Unclaimed Moneys  
Act, 1917, does not apply; and

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5 (k) regulate the publication of advertisements offering, or notifying the availability of, the services of travel agents and prescribe the form and content of those advertisements.

SCHEDULE 8.

Sec. 5.

10 SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule—

Interpreta-  
tion.

“Board” means the Travel Agents Registration Board constituted under the Principal Act;

“Principal Act” means the Travel Agents Act, 1973.

- 15 2. (1) A licence which, immediately before the commencement of Licences. Schedule 2, was in force under the Principal Act shall be deemed to be a licence issued under section 13 of that Act (as in force after that commencement) and shall continue in force until cancelled under that Act (as so in force).

- 20 (2) Where, before the commencement of Schedule 2, an appli-  
cation for a licence has been made under section 12 of the Principal  
Act (as in force immediately before that commencement) and that  
application has not been granted, refused or withdrawn before that  
25 commencement, that application shall be deemed to be an application  
made under that section (as in force after that commencement) and  
shall be dealt with accordingly.

- 30 (3) Where, before the commencement of Schedule 2, an appli-  
cation for the renewal of a licence has been made under section 12  
of the Principal Act (as in force immediately before that commence-  
ment) before the date on which that licence would, but for subsection  
(6) of that section (as so in force), have expired and the application  
has not been granted, refused or withdrawn before that commence-  
ment, the provisions of that Act relating to the renewal of licences  
(as so in force) shall continue to apply in respect of that application  
35 as if Schedule 2 had not commenced and if, pursuant to those pro-  
visions, the licence is renewed, that licence shall be deemed to be a  
licence issued under section 13 of the Principal Act (as in force after  
that commencement) and shall continue in force until cancelled under  
that Act (as so in force).

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(4) Where, before the commencement of Schedule 2, an application for the restoration of a licence has been made under section 14 of the Principal Act (as in force immediately before that commencement) and that application has not been granted, refused or withdrawn before that commencement, that application shall be deemed to be an application made under section 12 of the Principal Act (as in force after that commencement) and shall be dealt with accordingly.

(5) Where, before the commencement of Schedule 2, an application to vary a licence has been made under section 15 of the Principal Act (as in force immediately before that commencement) and that application has not been disposed of before that commencement, the provisions of that Act relating to applications to vary licences (as so in force) shall continue to apply in respect of that application as if that Schedule had not commenced.

(6) Where a licence is continued in force by virtue of this clause and the form of that licence does not conform to the form of a licence that would be issued under section 13 of the Principal Act (as in force after the commencement of Schedule 2), the Board may, by notice in writing served on the holder of that licence, require that holder to deliver that licence to the Board within such period as may be specified in the notice.

(7) On the delivery to the Board of a licence in accordance with subclause (6) of this clause, the Board may make such amendments to the form of the licence as may be necessary to make it conform to the form of a licence that would be issued under section 13 of the Principal Act (as in force after the commencement of Schedule 2) or, if the board considers it necessary or expedient to do so, substitute for that form of licence a form of licence that would be issued under that section (as so in force).

(8) A substitution made under subclause (7) of this clause does not interrupt or otherwise affect the continuity of the original licence.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(9) If the holder of a licence fails to comply with a notice served on him under subclause (6) of this clause within the period specified in the notice, the Board may cancel the licence and, on so doing, shall cause a notice of that cancellation to be served on the person who was the holder of that licence.

3. Any proceeding taken under Part IV of the Principal Act Disciplinary before the commencement of Schedule 3 and not disposed of before provisions. 10 that commencement shall be disposed of as if that Schedule had not commenced.

4. Any appeal made under Part V of the Principal Act before the Appeals. commencement of Schedule 3 and not disposed of before that commencement shall be disposed of as if that Schedule had not 15 commenced.

5. All money forming part of the Travel Agents Fidelity Guarantee Travel Fund established under section 43 of the Principal Act (as in force Agents immediately before the commencement of Schedule 5), shall, on and Fidelity after that commencement, form part of the Travel Agents Compen- Guarantee Fund. 20 sation Fund established under that section (as in force after that commencement).

6. Where, immediately before the commencement of Schedule 5— Claims against Travel Agents Fidelity Guarantee Fund.

(a) any claim has been made under Part VI of the Principal Act (as in force immediately before that commencement) but has not been finally determined by the Board in accordance with that Part (as so in force); or

25 (b) any claim could have been made to the Board under that Part (as so in force) but has not been so made,

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

that claim may be determined by, or, as the case may be, that claim may be made to, and received and determined by, the Board as if it were a claim that could be made under that Part (as in force after that commencement), and that Part (as so in force), so far as applicable and with any necessary modifications, shall apply in respect of that claim accordingly.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[88c]



**PROOF**

## **TRAVEL AGENTS (AMENDMENT) BILL, 1977**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

THE objects of this Bill are to amend the Travel Agents Act, 1973, for the purposes of—

- (a) providing for the appointment of inspectors and conferring powers of entry, inspection and examination on inspectors so appointed (Schedule 1 (3), (4));
- (b) replacing the provisions in the Act relating to licences, applications for licences, renewals of licences, the restoration of licences and variations of licences with new provisions and, in particular, providing that licences will continue in force until cancelled by or under the Act so that renewals of licences will become unnecessary (Schedule 2 (1), (2));
- (c) empowering the Travel Agents Registration Board to impose conditions or restrictions when issuing a licence or during the currency of a licence (Schedule 2 (2));
- (d) requiring the holder of a licence in each year to lodge with the Board a statement containing the prescribed information and to pay to the Board the prescribed annual fees and the prescribed annual contribution (Schedule 2 (2));
- (e) providing additional grounds for the cancellation of a licence (including the failure to lodge the required annual statement or to pay the required annual fees or the required annual contribution) (Schedule 2 (2));
- (f) providing that a licensee is guilty of improper conduct if he contravenes or fails to comply with a condition or restriction applicable in respect of his licence (Schedule 3 (1));
- (g) revising the procedure for the holding of inquiries under Part IV of the Act, and, in particular, providing for the Board to receive evidence relevant to any such inquiry whether that evidence would be admissible before a court of law or not (Schedule 3 (5));
- (h) revising section 42 of the Act with respect to the making of appeals against decisions of the Board (Schedule 3 (8));
- (i) prescribing the accounting records required to be kept by a licensee (Schedule 4);
- (j) requiring a licensee to pay into a trust account money held by him in trust for a client (Schedule 4);

- (k) prohibiting a licensee from withdrawing money from a trust account except in certain specified circumstances (Schedule 4);
- (l) requiring a licensee to prepare a true and fair profit and loss account and balance sheet in respect of each financial year applicable to that licensee and to lodge those accounts, together with an auditor's report, with the Board before the prescribed day (Schedule 4);
- (m) empowering the Supreme Court, in certain circumstances, to restrain dealings with bank accounts maintained by a licensee (Schedule 4);
- (n) providing that a bank is not to incur liability or obligations to a person by reason only that it has failed to secure compliance by a licensee with the provisions of the Act or regulations made under the Act with respect to the keeping of trust accounts (Schedule 4);
- (o) providing that a person may claim against the Travel Agents Fidelity Guarantee Fund, which in future is to be known as the Travel Agents Compensation Fund, for pecuniary loss sustained by him as a result of a "failure to account" by a licensee instead of, as at present, by reason of the theft or fraudulent misapplication by a licensee or by an employee of a licensee in the course of his employment with that licensee (Schedule 5 (2), (4));
- (p) making it clear that a person who carries on a business of conveying passengers or of providing hotel or other accommodation is not entitled to make a claim against that Fund (Schedule 5 (4));
- (q) increasing the powers and jurisdiction of an accountant appointed by the Board under section 60 of the Act with respect to the examination of records kept by or on behalf of a licensee or former licensee in connection with the business of a travel agent carried on or, as the case may be, formerly carried on by him (Schedule 5 (6));
- (r) empowering the Supreme Court, on the application of the Board, to appoint an administrator of the affairs and property of a licensee or a person whose licence has been cancelled or suspended on certain grounds, including a "failure to account" as defined in section 43A of the Act (which section is being inserted by Schedule 5 (2)) (Schedule 6);
- (s) prescribing the duties and powers of an administrator so appointed and providing for the termination in certain circumstances of the appointment of any such administrator and, where the purpose for which such an administrator was appointed has not been fulfilled, empowering the Supreme Court to appoint another administrator in his place (Schedule 6);
- (t) enabling information obtained by a person in connection with the administration or execution of the Act to disclose that information for the purposes of proceedings before any court or tribunal and not, as at present, only for the purposes of legal proceedings arising out of the Act (Schedule 7 (1));
- (u) including provisions to facilitate the service of notices, orders and subpoenas on applicants for licences as well as on holders of licences (Schedule 7 (2));



- (v) making it an offence to obstruct, hinder or delay an inspector in the exercise by him of any power conferred by the Act and also prescribing certain other offences relating to inspectors and the exercise by them of their powers under the Act (Schedule 7 (4));
  - (w) empowering the Governor to make regulations prescribing conditions and restrictions to which licences or any class of licences are or is to be subject, specifying conditions and restrictions that the Board is empowered to impose when granting an application for a licence and during the currency of a licence, requiring licensees to appoint auditors to audit their accounts, prescribing the duties and privileges of auditors so appointed, providing for other matters relating to auditors, providing for the disposal of unclaimed money held by certain classes of licensees and regulating the publication of advertisements offering, or notifying the availability of, the services of a travel agent (Schedule 7 (5)); and
  - (x) making other changes of a consequential, ancillary or minor nature.
-

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**TRAVEL AGENTS (AMENDMENT) BILL, 1977**

**PROOF**

No. , 1977.

**A BILL FOR**

An Act to amend the Travel Agents Act, 1973, for the purposes of making further provision with respect to the licensing of travel agents, of requiring licensees to keep certain accounting records and of providing for the appointment of administrators in certain circumstances to administer the affairs and property of licensees and others, and for certain other purposes.

[MR BOOTH—17 November, 1977.]

**BE**

*Travel Agents (Amendment).*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5   **1.** This Act may be cited as the "Travel Agents (Amend- Short title.  
ment) Act, 1977".

**2.** (1) Except as provided in this section, this Act shall Commence-  
commence on the date of assent to this Act. ment.

     (2) Section 4 shall, in its application to a provision  
10 of Schedules 1–7, commence on the day on which that  
provision commences.

     (3) The several provisions of Schedules 1–7 shall  
commence on such day or days as may be appointed by the  
Governor in respect thereof and as may be notified by  
15 proclamation published in the Gazette.

**3.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PARTS I AND II OF  
THE TRAVEL AGENTS ACT, 1973.

20   SCHEDULE 2.—AMENDMENTS TO PART III OF THE  
TRAVEL AGENTS ACT, 1973.

SCHEDULE 3.—AMENDMENTS TO PARTS IV AND V OF  
THE TRAVEL AGENTS ACT, 1973.

SCHEDULE 4.—INSERTION OF PART VA INTO THE  
TRAVEL AGENTS ACT, 1973.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 5.—AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT, 1973.

SCHEDULE 6.—INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT, 1973.

5 SCHEDULE 7.—AMENDMENTS TO PART VIII OF THE TRAVEL AGENTS ACT, 1973.

SCHEDULE 8.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. The Travel Agents Act, 1973, is amended in the 10 manner set forth in Schedules 1–7. Amendment of Act No. 71, 1973. 01

5. Schedule 8 has effect.

Savings and transitional provisions.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PARTS I AND II OF THE TRAVEL AGENTS ACT, 1973.

15 (1) Section 2—

(a) From the matter relating to Part II, omit “9”, insert instead “9A”.

(b) After the matter relating to Part V, insert :—

PART VA.—TRAVEL AGENTS’ ACCOUNTS—ss.  
42A—42F.

20

SCHEDULE

*Travel Agents (Amendment).*

**SCHEDULE 1—continued.**

**AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—continued.**

- 5 (c) Omit the matter relating to Part VI, insert  
instead :—

**PART VI.—TRAVEL AGENTS COMPENSATION  
FUND—ss. 43A–60.**

- (d) After the matter relating to Part VI, insert :—

10 **PART VIA.—ADMINISTRATION OF AFFAIRS  
AND PROPERTY OF LICENSEE, ETC.—ss.  
60A–60R.**

- (2) (a) Section 4, definition of “fund”—

Omit “Fidelity Guarantee”, insert instead  
“Compensation”.

- 15 (b) Section 4, definition of “inspector”—

After the definition of “fund”, insert :—

“inspector” means an inspector appointed and  
holding office under section 9;

- (c) Section 4, definition of “record”—

20 After the definition of “person”, insert :—

“record” includes any account, deed, writing  
or document and any other record of  
information however compiled, recorded  
or stored, whether in printed or written  
25 form or on microfilm or by electronic  
process or other means;

**SCHEDULE**



*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(d) Section 4, definition of “registrar”—

5 Omit the definition, insert instead :—

“registrar” means the person for the time  
being appointed and holding office as  
registrar under section 9 (1);

10 (e) Section 4, definition of “superintendent of  
licenses”—

Omit “1912.”, insert instead “1912.”.

(f) Section 4, definition of “Supreme Court” or  
“Court”—

15 After the definition of “superintendent of  
licenses”, insert :—

“Supreme Court” or “Court” means the  
Supreme Court of New South Wales.

(g) Section 4 (2)—

At the end of section 4, insert :—

20 (2) A reference in this Act to a licensee or  
the holder of a licence includes a person referred  
to in section 5 (2) who is lawfully carrying on  
the business of a travel agent in respect of which  
25 that licensee or holder holds or held a licence,  
notwithstanding that the person so referred to is  
not himself the holder of a licence.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(3) Section 9 (8), (9), (10), (11)—

5 After section 9 (7), insert :—

(8) The Board may appoint any officer (including the registrar and the deputy registrar) appointed and holding office under subsection (1) to be an inspector for the purposes of this Act.

10 (9) The Board shall issue to each inspector a certificate of authority authorising him to exercise the powers conferred on inspectors by or under this Act.

15 (10) Where an inspector seeks to exercise any power conferred on inspectors by or under this Act, he shall, if requested to do so by any person apparently in charge of the premises in relation to which, or as the case may be, by the person in relation to whom, the power is sought to be exercised, produce to that person his certificate of authority.

20 (11) Notwithstanding any other provision of this Act, an inspector does not have authority under this Act to enter residential premises without the consent of the occupier of those premises unless the business of a travel agent is carried on in those premises.

25 (4) Section 9A—

After section 9, insert :—

9A. (1) An inspector—

(a) may for the purpose of ascertaining  
whether a person is, or at any time has been,  
carrying on the business of a travel agent in

Powers of  
entry and  
inspection.

30

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5                   contravention of this Act or whether a  
                  licensee is contravening or failing to comply  
                  with any provision of this Act or the regu-  
                  lations that is applicable to him, or has  
10                   contravened or failed to comply with any  
                  such provision, inspect and make copies  
                  of—

                  (i) any record, or any part of any  
                  record, kept by or on behalf of that  
                  person or licensee with respect to the  
15                   carrying on by that person or licen-  
                  see of the business of a travel agent;

                  (ii) any record, or any part of any  
                  record, kept by a banker so far as  
                  that record relates to any business  
20                   referred to in subparagraph (i);  
                  and

                  (iii) where that person or licensee is a  
                  corporation which is being wound  
                  up, any record, or any part of any  
25                   record, kept by the liquidator of that  
                  corporation; and

                  (b) for that purpose may, subject to section 9,  
                  enter at any reasonable time any place at  
                  which that person or licensee carries on the  
30                   business of a travel agent or at which that  
                  inspector has reasonable grounds for be-  
                  lieving that any records referred to in para-  
                  graph (a) are kept.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO PARTS I AND II OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (2) For the purpose of and in connection with  
an inspection under subsection (1), an inspector  
may—

10 (a) require any person apparently employed or  
engaged at any place entered pursuant to  
that subsection to produce to that inspector  
such records relating to the business of a  
travel agent carried on by the person or  
licensee in relation to whom the inspection  
is being conducted as are in the custody or  
under the control of the person apparently  
15 so employed or engaged;

(b) examine with respect to matters under this  
Act or the regulations any person apparently  
employed or engaged at any place so  
entered; and

20 (c) make such examination and inquiries as he  
thinks necessary to ascertain whether the  
provisions of this Act and the regulations  
are being or have been contravened or com-  
plied with.

25 (3) The expenses of and incidental to the con-  
duct of an inspection under this section shall be paid  
out of the Travel Agents Administration Account.

30 (4) Where an inspector has made a copy of  
a record or of part of a record in the exercise of the  
powers conferred on him by this section, that copy  
shall, if certified by him as being a true copy of that  
record or part, be evidence of the contents of that  
record or part in the same way as the original record.



*Travel Agents (Amendment).*

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART III OF THE  
TRAVEL AGENTS ACT, 1973.

(1) (a) Section 11 (3), (4)—

5 Omit the subsections, insert instead :—

(3) A licence shall be in force from the date of its issue or such later date as is specified in the licence until it is cancelled by or under this Act.

10 (4) Where the operation of a licence is suspended for any period under this Act, that licence is, for the purposes of this Act, deemed to be cancelled during that period.

(b) Section 11 (5)—

15 Omit “cease to be in force”, insert instead “be deemed to be cancelled”.

(2) Sections 12, 13, 14, 15, 15A, 15B, 15C, 15D, 15E—

Omit sections 12, 13, 14 and 15, insert instead :—

20 12. (1) Any individual, firm or corporation who or which proposes to carry on the business of a travel agent may make an application to the Board for the issue of a licence on his or its own behalf. Applications for licences.

25 (2) Any individual, firm or corporation who or which is the holder of a licence on his or its own behalf or who or which has made an application for such a licence (being an application which is pending) may make an application to the Board for the issue of a licence in respect of any individual who is nominated by him or it and who is or is to be in charge of a place at which he or it carries on or proposes to carry on the business of a travel agent.

30 SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

(3) An application for a licence shall—

- 5 (a) be in or to the effect of the prescribed form;
- (b) be made in the prescribed manner; and
- 10 (c) be accompanied by the prescribed fees and the prescribed initial contribution (except where the Board indicates that the initial contribution need not accompany the application).

15 (4) At least 7 days before an application is made under this section, the applicant shall cause a notice of the application, in or to the effect of the prescribed form, to be published in a newspaper which circulates generally throughout New South Wales.

20 (5) On receipt of an application made under this section, the Board shall forward to the superintendent of licenses the prescribed particulars of the application, and the superintendent shall, on receipt of those particulars, inquire into and make a report to the Board on such matters in relation to that

25 application as may be prescribed.

(6) An objection in writing to the granting of an application made under this section may be lodged with the Board within the prescribed period from the date on which notice of the application was published

30 in accordance with subsection (4)—

- (a) by the superintendent of licenses or by any other member of the police force;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—continued.

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.

5 (b) by an inspector or by an officer of the  
Public Service; or

(c) by any other person.

(7) An objection lodged under subsection (6)  
shall specify the grounds of the objection.

10 13. (1) Where an application made under section 12 (1) or (2) complies with section 12 (3) and the  
applicant has complied with section 12 (4), the Board shall, except where the application is refused as pro-  
vided in subsections (2) to (6), grant the application at the expiration of the period for lodging objections  
15 under section 12 (6) or, if a hearing is required to be held in respect of the application as provided by  
subsection (7), at the conclusion of the hearing, and the registrar shall, as soon as practicable thereafter,  
issue the licence applied for.

20 (2) An application made under section 12 (1)  
by an individual shall be refused if that individual—

(a) has not attained the age of 18 years;

(b) is disqualified from holding a licence;

(c) is unable to satisfy the Board that he—

25 (i) possesses sufficient experience and  
educational attainments to enable  
him to perform the duties generally  
performed by a travel agent;

SCHEDULE

*Travel Agents (Amendment).***SCHEDULE 2—continued.****AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.**

- 5 (ii) has sufficient financial resources to enable him to carry on the business of a travel agent; and
- (iii) is of good reputation and character and is otherwise a fit and proper person to hold a licence; or
- 10 (d) does not meet such other requirements as may be prescribed.
- (3) An application made under section 12 (1) by a firm shall be refused if—
- 15 (a) any member of the firm has not attained the age of 18 years;
- (b) the firm or any member of the firm is disqualified from holding a licence;
- (c) the firm is unable to satisfy the Board that each member of the firm—
- 20 (i) possesses sufficient experience and educational attainments to enable him to perform the duties generally performed by a travel agent; and
- 25 (ii) is of good reputation and character and would be a fit and proper person to hold a licence if he were to apply for a licence,
- 30 and that the firm has sufficient financial resources to enable it to carry on the business of a travel agent; or

**SCHEDULE**



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*Travel Agents (Amendment).*

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**SCHEDULE 2—continued.****AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.**

5 (d) the firm, or any member of the firm, does  
not meet such other requirements as may  
be prescribed.

(4) An application made under section 12  
(1) by a corporation shall be refused if—

10 (a) any director of, or any person other than  
a director concerned in the management of  
the business of a travel agent carried on  
by, the corporation has not attained the age  
of 18 years;

15 (b) the corporation or any director of, or any  
person other than a director concerned in  
the management of the business of a travel  
agent carried on by, the corporation is  
disqualified from holding a licence;

20 (c) the corporation is unable to satisfy the  
Board that each director or other person  
concerned in the management of the  
business of a travel agent carried on by the  
corporation (including any director so  
concerned)—

25 (i) possesses sufficient experience and  
educational attainments to enable  
him to perform the duties generally  
performed by a travel agent; and

30 (ii) is of good reputation and character  
and would be a fit and proper  
person to hold a licence if he were  
to apply for a licence,

35 and that the corporation has sufficient  
financial resources to enable it to carry on  
the business of a travel agent and is a fit  
and proper person to hold a licence; or

**SCHEDULE**

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (d) the corporation or any director of, or any person other than a director concerned in the management of the business of a travel agent carried on by, the corporation does not meet such other requirements as may be prescribed.
- 10 (5) An application made under under section 12 (2) shall be refused if—
- (a) the individual in respect of whom the application is made has not attained the age of 18 years;
- 15 (b) that individual is disqualified from holding a licence;
- (c) the applicant is unable to satisfy the Board that that individual—
- 20 (i) possesses sufficient experience and educational attainments to enable him to perform the duties generally performed by a travel agent; and
- (ii) is of good reputation and character and would be a fit and proper
- 25 person to hold a licence if he were to apply for a licence; or
- (d) that individual does not meet such other requirements as may be prescribed.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5           (6) Without limiting subsections (2) to (5),  
an application made under section 12 (1) or (2)  
in respect of which an objection has been lodged in  
accordance with section 12 (6) shall be refused if  
the Board is of the opinion that the objection is  
10           sustained and is sufficiently serious to warrant the  
application being refused.

15           (7) An application made under section 12  
(1) or (2) shall not be refused on any ground  
specified in subsection (2) (c) or (d), (3) (c) or  
(d), (4) (c) or (d) or (5) (c) or (d) or under  
subsection (6) unless the Board has first held a  
hearing in accordance with section 15B in respect  
of the application and has afforded the applicant an  
opportunity to appear at that hearing.

20           (8) Where an application made under section  
12 (1) or (2) is refused under this section or is with-  
drawn, there shall be refunded to the applicant, or  
to any other person who appears to the registrar to  
be entitled thereto, the fees (other than the fee  
referred to in section 16 (3)) and the initial  
25           contribution, if any, paid by the applicant under  
section 12 (3).

30           (9) Where an application made under section  
12 (1) or (2) is refused under this section, the Board  
shall forthwith, by notice in writing served on the  
applicant, inform him of that refusal and of the ground  
for that refusal.

## SCHEDULE

*Travel Agents (Amendment).*

**SCHEDULE 2—continued.**

**AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.**

14. (1) A licence is subject to—

- 5 (a) such conditions and restrictions as are prescribed; and
- (b) subject to subsection (3), such conditions and restrictions as the Board imposes in accordance with the powers conferred on it by the regulations when granting the application for the licence or at any time during the currency of the licence.
- 10

Conditions and restrictions to which a licence is subject.

(2) Subject to subsection (3), the Board may, at any time, revoke or vary conditions or restrictions imposed by the Board under subsection (1) (b).

15

(3) The Board shall not impose conditions or restrictions in respect of a licence, or vary conditions or restrictions applicable in respect of a licence, unless the Board has first held a hearing in accordance with section 15B with respect to the conditions or restrictions that are proposed to be imposed or varied, as the case may be, and has afforded the applicant for, or, as the case may be, the holder of, the licence an opportunity to appear at that hearing.

20

25 15. (1) Where a firm that is the holder of a licence—

Variation of licence.

- (a) is dissolved or otherwise terminated but the business of a travel agent carried on by the firm is continued by a new firm consisting of all or any of the members of the firm that is dissolved or otherwise terminated, together with one or more additional members; or
- 30

**SCHEDULE**



*Travel Agents (Amendment).*

## SCHEDULE 2—continued.

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.

- 5 (b) is reconstituted by the inclusion of one or  
more additional members without the firm  
being dissolved or otherwise terminated  
(whether any existing member ceases to be  
a member of the firm at the time of its  
reconstitution or not),  
10 the new or reconstituted firm shall, within 7 days  
after the dissolution, termination or reconstitution,  
make an application to the Board to vary the licence  
by inserting the name or names of the additional  
member or members and, where appropriate, by  
15 omitting from the licence the name of any person  
who is not a member of the new or reconstituted firm.

Penalty : \$500.

- 20 (2) If a new or reconstituted firm referred to  
in subsection (1) does not make an application under  
that subsection to vary its licence within the period  
of 7 days after the inclusion of additional members  
of the firm or, having made such an application,  
withdraws the application before the expiration of  
25 that period, the licence is, by virtue of this subsection,  
cancelled at the expiration of that period.

(3) Where an application made by a new or  
reconstituted firm under subsection (1) to vary a  
licence—

- 30 (a) is withdrawn after the expiration of the  
period of 7 days referred to in subsection  
(2); or  
(b) is refused by the Board,

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 the licence is, by virtue of this subsection, cancelled  
after the expiration of 7 days from the date on which  
the application is withdrawn, or, as the case may be,  
from the expiration of the period limited for appealing  
against the refusal or, where within the period so  
10 limited, an appeal against the refusal is made under  
section 42 and, on the hearing of the appeal, the  
refusal is confirmed, from the date on which the  
decision of the District Court confirming the refusal  
is notified to the firm, unless within the period of 7  
15 days last referred to in this subsection, the additional  
member or members to whom the application relates  
ceases to be a member, or, as the case may be, cease  
to be members, of the firm.

(4) Where a firm that is the holder of a  
licence—

20 (a) is dissolved or otherwise terminated but the  
business of a travel agent carried on by the  
firm is continued by a new or reconstituted  
firm consisting of some of the members of  
the firm that is dissolved or otherwise  
25 terminated or by an individual who was a  
member of that firm; or

(b) is reconstituted as a result of any of its  
members ceasing to be members of the firm  
without the firm being dissolved or otherwise  
30 terminated,

the new or reconstituted firm or, as the case may be,  
the individual shall, within 7 days after the dissolution,  
termination or reconstitution, make an application to  
the Board to vary the licence by omitting from the  
35 licence the name of any person who is not a member

SCHEDULE



*Travel Agents (Amendment).*

## SCHEDULE 2—continued.

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.

5 of the new or reconstituted firm or, as the case may be, by omitting the names of persons other than the individual who made the application.

Penalty : \$100.

10 (5) A licensee who holds a licence in respect of an individual nominated as referred to in section 12 (2) may make an application to the Board to vary the licence by substituting for the name of that individual the name of another individual.

15 (6) Where with respect to a prescribed particular contained in a licence any prescribed circumstance occurs, the licensee may make an application to the Board to vary the licence in such manner as is prescribed.

(7) An application for the variation of a licence shall be—

20 (a) in or to the effect of the prescribed form;  
(b) made in the prescribed manner; and  
(c) accompanied by the licence and by the prescribed fees (if any).

25 (8) Where prescribed, at least 7 days before an application is made under this section, the applicant shall cause a notice of the application, in or to the effect of the prescribed form, to be published in a newspaper which circulates generally throughout New South Wales.

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (9) On receipt of an application made under  
this section, the Board shall, where prescribed, forward  
to the superintendent of licenses the prescribed particu-  
lars of the application, and the superintendent shall, on  
receipt of those particulars, inquire into and make a  
10 report to the Board on such matters in relation to that  
application as may be prescribed.

(10) Where prescribed, an objection in writing  
to the granting of an application made under this  
section may be lodged with the Board within the  
prescribed period from the date on which notice of  
15 the application was published in accordance with  
subsection (8)—

- (a) by the superintendent of licenses or by any  
other member of the police force; or  
(b) by an inspector or by an officer of the  
20 Public Service.

(11) An objection lodged under subsection  
(10) shall specify the grounds of the objection.

25 15A. (1) Where an application made under section 15 complies with section 15 (7) and the  
applicant has, where prescribed, complied with section 15 (8), the Board shall, except as provided in sub-  
sections (2), (3) and (4), grant the application forthwith or, where a person is entitled to lodge an  
objection to the granting of the application, grant the  
30 application at the expiration of the period for lodging  
such an objection or, if a hearing is required to be  
held in respect of the application as provided by sub-  
section (5), at the conclusion of the hearing, and the  
registrar shall, as soon as practicable thereafter, vary  
35 the licence in the manner applied for.

Grant or  
refusal of  
application  
to vary  
licence.

SCHEDULE



*Travel Agents (Amendment).*

**SCHEDULE 2—continued.**

**AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.**

5 (2) Where a firm has made an application  
under section 15 (1) to vary a licence by the inclusion  
of the names of additional members, that application  
shall be refused if the Board would, on any of the  
10 grounds specified in section 13 (3) (a), (b), (c) or  
(d), have refused that application had it been an  
application made by that firm under section 12 (1)  
for the licence as varied.

15 (3) An application made under section 15  
(5) in respect of an individual shall be refused if  
the Board would, on any of the grounds specified in  
section 13 (5) (a), (b), (c) or (d), have refused  
that application had it been an application made  
under section 12 (2) in respect of that individual.

20 (4) Without limiting subsections (2) and  
(3), an application made under section 15 in respect  
of which an objection has been lodged in accordance  
with section 15 (10) shall be refused if the Board is  
of the opinion that the objection is sustained and is  
sufficiently serious to warrant the application being  
refused.

25 (5) An application made under section 15  
(1) or (5) shall not be refused on any ground speci-  
fied in section 13 (3) (c) or (d) or, as the case may  
be, section 13 (5) (c) or (d) or under subsection  
30 (4) unless the Board has first held a hearing in  
accordance with section 15B in respect of the applica-  
tion and has afforded the applicant an opportunity to  
appear at that hearing.

**SCHEDULE**

*Travel Agents (Amendment).*

## SCHEDULE 2—continued.

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.

5 (6) Where an application to vary a licence is refused under this section or is withdrawn, there shall be refunded to the applicant, or any other person who appears to the registrar to be entitled thereto, the fees (other than the fee referred to in section 16 (3)) paid by the applicant under section 15 (7).

10 (7) Where an application made under section 15 is refused under this section, the Board shall forthwith, by notice in writing served on the applicant, inform him of that refusal and of the ground for that refusal.

15 (8) A notice served under subsection (7) shall be accompanied by the applicant's licence.

15B. (1) A hearing referred to in section 13 (7), 14 (3) or 15A (5) shall be held as in open court at a meeting of the Board at which a quorum is present.

Hearings in respect of applications for licences and variations of licences, etc.

20 (2) At any such hearing—

(a) the applicant or, as the case may be, the licensee who is entitled to appear at the hearing may appear personally or by a barrister, solicitor or other agent appointed by him;

25 (b) the objector (if any) may appear personally or by a barrister, solicitor or other agent appointed by him; and

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

## (c) the Board—

- 5 (i) shall permit evidence relevant to the  
hearing to be adduced by or on  
behalf of the objector (if any), and  
to be adduced by or on behalf of  
10 the applicant or, as the case may be,  
the licensee, with respect to any  
matters relating to the determination  
of the hearing, whether that evi-  
dence would be admissible in  
15 proceedings before a court of law or  
not;
- (ii) may receive any submission,  
whether written or verbal, made by  
or on behalf of the objector (if any),  
20 or made by or on behalf of the  
applicant or, as the case may be, the  
licensee, with respect to any such  
matters;
- (iii) may, subject to section 13 of the  
Oaths Act, 1900, require evidence  
25 at the hearing to be given on oath;  
and
- (iv) may, from time to time, adjourn the  
hearing to such time and place as  
it may specify.
- 30 (3) Any such hearing may be held in the  
absence of the applicant or, as the case may be, the  
licensee who is entitled to appear at the hearing if the  
Board is satisfied that the applicant or, as the case  
35 may be, the licensee was served with notice of the time  
and place of the hearing.

## SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (4) The Board may issue a subpoena in or  
to the effect of the prescribed form requiring the  
person to whom it is addressed—

- (a) to attend as a witness at any such hearing;  
or  
10 (b) to attend and produce at that hearing any  
records in his possession or under his  
control relating to any matter relevant to  
that hearing and specified in the subpoena.

15 (5) The issue of a subpoena under subsection  
(4) may be made by the Board on its own motion or  
on an application made to it by or on behalf of the  
objector (if any) or the applicant or, as the case may  
be, the licensee who is entitled to appear at the  
hearing.

20 (6) Where a subpoena is issued under sub-  
section (4), the registrar shall serve the subpoena on  
the person to whom it is addressed.

(7) Where—  
25 (a) a person is served with a subpoena under  
subsection (6);

(b) an amount that is sufficient to defray his  
travelling and out-of-pocket expenses in  
attending the hearing specified in the  
subpoena and producing anything required  
30 by the subpoena to be produced is tendered  
to him at the time of the service; and



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (c) without reasonable cause, he refuses or fails  
to comply with the subpoena,  
he is guilty of an offence and is liable on conviction to  
a penalty not exceeding \$200.

(8) A person on whom a subpoena is served  
under subsection (6) is entitled to receive—

10 (a) where the subpoena was issued by the Board  
on its own motion or on the application of  
an objector (being the superintendent of  
licenses or other member of the police force,  
15 an inspector or an officer of the Public  
Service), from the Board;

(b) where the subpoena was issued by the Board  
on the application of the applicant or  
licensee who is entitled to appear at the  
20 hearing, from that applicant or licensee, as  
the case may be; or

(c) where the subpoena was issued by the Board  
on the application of an objector (not being  
an objector referred to in paragraph (a)),  
from that objector,

25 his reasonable costs, including any loss of earnings,  
incurred by him in complying with the subpoena,  
calculated in accordance with the scales relating to  
subpoenas issued out of the District Court.

30 15c. (1) A licensee shall, in each year at the time  
when or during the period within which he is required  
to lodge a statement referred to in subsection (2) with  
the Board, pay to the Board the prescribed annual  
fees.

Annual fees  
and  
statement.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) A licensee shall, on a prescribed date in each year or within a prescribed period after that date, lodge with the Board, in respect of each year or part of a year during the currency of the licence, a statement containing such information as is prescribed.

10 (3) The Board, in its discretion, may, on the application of a licensee, extend or further extend the time for paying a fee under subsection (1) or lodging a statement under subsection (2).

15D. (1) Where—

15 (a) an individual who is, or a member of a firm that is, the holder of a licence, or any individual in respect of whom a licence is held—

Cancellation  
and  
suspension  
of licences.

20 (i) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or any part of his property for their benefit;

25 (ii) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part  
30 VII of that Act; or

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (iii) is convicted of an offence involving  
fraud or dishonesty that is punish-  
able by imprisonment for a period of  
or exceeding 3 months;

(b) a corporation that is the holder of a  
licence—

10 (i) is commenced to be wound up, is  
under official management or has  
ceased to carry on business; or

15 (ii) has entered into a compromise or  
scheme of arrangement with its  
creditors;

(c) a receiver and manager has been appointed,  
whether by the Supreme Court or otherwise,  
in respect of the property of a corporation  
that is the holder of a licence; or

20 (d) any director or other person concerned in the  
management of the business of a travel  
agent carried on by, a corporation is  
convicted of an offence involving fraud or  
dishonesty punishable by imprisonment for  
25 a term of 3 months or more,

the Board may cancel the licence.

(2) Where the holder of a licence fails to  
comply with any provision of section 15c, the Board  
may cancel the licence.

30 (3) If in a case to which subsection (1)  
applies the Board considers it desirable to do so, the  
Board may, instead of cancelling the licence, suspend  
the licence for a specified period and may at any time  
remove such a suspension.

SCHEDULE

*Travel Agents (Amendment).*

**SCHEDULE 2—continued.**

**AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—continued.**

5 (4) Where a licence is cancelled or suspended under this section, the Board shall forthwith, by notice in writing served on the person who was the holder of the licence, inform him of that cancellation or suspension and of the ground for that cancellation or suspension.

10 15E. Where a licence held by a person on his or its own behalf is cancelled or suspended, any licence held by that person in respect of an individual is deemed to be cancelled or, as the case may be, suspended. Cancellation, etc., of licence held by licensee on behalf of an individual.

15 (3) Section 16 (1), (2), (3)—

Omit “or renewal” wherever occurring.

(4) Section 19—

Omit the section, insert instead :—

20 19. (1) The Board may, by notice in writing served on the holder of a licence, require that holder to deliver that licence to the Board within such period as may be specified in the notice. Failure to deliver up licence.

25 (2) The holder of a licence shall not, without reasonable excuse, fail to comply with a notice served on him under subsection (1).

Penalty : \$500.

**SCHEDULE**



*Travel Agents (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (3) A reference in this section to a licence includes a reference to a licence that is cancelled or suspended under this Act and, in relation to any such licence, a reference in this section to the holder of a licence is a reference to the person whose licence was cancelled or suspended.

10 (5) (a) Section 22 (1) (b)—

Omit the paragraph, insert instead :—

15 (b) whose application for a licence has been refused (otherwise than pursuant to section 13 (2) (a), (c) (i) or (ii) or (d)), unless such an application has been subsequently granted.

(b) Section 22 (5)—

After section 22 (4), insert :—

20 (5) For the purposes of this section, an individual who holds office as a director of a corporation that is the holder of a licence is deemed to be employed by the corporation notwithstanding that he would not, but for this subsection, be an employee of the corporation.

25 (6) Section 30 (3) (a) (ii)—

Omit "renewals,".

SCHEDULE

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*Travel Agents (Amendment).*

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## SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PARTS IV AND V OF THE TRAVEL AGENTS  
ACT, 1973.

## (1) Section 34 (b)—

5 Omit the paragraph, insert instead :—

(b) he contravenes or fails to comply with a condition or restriction applicable in respect of the licence.

## (2) Section 35 (c)—

10 Omit “nominated pursuant to section 10 (2), (3) or (4)”, insert instead “in respect of whom a licence is held”.

## (3) Section 37 (2)—

15 Omit “or a person employed by the Board as an inspector in his capacity as such a member or inspector”, insert instead “by an inspector in his capacity as such”.

## (4) Section 38 (1), (3)—

20 After “in this Part” wherever occurring, insert “and Part V”.

## (5) (a) Section 39 (2) (a)—

Omit “and”.

## SCHEDULE



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*Travel Agents (Amendment).*

---

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(b) Section 39 (2) (b), (c)—

5 Omit section 39 (2) (b), insert instead :—

(b) particulars of the grounds upon which  
the defendant is required to show cause  
may be presented by a barrister or  
solicitor instructed by the Board or by a  
10 member of the police force or an  
inspector so instructed; and

(c) the Board—

(i) shall permit evidence relevant to  
the inquiry to be adduced by the  
15 person instructed by the Board as  
referred to in paragraph (b), and  
to be adduced by or on behalf of  
the defendant, with respect to the  
grounds upon which the defend-  
ant is required to show cause and  
20 with respect to any related  
matters, whether or not that evi-  
dence would be admissible in  
proceedings before a court of  
law;

(ii) may receive any submission,  
whether written or verbal, made  
by the person so instructed, or  
made by or on behalf of the  
25 defendant, with respect to those  
grounds and related matters and,  
where the defendant is an  
individual referred to in section  
35 (c) or is a director of a cor-  
poration or a member of a firm

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5 referred to in section 35 (e), any  
written submission made in  
answer to the notice served on  
the defendant under section 38  
(1) or (3) by the holder of the  
licence in respect of the defend-  
10 ant, the corporation of which the  
defendant is a director or the firm  
of which the defendant is a  
member, as the case may be;
- 15 (iii) may, subject to section 13 of  
the Oaths Act, 1900, require  
evidence at the inquiry to be  
given on oath; and
- 20 (iv) may, from time to time, adjourn  
the inquiry to such time and  
place as it may specify.

(6) (a) Section 40 (1)—

Omit “books, papers or writings”, insert instead  
“records”.

(b) Section 40 (3)—

25 Omit “a District”, insert instead “the District”.

(7) Section 41 (1) (c)—

Omit “not exceeding the unexpired term of the  
licence”, insert instead “specified by the Board not  
exceeding 3 years”.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(8) Section 42—

5 Omit the section, insert instead :—

10 42. (1) Where the Board refuses an application for a licence on any ground specified in section 13 (2) (c) or (d), (3) (c) or (d), (4) (c) or (d) or (5) (c) or (d) or under section 13 (6), an appeal against the decision of the Board refusing the application may be made to the District Court by the applicant.

15 (2) Where the Board imposes a condition or restriction under section 14 (1) (b), an appeal against the decision of the Board imposing that condition or restriction may be made to the District Court by the applicant for, or, as the case may be, the holder of, the licence in respect of which the condition or restriction is imposed.

20 (3) Where the Board refuses an application to vary a licence on any ground specified in section 13 (3) (c) or (d) (as referred to in section 15A (2)) or in section 13 (5) (c) or (d) (as referred to in section 15A (3)) or under section 15A (4), an appeal against the decision of the Board refusing the application may be made to the District Court by the licensee who made the application.

25

*Travel Agents (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (4) Where the Board grants an application  
for a licence or an application to vary a licence and  
an objection to the granting of the application was  
lodged in accordance with section 12 (6) or, as the  
case may be, section 15 (10), an appeal against the  
10 decision of the Board granting the application may be  
made to the District Court by the objector.

15 (5) Where the Board refuses an application  
made under section 23 or imposes any condition under  
that section in relation to any such application, an  
appeal against the decision refusing the application or  
imposing the condition, as the case may be, may be  
made to the District Court by the licensee who made  
the application.

20 (6) Where the Board makes a determination  
under section 41 (1) (paragraph (a) excepted), an  
appeal against the determination may be made to the  
District Court by any of the following persons :—

- (a) the defendant in respect of whom the  
determination is made;
- 25 (b) where the defendant is an individual in  
respect of whom a licence is or was held,  
the licensee or former licensee, as the case  
may be;
- 30 (c) where the defendant is a director of a cor-  
poration, or member of a firm, that is or  
was the holder of a licence, that corporation  
or firm.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (7) Where the Board makes a determination referred to in section 41 (1) (a) and the inquiry in relation to which the determination was made resulted from a complaint made under section 35 or 36, an appeal against the determination may be made to the District Court by the complainant.

10 (8) An appeal under this section shall not be dealt with unless it is made within the prescribed period in accordance with the rules of court of the District Court.

15 (9) An appeal made under this section shall be dealt with by way of rehearing in accordance with the rules of court of the District Court.

20 (10) Notice of an appeal made under this section shall be given to such persons as may be prescribed by rules of court of the District Court or as the District Court may direct and those persons shall, together with the appellant, be the parties to the hearing of the appeal.

25 (11) At the hearing of an appeal made under this section, the District Court may admit in evidence any statement, submission or other evidence which was or could have been adduced in the proceedings before the Board which gave rise to the appeal, notwithstanding that that statement, submission or evidence might not normally be admitted in evidence  
30 in a court of law.

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS IV AND V OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

5 (12) The District Court may, in deciding an  
appeal made under this section—

(a) confirm the decision or determination of  
the Board appealed against; or

10 (b) substitute for that decision or determination  
any decision or determination that the  
Board had jurisdiction to make.

(13) The decision of the District Court in  
respect of an appeal made under this section shall be  
final and shall be deemed to be the decision or  
determination of the Board.

15 (14) Where the decision of the District Court  
in respect of an appeal made under subsection (6)  
confirms a determination cancelling or suspending the  
licence of a person or the decision of that Court in  
20 respect of an appeal made under subsection (6) or  
(7) is a determination cancelling or suspending a  
licence and the licence is not already in the possession  
of the Board, the person in possession of that licence  
shall, forthwith after being notified of the decision  
of the Court, lodge the licence with the Board.

25 Penalty for an offence against this subsection :  
\$500.



*Travel Agents (Amendment).*

SCHEDULE 4.

Sec. 4.

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973.

Part VA—

5 After Part V, insert :—

PART VA.

TRAVEL AGENTS' ACCOUNTS.

42A. (1) A licensee shall—

Accounts  
to be kept  
by a  
licensee.

10

(a) keep such accounting records as correctly  
record and explain the transactions and  
financial position of the business of a travel  
agent carried on by him;

15

(b) keep his accounting records in such a  
manner as will enable true and fair profit  
and loss accounts and balance sheets to be  
prepared from time to time; and

20

(c) keep his accounting records in such a  
manner as will enable profit and loss  
accounts and balance sheets of the business  
of a travel agent carried on by him to be  
conveniently and properly audited.

Penalty : \$1,000 or imprisonment for a term of  
6 months.

25

(2) A licensee shall be deemed not to have  
complied with subsection (1) in relation to accounting  
records unless those records—

30

(a) are kept in the English language or in such  
manner as will enable them to be readily  
converted into writing in the English  
language;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) are kept in sufficient detail to show particulars of—

(i) all money received or paid by the licensee, including money paid to, or disbursed from, a trust account;

10 (ii) all income received from commissions and other sources, and all expenses, commissions and interest paid, by the licensee; and

15 (iii) all the assets and liabilities (including contingent liabilities) of the licensee;

(c) are kept in sufficient detail to show separately particulars of every transaction of the licensee; and

20 (d) specify the day on which, or the period within which, each transaction by the licensee took place.

25 (3) Without affecting the operation of subsection (2), a licensee shall keep accounting records in sufficient detail to show separately particulars of all transactions by the licensee with, or for the account of—

(a) clients of the licensee, excluding in the case of a licensee that is a firm, the members of the firm;

30 (b) the licensee himself, and, where the licensee is a firm, the members of the firm;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (c) other licensees;  
(d) travel agents carrying on business outside  
New South Wales; and  
(e) employees of the licensee.

Penalty : \$500.

- 10 (4) An entry in the accounting records of a  
licensee required to be kept in accordance with this  
section shall, until the contrary is proved, be deemed  
to have been made by the licensee or with his approval  
or authority.

- 15 (5) Where an accounting record required by  
this section to be kept is not kept in writing in the  
English language, the licensee shall, if required to  
convert the record into writing in the English language  
by a person entitled to examine the record, comply  
with the requirement within a reasonable time.

20 Penalty : \$500.

- 25 (6) Notwithstanding any other provision of  
this section, a licensee shall be deemed not to have  
failed to keep an accounting record referred to in  
subsection (1) by reason only that the record is kept  
as a part of, or in conjunction with, the records  
relating to any business carried on by him other than  
that of a travel agent.

- 30 (7) If a licensee keeps accounting records at  
a place outside New South Wales, he shall cause to be  
sent to and kept at a place in New South Wales such

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—continued.

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—continued.

5 particulars with respect to the business dealt with in  
those records as will enable true and fair profit and  
loss accounts and balance sheets to be prepared.

Penalty : \$500.

10 42B. (1) In this section and in section 42C, <sup>Licensee's</sup>  
"client", in relation to a licensee, means a person from <sup>trust</sup>  
whom or on whose account the licensee receives money <sup>accounts.</sup>  
as referred to in subsection (3).

15 (2) A licensee shall open at and maintain  
with a bank or banks in New South Wales one or more  
current or deposit accounts designated as a trust  
account or, as the case may be, as trust accounts.

20 (3) Subject to subsections (4) and (5),  
where money is received by a licensee from or on  
account of a person for whom he is acting in relation  
to the receipt of that money in the course of his carry-  
ing on the business of a travel agent and is money to  
or in respect of which a person other than the licensee  
is entitled or has a claim, the licensee shall pay that  
money into a trust account maintained by him under  
subsection (2), not later than the next day on which  
25 the bank at which that account is maintained is open  
for business after the day on which he received that  
money.

30 (4) Where money which would, but for this  
subsection, be required under subsection (3) to be  
paid into a trust account is received by a licensee at a  
place outside New South Wales, the licensee may pay  
that money into a trust account maintained by the  
licensee in that place.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (5) Subsection (3) does not apply to and  
in relation to a cheque, bank cheque, bank draft or  
money order made payable to or to the order of a  
specified person or bearer (not being a cheque, bank  
cheque, bank draft or money order in which the payee  
10 is the licensee or a member of a firm that is the  
licensee) received from or on account of a client with  
instructions, express or implied, that the cheque, bank  
cheque, bank draft or money order is to be delivered  
to the person to whom it is payable.

15 (6) A licensee who fails to comply with sub-  
section (2) or (3) is guilty of an offence and is liable  
on conviction to a penalty not exceeding \$500.

20 (7) A licensee who, with intent to defraud,  
fails to comply with subsection (2) or (3) is guilty  
of an offence and is liable on conviction to a penalty  
not exceeding \$5,000 or to imprisonment for a term  
not exceeding 2 years, or both.

25 42c. (1) A licensee shall not, without the prior  
written approval of the Board, withdraw money  
received from or on account of a client and paid  
into a trust account as required by section 42B(3)  
except for the purpose of—  
Purposes for which money may be with-  
drawn from a trust account.

30 (a) paying an amount properly payable to the  
client or properly payable on behalf of the  
client in respect of the provision of travel  
on a conveyance, hotel or other accommo-  
dation or other services ordinarily provided  
for travellers;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (b) satisfying a debt properly due to the licensee  
from the client in respect of commission or  
other charges;
- 10 (c) reimbursing the licensee for money properly  
expended by him on behalf of the client in  
respect of the provision of travel on a con-  
veyance, hotel or other accommodation or  
other services ordinarily provided for  
travellers;
- 15 (d) paying in New South Wales an amount to  
another licensee in accordance with an  
authority in writing given by the client; or
- (e) paying an amount that is otherwise  
authorised by the regulations to be paid.

Penalty : \$1,000 or imprisonment for a term of 6  
months.

- 20 (2) Subsection (1) does not prohibit a  
licensee from withdrawing from a trust account main-  
tained in accordance with section 42B (2) money  
to which he is entitled, being money which was paid  
into that account but which was not required to be
- 25 so paid.

- (3) Except as otherwise provided in this  
Part, money held in a trust account is not available for  
payment of the debts of a licensee or liable to be  
taken in execution under the order or process of a  
court.
- 30

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 4—*continued.*INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (4) Nothing in this Part takes away or  
affects a lawful claim or lien that a person has against  
or on any money received from the sale of any tickets  
entitling an individual to travel, or from arranging  
for an individual a right of passage, on any con-  
veyance (not being a prescribed conveyance) or from  
10 selling to, or arranging or making available for, any  
individual rights of passage to, or hotel or other  
accommodation at, any place.

## 42D. (1) In this section—

Licensee's  
accounts.

- 15 “financial year”, in relation to a licensee,  
means—

- (a) where the licensee is an individual  
or firm, the period of 12 months  
ending on 30th June; and  
(b) where the licensee is a corporation,  
20 the financial year of the corporation  
within the meaning of the Com-  
panies Act, 1961;

“prescribed day”, in relation to a financial year  
of a licensee, means—

- 25 (a) where the licensee is an individual  
or firm, the day that is 2 months  
after the end of that financial year;  
or  
(b) where the licensee is a corporation,  
30 the day that is 3 months after the  
end of that financial year,

## SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 or where, in either case, an extension of  
time is approved pursuant to subsection  
(3), the day on which the extended time  
expires.

10 (2) A licensee shall, in respect of each  
financial year, other than a financial year that ended  
before the commencement of Schedule 4 to the Travel  
Agents (Amendment) Act, 1977, or ended on or after  
that commencement but before the date on which the  
15 licensee commenced to carry on the business of a travel  
agent, prepare a true and fair profit and loss account  
and balance sheet on the basis of such accounting  
principles (if any) and containing such information  
and matters as are prescribed and lodge them with the  
Board before the prescribed day for that financial year,  
together with an auditor's report containing the  
20 prescribed information and matters.

25 (3) The Board may approve an extension of  
the period of 2 months or, as the case may require,  
the period of 3 months, referred to in the definition of  
"prescribed day" in subsection (1) where an applica-  
tion for the extension is made by the licensee and his  
auditor, and such an approval may be given subject  
to such conditions, if any, as the Board thinks fit to  
impose.

30 (4) A licensee who fails to comply with  
subsection (2), or with any condition imposed under  
subsection (3), is guilty of an offence and is liable  
on conviction to a penalty not exceeding \$500.

SCHEDULE



*Travel Agents (Amendment).*SCHEDULE 4—*continued.*INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5           42E. (1) Where the Board proves to the satisfaction of the Supreme Court—
- Power of  
Supreme  
Court to  
restrain  
dealings  
with  
licensee's  
bank  
accounts.
- (a) that there are reasonable grounds for believing that there is a deficiency in a trust account of a person who is or has been a licensee;
- 10           (b) that there has been undue delay, or unreasonable refusal, on the part of a person who is or has been a licensee, in paying, applying or accounting for trust money as required by this Act;
- 15           (c) that a person who is or has been a licensee has not paid money into a trust account as provided by section 42B; or
- 20           (d) where the business of a travel agent is carried on, was carried on or was last carried on, as the case may be, by a person otherwise than as a member of a firm that is the holder of a licence—
- (i) that the licence of that person has been cancelled or suspended;
- 25           (ii) that that person, being an individual, is incapable, by reason of physical or mental infirmity, of managing his affairs;
- 30           (iii) that that person has ceased to carry on the business of a travel agent; or

## SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (iv) that that person, being an individual,  
has died,

the Court may make an order restraining dealings in  
respect of all or any of the bank accounts of that  
person, subject to such terms and conditions as the  
Court thinks fit to impose.

10 (2) Where an order made under subsection  
(1) is directed to a banker, the banker shall—

15 (a) disclose to the Board every account kept at  
the bank in the name of the person to whom  
the order relates, and any account that the  
banker reasonably suspects is held or kept  
at the bank for the benefit of that person;  
and

20 (b) permit the Board to make a copy of any  
account of the person to whom the order  
relates or any of the records relating to that  
person that are in the custody of or under  
the control of the banker or to make a copy  
of any part of any such account or records.

25 (3) Where an order is made under subsection  
(1), the Supreme Court may, on the application of the  
Board or of a person affected by the order, make  
further orders—

(a) dealing with such ancillary matters as the  
Court considers necessary or desirable;

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (b) directing that all or any of the money in an  
account affected by an order so made be  
paid by the bank to the Board or a person  
nominated by the Board, subject to such  
terms and conditions as the Court thinks fit  
to impose; and
- 10 (c) discharging or varying the order.
- (4) An order made under subsection (3)  
15 (b) may include a direction requiring the Board or  
person nominated by the Board to cause the money  
paid to the Board or that person in accordance with  
the order to be paid into a separate trust account and  
a direction authorising the Board or that person—
- 20 (a) where that money is sufficient to pay all  
proved claims, to prepare a scheme for  
the distribution of that money to those  
claimants who, during the period of 6  
months after that money is received by the  
Board or that person, satisfy the Board or  
that person that they are entitled to that  
money or to any part of it; or
- 25 (b) where the money is insufficient to pay all  
proved claims, to prepare a scheme for the  
apportionment of that money in proportion  
to the claims of those claimants who, during  
the period of 6 months after that money is  
30 received by the Board or that person, satisfy  
the Board or that person that they are  
entitled to that money or to any part of it  
and for the distribution to those claimants  
of the money so apportioned.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (5) When a scheme has been prepared in  
accordance with a direction included in an order  
pursuant to subsection (4), the Board or person  
nominated by the Board shall make an application to  
the Supreme Court for the approval of the scheme,  
and, on the hearing of any such application, the Court  
10 may approve or disapprove the scheme and, if it  
approves the scheme, give such directions as it thinks  
fit as to—

- (a) the money held in a separate trust account  
pursuant to a direction so included;
- 15 (b) the persons to whom and in what amounts  
that money or any part of that money shall  
be paid; and
- (c) the disposal of the balance of that money  
(if any) remaining after the amounts  
20 referred to in paragraph (b) have been  
paid.

(6) On the approval of a scheme under sub-  
section (5), the Board or person nominated by the  
Board shall distribute the money in accordance with  
25 the scheme and any directions given by the Supreme  
Court under that subsection.

30 42F. (1) A bank does not incur liability or obliga-  
tion to any person by reason only that it has failed to  
secure that any provision of this Part, or of the regula-  
tions, with respect to the keeping of trust accounts  
and the withdrawal of money from any such account  
has been complied with.

Protection  
of banks  
from  
liability.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 4—*continued.*

INSERTION OF PART VA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (2) A bank at which a licensee keeps a trust  
account shall not, in respect of any liability of the  
licensee to the bank (not being a liability in connec-  
tion with that account), have any recourse or right,  
whether by way of set-off, counterclaim, charge or  
10 otherwise, against money standing to the credit of that  
account.

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973.

- (1) Part VI, heading—  
15 Omit "FIDELITY GUARANTEE", insert instead  
"COMPENSATION".

(2) Section 43A—

Before section 43, insert :—

- 20 43A. (1) In this Part, except so far as the Interpret-  
context or subject-matter otherwise indicates or Pt. VI.  
requires—

- 25 "failure to account" means a failure by a licensee  
to account for money or other valuable  
property entrusted to the licensee, or to any  
employee or agent of the licensee, in the

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 course of the business of a travel agent  
carried on by the licensee, which arises from  
any act or omission of the licensee or of his  
employee or agent, being an act or omission  
which occurred after the commencement of  
Schedule 5 to the Travel Agents  
10 (Amendment) Act, 1977;

“pecuniary loss” or “loss” includes—

15 (a) all costs (including the legal costs  
and disbursements of making and  
proving a claim), charges and  
expenses which a claimant has  
suffered or incurred as a direct  
consequence of a failure to account;  
and

20 (b) all interest on money or other  
valuable property which a claimant  
would have received but for a failure  
to account for the money or other  
property, calculated to the date on  
which the Board determines the  
25 claimant’s claim to, or a judgment is  
recovered against the Board in rela-  
tion to the fund in respect of, that  
money or other property.

30 (2) For the purpose of the definition of  
“failure to account” in subsection (1), a reference in  
that definition to an employee of a licensee includes

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 a reference to a person who has the apparent control  
or charge for the time being of the business of a travel  
agent carried on by the licensee or of any office at  
which that business is carried on.

(3) Sections 43, 44—

10 Omit “Fidelity Guarantee” wherever occurring, insert  
instead “Compensation”.

(4) Section 51—

Omit the section, insert instead :—

15 51. (1) Subject to this Part, the fund shall be held <sup>Application</sup> and applied for the purpose of compensating <sup>of fund.</sup> any  
person who may suffer or incur pecuniary loss by  
reason of a failure to account.

20 (2) A person who claims to have suffered or  
incurred pecuniary loss by reason of a failure to  
account may make a claim against the fund in respect  
of that failure to account, but only if the claim is made  
in writing to the Board within 6 months after the  
person has become aware of that failure to account or  
within a period of 2 years from the date of that failure  
to account, whichever period first expires.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (3) A person who carries on a business which  
comprises or includes the provision of means of trans-  
port for the conveyance of passengers, or the provision  
of hotel or other accommodation, or who carries on  
the business of a travel agent, shall not have a claim  
10 against the fund in respect of any pecuniary loss  
suffered or incurred in connection with that business  
by reason of a failure to account.

(5) (a) Section 52 (1)—

15 Omit "commission of the theft or fraudulent  
misapplication", insert instead "failure to  
account".

(b) Section 52 (2)—

After "balance of the", insert "pecuniary".

(c) Section 52 (4), (4A), (4B)—

Omit section 52 (4), insert instead :—

20 (4) Subject to subsection (5), the aggregate  
sum which may be applied in compensating all  
persons who suffer or incur pecuniary loss by  
reason of a failure to account, or of related fail-  
25 ures to account, by a licensee shall not exceed  
such sum as is for the time being prescribed for  
the purpose of this subsection.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

(4A) Where—

- 5           (a) a sum has been applied in compensating persons who have suffered or incurred pecuniary loss by reason of a failure to account, or of related failures to account, by a licensee;
- 10           (b) other persons have made claims against the fund in respect of a subsequent failure to account, or of subsequent failures to account, by that licensee; and
- 15           (c) the Board is satisfied that that subsequent failure to account was not, or, as the case may be, those subsequent failures to account were not, connected with the first mentioned failure or
- 20           related failures to account,

subsection (4) shall, if the Board so determines, apply to and in respect of that subsequent failure or those subsequent failures as if no part of that sum had been so applied.

- 25           (4B) A reference in subsections (4) and (4A) (a) to a failure to account, or to related failures to account, by a licensee includes a reference to theft or fraudulent misapplication committed after the commencement of this Part

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 but before the commencement of Schedule 5 to  
the Travel Agents (Amendment) Act, 1977, by  
that licensee or by an employee of that licensee  
in the course of his employment with that  
licensee or by any person having the apparent  
10 control or charge of any office or business of  
that licensee of any money or other valuable  
property entrusted to that licensee or to that  
employee or other person in the course of the  
business of a travel agent carried on by that  
licensee.

15 (6) Section 60—

Omit the section, insert instead :—

60. (1) For the purpose of safeguarding the fund, Examination  
the chairman or any 2 members of the Board may, by of records  
instrument in writing, appoint an accountant— etc., by  
accountant.

20 (a) to examine the records kept by or on behalf  
of a licensee specified in the instrument of  
appointment, or a person so specified who,  
at any time within the period of 3 years  
preceding the date of appointment, has been  
25 the holder of a licence which has since been  
cancelled or suspended, so far as those  
records relate to the business of a travel  
agent carried on by that licensee or, as the  
case may be, formerly carried on by that  
30 person (in this section subsequently referred  
to as a "former licensee"); and

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) to prepare a confidential report as to any  
irregularity or alleged or suspected irregu-  
larity in those records which may be dis-  
closed by that examination, or as to any  
other matter which, in the opinion of the  
10 accountant so appointed, should, in the  
interests of safeguarding the fund, be further  
investigated and to submit that report to the  
Board.

15 (2) An appointment made under subsection  
(1) shall be in writing signed by the registrar and the  
chairman or the members of the Board who made the  
appointment.

20 (3) The Board, by notice in writing served on  
the licensee or former licensee in respect of whom an  
accountant has been appointed under subsection (1),  
may—

(a) advise the licensee or former licensee of that  
appointment;

25 (b) fix a date for the holding of an examination  
of the records kept by or on behalf of the  
licensee or former licensee in connection  
with the business of a travel agent carried  
on or, as the case may be, formerly carried  
on by him; and

30 (c) require the licensee or former licensee to  
ensure that he or another person authorised  
by him is in attendance on that date at the  
office or place of business of the licensee or  
former licensee specified in the notice for

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 the purpose of producing to the accountant  
or to any assistant of the accountant such of  
the records kept by or on behalf of the  
licensee or former licensee in connection  
with the business of a travel agent carried  
10 on or, as the case may be, formerly carried  
on by him as the accountant or his assistant  
may wish to examine.

(4) A licensee or former licensee shall not  
refuse or fail to comply with a requirement contained  
in a notice served on him under subsection (3) so far  
15 as it is within his power so to comply.

Penalty : \$500.

(5) A licensee or former licensee in respect  
of whom an accountant has been appointed under  
subsection (1), or, in the absence of that licensee or  
20 former licensee, any person having the apparent control  
or charge for the time being of the business of a  
travel agent carried on by that licensee or, as the case  
may be, formerly carried on by that former licensee or  
of any office or place at which that business is or was  
25 formerly carried on, shall, on being required to do so  
by that accountant and on production by that  
accountant of his instrument of appointment—

(a) produce to that accountant or to any  
assistant of that accountant such of the  
30 records kept by or on behalf of that licensee  
or former licensee in connection with the  
business of a travel agent carried on or, as  
the case may be, formerly carried on by  
him as the accountant or his assistant may  
35 wish to examine;

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) provide the accountant or his assistant with  
such information relating to that business  
and those records as the accountant or his  
assistant may reasonably require; and

10 (c) provide the accountant or his assistant with  
any authority or order that may be required  
to enable the accountant or his assistant to  
have access to and examine any records  
maintained by a banker of the licensee or  
former licensee in connection with that  
15 business or any records kept by any other  
person on behalf of the licensee or former  
licensee, as the case may be, in connection  
with that business.

20 (6) Any licensee, former licensee or person  
who refuses or fails to comply with subsection (5) so  
far as it is within his power so to comply, or any  
person who, without reasonable excuse (the burden of  
proof of which is on him), obstructs, hinders or delays  
an accountant appointed under subsection (1), or any  
25 assistant of any such accountant, in the conduct of  
an examination under this section, is guilty of an  
offence against this Act.

(7) Where the registrar—

(a) is satisfied that—

30 (i) the licensee or former licensee in  
respect of whom an accountant has  
been appointed under subsection  
(1) cannot be located or has left  
New South Wales; or

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (ii) that licensee or former licensee, or  
any person having the apparent  
control or charge for the time  
being of the business of a travel  
agent carried on by that licensee or,  
10 as the case may be, formerly carried  
on by that former licensee or of any  
office or place at which that  
business is or was formerly carried  
on, has refused or failed to comply  
15 with a requirement made to him by  
an accountant in accordance with  
subsection (5) to provide an  
authority or order referred to in  
paragraph (c) of that subsection;  
and
- 20 (b) has reason to believe that that licensee or  
former licensee, as the case may be, has  
deposited any money in an account kept  
with a banker or that any other person is  
25 in possession of any records kept in connec-  
tion with the business of a travel agent  
carried on by that licensee or, as the case  
may be, formerly carried on by that former  
licensee,
- 30 the registrar may, by instrument in writing in or to  
the effect of the prescribed form, give a certificate as  
to those matters and require that banker to produce  
to that accountant or any assistant of that accountant  
for examination the records of the bank so far as they  
relate to that account or, as the case may be, require  
35 that other person to produce to that accountant or to  
any assistant of that accountant any records in  
his possession so far as they relate to the business of

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 a travel agent carried on by that licensee or, as the  
case may be, formerly carried on by that former  
licensee.

10 (8) On the service on a banker or other  
person of an instrument referred to in subsection (7),  
that banker or person shall comply with any require-  
ment specified in the instrument so far as it is within  
his power so to comply.

Penalty : \$500.

15 (9) The Board shall cause a copy of a report  
submitted to it by an accountant under this section to  
be sent forthwith to the licensee or former licensee to  
whom the report relates.

20 (10) An accountant appointed to make an  
examination of records for the purpose of this section  
shall not, without the consent of the licensee or former  
licensee in respect of whom he is appointed, communi-  
cate the fact of his appointment to any person other  
than any person assisting him, that licensee or former  
licensee or any employee or agent of that licensee or  
former licensee or communicate any matter which may  
25 come to his knowledge in the course of that examina-  
tion to any person except in the course of his report to  
the Board or for the purposes of or in connection with  
any proceedings before any court or tribunal  
exercising judicial functions.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (11) An assistant of an accountant appointed  
to make an examination of records for the purpose of  
this section shall not, without the consent of the  
licensee or former licensee in respect of whom the  
accountant is appointed, communicate the fact of the  
10 appointment to any person other than that licensee or  
former licensee or any employee or agent of that  
licensee or former licensee or communicate any matter  
which may come to his knowledge in the course of  
that examination to any person other than that  
15 accountant or the Board except for the purposes of  
or in connection with any proceedings before any  
court or tribunal exercising judicial functions.

(12) Any accountant who contravenes sub-  
section (10), or any assistant of an accountant who  
contravenes subsection (11), is, in addition to any  
20 other proceedings, penalty or punishment to which he  
may be liable, guilty of an offence against this Act.

(13) A court which finds a licensee, former  
licensee or person guilty of an offence of refusing or  
failing to comply with subsection (5) (a) or (c) may,  
25 whether or not it convicts the licensee, former licensee  
or person of the offence and whether or not it imposes  
a penalty for the offence, order that licensee, former  
licensee or person to produce the records referred to  
in subsection (5) (a), or, as the case may be, to  
30 provide the authority or order referred to in subsection  
(5) (c), to the accountant appointed in respect of  
that licensee or former licensee within such period as  
may be specified in the order.



*Travel Agents (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (14) A court which finds a banker or person  
guilty of an offence of failing to comply with sub-  
section (8) may, whether or not it convicts the banker  
or person of the offence and whether or not it imposes  
a penalty for the offence, order that banker or person  
10 to comply with any requirement specified in the  
instrument served on that banker or person under  
subsection (7) within such period as may be specified  
in the order.

15 (15) If a licensee, former licensee or person  
in respect of whom an order is made under subsection  
(13), or a banker or person in respect of whom an  
order is made under subsection (14), refuses or fails  
to comply with the order so far as it is within his power  
so to comply, that licensee, former licensee, banker or  
20 person is guilty of an offence and is liable on conviction  
to a penalty not exceeding \$50 for each day  
during which the offence continues.

*Travel Agents (Amendment).*

SCHEDULE 6.

Sec. 4.

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973.

Part VIA—

5 After Part VI, insert :—

PART VIA.

ADMINISTRATION OF AFFAIRS AND PROPERTY OF  
LICENSEE, ETC.

10 60A. (1) In this Part, except so far as the context  
or subject-matter otherwise indicates or requires— Interpretation:  
Pt. VIA.

“administrator” means an administrator  
appointed and holding office under this  
Part;

15 “affairs”, in relation to a licensee or a person  
whose licence is cancelled or suspended,  
means the affairs relating to the carrying on  
by him of the business of a travel agent;

“failure to account” has the meaning ascribed to  
that expression by section 43A;

20 “property”, in relation to a licensee or a person  
whose licence is cancelled or suspended,  
means—

25 (a) money or other property which was,  
in the course of or in connection  
with the business of a travel agent  
carried on by that licensee or person,  
entrusted to or received on behalf

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 of any other person by that licensee  
or person or by any employee or  
agent of that licensee or person, or  
by any other licensee with whom  
that licensee or person shares  
10 remuneration, and which has not  
been paid or delivered by that  
licensee or person to the person  
entitled or in accordance with  
directions of the person entitled or  
otherwise according to law;
- 15 (b) money or other property which  
would, but for the appointment of  
an administrator of the affairs and  
property of that licensee or person,  
be receivable by that licensee or  
20 person on behalf of any other person  
after that appointment;
- 25 (c) money received by an administrator  
of the affairs and property of that  
licensee or person, being interest,  
dividends or other income arising  
from any property of that licensee or  
person held by that administrator  
under this Part; and
- 30 (d) any records kept by or on behalf of  
that licensee or person in connection  
with the business of a travel agent  
carried on by that licensee or person.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) A reference in this Part to a licensee in  
respect of whom an administrator is or was appointed  
includes, where the context so requires, a reference to  
a person who was, at the time of the appointment of  
that administrator, the holder of a licence but who has  
10 for any reason subsequently ceased to be the holder of  
that licence.

60B. (1) The Supreme Court may, on the applica-  
tion of the Board, make an order appointing an  
administrator of the affairs and property of a licensee  
on the ground—

Power of  
Supreme  
Court to  
appoint an  
administra-  
tor in  
certain  
cases.

- 15 (a) that any failure to account has occurred  
in relation to any trust account or trust  
fund of the licensee; or
- (b) that any person is unable for any reason to  
20 obtain from the licensee payment or delivery  
of money or other property to which that  
person is entitled.

25 (2) Where the Board has cancelled or sus-  
pended the licence of any person under this Act, the  
Supreme Court may, on the application of the Board  
made not later than 12 months after the date on  
which the cancellation or suspension took effect and,  
in the case of a suspension, before the removal of, or  
the expiry of the period of, the suspension, make an  
order appointing an administrator of the affairs and  
30 property of that person on being satisfied that the  
appointment is necessary or desirable in order to pro-  
tect the interests of clients of that person.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5        60c. Where the Board makes an application under section 60B for the appointment of an administrator of the affairs and property of a licensee or a person whose licence has been cancelled or suspended, that licensee or person is—

Hearing of application for appointment of administrator.

10            (a) unless the Supreme Court dispenses with service, entitled to be served with a copy of the originating process; and

          (b) entitled to appear and be heard at the hearing of the application, either personally or by his counsel or solicitor.

15        60D. As soon as practicable after the Supreme Court has made an order appointing an administrator, the Board shall, unless the licensee or person in respect of whom that administrator is appointed or the representative of that licensee or person appeared in the proceedings in the course of which that order was made or the Court dispenses with service, serve a copy of the order on that licensee or person and shall serve a copy of the order on any other person to whom the Court directs notice of the appointment to be given.

Copy of order appointing administrator to be served on licensee, etc.

30        60E. (1) On the appointment of an administrator taking effect, the administrator shall—

Duty of administrator to administer the affairs and property of licensee, etc.

          (a) subject to and in accordance with any directions given to him by the Supreme Court, administer the affairs of the licensee or person in respect of whom he was appointed until the appointment is terminated; and

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (b) subject to this Part, acquire or take into his possession and administer all property to which that licensee or person is or appears to be entitled.

(2) If—

10 (a) the licensee or person in respect of whom the administrator was appointed, on being required by the administrator to transfer or deliver to the administrator, or to permit the administrator to acquire or take possession of, any such property that is in his possession  
15 or at his disposal or under his control, does not comply with the requirement; or

(b) it appears to the administrator that that licensee or person, on being so required, has not fully complied with the requirement,

20 the administrator may, in his own name or in the name of that licensee or person, make an application to the Supreme Court for an order for the transfer or delivery to him of that property, and, on the hearing of any such application, the Court may, subject to  
25 such conditions (if any) as it thinks fit to impose, make the order applied for.

(3) If it appears to an administrator that an order made by the Supreme Court under subsection (2) is not complied with, the Court may, on the  
30 application of that administrator, by further order authorise a member of the police force, or that administrator or some other person and a member of the police force—

35 (a) to enter any premises or other place specified in the order;

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 60o. (1) All amounts incurred by an administrator <sup>Expenses</sup> in the course of his administration (including money <sup>of</sup> payable to him as remuneration for his services and the <sup>adminis-</sup> costs of bringing or defending or otherwise partici- <sup>trator.</sup> pating in legal proceedings in the course of and in  
10 connection with his administration) shall, to the extent that they have not otherwise been paid to the administrator or met under this Part, be paid to him by the Board out of the fund.

15 (2) Any amounts paid or payable to an administrator out of the fund as expenses of the administration (including any reimbursement made pursuant to section 60p) shall be recoverable in the Supreme Court by the Board from the licensee or person in respect of whom the administrator was appointed as a debt due from that licensee or person  
20 to the Board.

25 (3) The Board and an administrator may enter into an agreement as to the amount to be paid to the administrator as his remuneration, and in default of any such agreement, the Supreme Court may, on the application of the Board or of the administrator, determine the amount of remuneration to be paid to the administrator.

30 (4) The Supreme Court may, on the application of a licensee or person in respect of whom an administrator has been appointed made within the prescribed period, re-open any agreement entered into under subsection (3) with respect to the remuneration paid or to be paid to that administrator and

SCHEDULE

*Travel Agents (Amendment).*SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 determine the amount of remuneration that, in the  
opinion of the Court, ought, in fairness to that licensee  
or person, to have been agreed to, and, where the  
amount of remuneration agreed to has been paid to  
that administrator and that amount exceeds the  
10 amount determined by the Court, order the excess to  
be refunded to that licensee or person.

(5) Where, in the course of proceedings  
under subsection (2) taken against a licensee or  
person in respect of whom an administrator has been  
appointed, it appears to the Supreme Court that the  
15 amounts sought to be recovered from that licensee or  
person in respect of the expenses of administration are  
excessive, the Court may—

- (a) by order, direct that an account be taken  
20 between the Board and the administrator;  
and
- (b) by further order or orders, relieve that  
licensee or person from payment of any  
amount in excess of the amount which is  
25 adjudged by the Court as being fairly  
payable by that licensee or person in respect  
of those expenses, and, if any such excess  
amount has been paid to or allowed in  
account by the Board to the administrator,  
30 direct that excess amount to be refunded by  
the administrator.

60p. If any claim or charge is made by any person  
against an administrator for any act or omission com-  
mitted in good faith by the administrator, or by any  
employee or agent of the administrator, and in execu-  
35 tion or purported execution of the powers conferred,  
Claim or charge against administrator may be paid from fund.

## SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (b) to search for any property which the administrator is entitled to acquire or take into his possession; and
- (c) to seize any such property and remove it to such place as the administrator thinks fit.
- 10 (4) Any person who, without reasonable excuse (the burden of proof of which is on him), obstructs, hinders or delays any member of the police force, the administrator or other person, in the exercise of a power conferred by an order made under sub-
- 15 section (3) is guilty of contempt of the Supreme Court and may be punished accordingly.
- (5) Subject to subsection (6), an administrator—
- 20 (a) may deal with any property which he has acquired or of which he has taken possession under this section in any manner in which the licensee or person in respect of whom he is appointed might lawfully have dealt with that property; and
- 25 (b) shall, as soon as practicable after acquiring or taking possession of that property, deliver that property to such persons as appear to him to be lawfully entitled to it.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (6) An administrator shall apply the property  
acquired and held by him, or in his possession, in his  
capacity as administrator in the following order for  
the following purposes :—

10 (a) firstly, in reimbursing the Board in respect  
of all amounts paid out of the fund in  
settlement in whole or in part of claims  
made against the fund in respect of a failure  
to account by the licensee or person in  
respect of whom he is appointed;

15 (b) secondly, in satisfying or partially satisfying  
the amounts of claims against that licensee  
or person with respect to the business of a  
travel agent carried on by that licensee or  
person to the extent that those claims have  
not otherwise been fully satisfied; and

20 (c) thirdly, in paying the amounts incurred by  
him as expenses of the administration,

and, if after that application, any such property  
remains, he shall hold that property in trust for that  
licensee or person.

25 (7) Amounts referred to in a paragraph of  
subsection (6) shall rank equally between themselves  
and shall be paid in full unless the property referred  
to in that subsection is insufficient for those amounts  
to be paid, in which case they shall abate in equal  
30 proportions between themselves.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (5) An order made under subsection (4)  
shall provide for the vesting in or transfer to the person  
appointed by that order of all property held by or  
in the possession of the administrator who has vacated  
his office as referred to in that subsection.

10 (6) The Supreme Court may, on the appli-  
cation of a licensee or person in respect of whom an  
administrator was appointed, make an order revoking  
the appointment of the administrator if on the hearing  
of the application it is satisfied that the purpose for  
15 which that administrator was appointed has been  
fulfilled.

(7) Where—

20 (a) an administrator has vacated his office as  
referred to in subsection (1) (paragraph  
(f) excepted), no order under subsection  
(3) has been made in relation to property  
held by that administrator as referred to in  
that subsection and that vacancy is not  
filled within 14 days after it has occurred; or

25 (b) the appointment of an administrator is  
revoked by an order made under subsection  
(6),

30 the Supreme Court may, on the application of the  
licensee or person in respect of whom that adminis-  
trator was appointed, make an order vesting in or  
transferring to that licensee or person any property  
which that administrator holds in trust for that licensee  
or person by virtue of section 60E (6).

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (8) Except where the licensee or person in  
whose favour an order under subsection (3) or (7)  
is made has previously paid the amounts incurred by  
the administrator as expenses of the administration,  
the order shall provide for that licensee or person to  
10 pay those amounts to the administrator or, if those  
amounts have been paid to the administrator out of  
the fund as provided in section 60o (1), to the Board.

15 (9) Where an application is made under sub-  
section (2) or (4), the licensee or other person in  
respect of whose affairs and property an administrator  
was appointed is—

- (a) unless the Supreme Court dispenses with  
service, entitled to be served with a copy of  
the originating process; and
- 20 (b) entitled to appear and be heard at the  
hearing of the application, either personally  
or by his counsel or solicitor.

(10) Where an application is made under  
subsection (6) or (7), the Board is entitled—

- 25 (a) to be served with a copy of the originating  
process; and
- (b) to appear and be heard at the hearing of  
the application, either by any of its officers  
or by its counsel or solicitor.

SCHEDULE



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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5           (8) Without restricting any power conferred  
on an administrator by this section, he may, in his  
own name or in the name of the licensee or person  
in respect of whom he is appointed—

10           (a) prove, grant, claim and draw a dividend in  
respect of any debt due to that licensee  
or person in connection with the business  
of a travel agent carried on by that licensee  
or person;

15           (b) take or defend proceedings relating to any  
matter concerning the business of a travel  
agent carried on by that licensee or person  
before any court for the recovery of damages  
or for any other remedy, whether for a tort,  
a breach of contract or any other cause of  
20           action, which could have been taken or  
defended by that licensee or person;

25           (c) employ a barrister or solicitor or other agent  
to give advice or take or defend proceedings  
with respect to any matter concerning the  
business of a travel agent carried on by that  
licensee or person or otherwise to act for  
him in relation to the administration of the  
affairs and property of that licensee or  
person;

30           (d) for the purpose of providing sufficient money  
to make any reimbursement, or to satisfy or  
pay any amount, referred to in subsection  
(6), sell, lease or hire any property that he  
has acquired or of which he has taken  
possession under this section; and

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 6—*continued.*INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (e) give receipts for money received by him in  
the course of and in connection with the  
administration of the affairs and property  
of that licensee or person.

10 (9) A receipt given under subsection (8) (e)  
shall effectively discharge the person paying the money  
from all responsibility with respect to the application  
of that money.

(10) Property held by or in the possession  
of an administrator in his capacity as such shall not be  
levied upon or taken or attached under any judgment.

15 60F. (1) Where an administrator has reasonable grounds for believing that there is in any bank account money received for or on behalf of any person by the licensee or person in respect of whom the administrator is appointed, he may serve on the bank  
20 a notice in writing, accompanied by a copy of the order appointing him, prohibiting, otherwise than with the authority of the administrator, the withdrawal of money from, or any dealing (including the completion of any dealing commenced before the service  
25 of the notice) with, that account.

(2) Without preventing any other mode of service, service of a notice under subsection (1) may be effected by leaving the notice and the copy of the order accompanying the notice with the manager of, or the person apparently in charge of, the branch of the bank at which an account referred to in that subsection is kept.

30

## SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (3) A person examined pursuant to an order  
made under this section is not excused from answering  
a question put to him on the ground that the answer  
might incriminate him, but, where that person claims,  
before answering the question, that the answer might  
10 incriminate him, neither the question nor the answer  
is admissible in evidence against him in criminal  
proceedings other than proceedings in relation to the  
making of a false statement on oath in respect of the  
answer.

15 (4) A person attending for examination  
under this section is entitled to be paid such expenses  
(if any) as the Supreme Court may allow.

(5) Expenses allowed under subsection (4)  
shall be paid by the administrator and shall form part  
of the expenses of the administration.

20 60N. (1) For the purposes of this section, an administrator vacates his office as such if—

Termination  
of appoint-  
ment of  
adminis-  
trator.

(a) he dies;

25 (b) he becomes bankrupt, applies to take the  
benefit of any law for the relief of bankrupt  
or insolvent debtors, compounds with his  
creditors or makes an assignment of his  
remuneration as administrator, or his estate,  
for their benefit;

30 (c) he becomes a temporary patient, a continued  
treatment patient, a protected person or an  
incapable person within the meaning of the  
Mental Health Act, 1958, or a person under  
detention under Part VII of that Act;

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 (d) he is convicted in New South Wales of a  
crime or an offence punishable by imprison-  
ment for a term of 3 months or more, or  
he is convicted elsewhere than in New South  
Wales of a crime or an offence, which if  
10 committed in New South Wales, would be a  
crime or an offence so punishable;
- (e) his appointment is revoked by the Supreme  
Court under subsection (2); or
- (f) his appointment is revoked by the Supreme  
Court under subsection (6).
- 15 (2) The Supreme Court may, on the  
application of an administrator or on the application  
of the Board, make an order revoking the appointment  
of the administrator.
- 20 (3) Where, on making an order under sub-  
section (2), the Supreme Court is of the opinion that  
the purpose for which the administrator was appointed  
has been fulfilled, the Court may, on its own motion  
or on the application of the applicant for that order,  
25 make a further order vesting in or transferring to the  
licensee or person in respect of whom that adminis-  
trator was appointed any property which that adminis-  
trator holds in trust for that licensee or person by  
virtue of section 60E (6).
- 30 (4) Where an administrator has vacated his  
office as referred to in subsection (1) (paragraph (f)  
excepted), the Supreme Court may, on the application  
of the Board and on being satisfied that the purpose  
for which that administrator was appointed has not  
yet been fulfilled, make an order appointing another  
35 person as administrator of the affairs and property of  
the licensee or person in respect of whom the first  
mentioned administrator was appointed.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (3) The bank on which a notice under subsection (1) is served shall not permit the withdrawal of money from, or any dealing (including the completion of any dealing commenced before the service of the notice) with, any account to which the notice relates except with the authority of the administrator.

10 (4) Any bank that contravenes subsection (3) is liable to the administrator in respect of any loss sustained by reason of that contravention and the amount of that loss may be recovered by the administrator in proceedings taken against the bank  
15 in a court of competent jurisdiction.

(5) The administrator may withdraw from  
an account referred to in subsection (1) all or any  
of the money held in that account and pay that money  
20 into a special account or special accounts in his own name and may operate, and otherwise deal with, that account or those accounts according to law.

25 60G. (1) An administrator may invest any money acquired by him or of which he has taken possession under section 60F in any manner in which a trustee is authorised by law to invest funds in respect of which he is the trustee. Power of administrator to invest money.

30 (2) Any income accruing from the investment of any money by an administrator under subsection (1) and any profit resulting from the sale of any such investment shall be added to, and shall form part of, the property held by him or in his possession in his capacity as administrator.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

- 5 60H. (1) An administrator may require any person who is in possession of information concerning property in respect of which he has been appointed administrator to provide him with that information. Power of administrator to require information to be given.
- 10 (2) A person to whom a requirement has been made under subsection (1) and who, without reasonable excuse (the burden of proof of which is on him), refuses or fails to comply with that requirement is guilty of an offence against this Act. 01
- 15 60I. Any person who, without reasonable excuse (the burden of proof of which is on him), obstructs, hinders or delays an administrator in the exercise of any power conferred, or the performance of any duty imposed, on him by this Part is guilty of an offence against this Act. Obstruction, etc., of administrator.
- 20 60J. (1) Any person who, with the intention of defeating the purposes of this Part— Improper withdrawal of money, etc.
- 25 (a) withdraws money from, or makes any payment out of, any account kept by or on behalf of a licensee or a person whose licence is cancelled or suspended; or
- (b) destroys or conceals, or removes from one place to another, or delivers into the possession or control of any other person, any property in relation to which an administrator is subsequently appointed,
- 30 is guilty of an offence and is liable on conviction to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 12 months, or both.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) Any person who, after being notified or  
becoming aware of the appointment of an  
administrator—

(a) withdraws money from, or makes any pay-  
ment out of, any account kept by or on  
10 behalf of a licensee or person in respect of  
whom the administrator is appointed; or

(b) destroys or conceals, or removes from one  
place to another, or delivers into the  
possession or control of any other person,  
15 any property in relation to which the  
administrator has been appointed,

without the authority of the administrator, is guilty  
of an offence and is liable on conviction to a penalty  
not exceeding \$2,000 or to imprisonment for a term  
not exceeding 12 months, or both.

20 60K. (1) Where an administrator has been appointed and has not vacated his office—

Application  
to Supreme  
Court for  
directions.

(a) that administrator;

(b) the licensee or person in respect of whom  
that administrator is appointed; or

25 (c) any person who has submitted a claim to  
that administrator in relation to any  
property being administered by him,

30 may make an application to the Supreme Court for  
directions as to the manner in which that administrator  
is required to exercise the powers conferred, or to  
perform the duties imposed, on him by this Part,  
either generally or with respect to any particular  
matter specified in the application.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 (2) On the hearing of an application made under subsection (1), the Supreme Court may, by order, give such directions as it considers to be appropriate in the circumstances of the case.

10 60L. (1) An administrator may serve on any person (including the licensee or person in respect of whom he is appointed) a notice to the effect that, if that person has any claim in respect of any property held by or in the possession of the administrator in his capacity as such, that claim will not be entertained unless full particulars of the property claimed and the grounds of the claim are submitted to the administrator within such period, being not less than 30 days from the service of the notice, as is specified in the notice.

15 20 (2) Where a notice under subsection (1) has been served on a person, the administrator may disregard any claim made by that person otherwise than in compliance with the terms of the notice.

25 60M. (1) On the application of an administrator, the Supreme Court may order any person (including the licensee or person in respect of whom that administrator is appointed) to appear before the Court to be examined on oath with respect to any property that is being administered by the administrator or that the administrator is entitled to administer.

30 (2) On any such examination before the Supreme Court, the Court may put or allow to be put to the person being examined such questions as it thinks fit.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 6—*continued.*

INSERTION OF PART VIA INTO THE TRAVEL AGENTS ACT,  
1973—*continued.*

5 or the duties imposed, on him by or under this Part,  
the Board shall reimburse the administrator out of  
the fund in respect of any costs, charges, expenses  
or damages which he has reasonably incurred in  
relation to the claim or charge.

10 60Q. For the purpose of enabling an administrator Power of  
to administer the affairs and property of the licensee Supreme  
or person in respect of whom he is appointed, the Court to  
Supreme Court may, on the application of that make  
administrator and without derogating from any other certain  
15 provision of this Part, make orders authorising that orders.  
administrator to do such things as the Court thinks  
fit.

20 60R. Subject to any orders made or directions given Reports,  
by the Supreme Court under this Part, an administra- etc., by  
tor shall, at such times as the Court determines, administra-  
provide the Court and the Board with a report of his tor.  
administration containing such information as the  
Court requires, and on the conclusion of that  
administration, he shall forthwith lodge with the  
Court, in addition to his final report, all records in his  
25 possession or under his control relating to that  
administration, and subject to any order of the Court  
directing the destruction or other disposal of those  
records, those records shall be kept in the custody of  
the Court for such period as the Court may determine.

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*Travel Agents (Amendment).*

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SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART VIII OF THE TRAVEL AGENTS ACT,  
1973.

(1) (a) Section 67 (a)—

- 5           After “obtained”, insert “and who is entitled to  
            give that consent”.

(b) Section 67 (c)—

Omit the paragraph, insert instead :—

- 10           (c) for the purposes of or in connection with  
            proceedings before any court or any  
            tribunal exercising judicial functions or  
            of any report of any such proceedings; or

(2) Section 69 (b)—

Omit the paragraph, insert instead :—

- 15           (b) where it is addressed to a licensee or an  
            applicant for a license—
- 20           (i) by delivering it to the place of residence  
            or business of that licensee or applicant  
            last known to the Board and by  
            leaving it for that licensee or applicant  
            with a person who apparently resides  
            or, as the case may be, is apparently  
            employed at that place, being a person  
25           who has apparently attained the age of  
            16 years; or
- 30           (ii) by sending it by certified mail in a duly  
            stamped and properly addressed  
            envelope to that licensee or applicant  
            at his place of residence or business  
            last known to the Board,

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(3) Section 73 (3)—

- 5 After “(other than section 74)”, insert “or of the regulations”.

(4) Section 74A—

After section 74, insert :—

- 10 74A. Any person who, without reasonable excuse (the burden of proof of which is on him)—
- Offence to obstruct, etc., inspector.
- (a) obstructs, hinders or delays an inspector in the exercise by him of any power conferred on inspectors by this Act;
- 15 (b) refuses or delays the admission to any place of an inspector in the exercise by him of the power of entry conferred by section 9A;
- (c) fails to comply with a request of an inspector made pursuant to the exercise by him of any power conferred by section 9A;
- 20 (d) conceals from an inspector any person whom the inspector wishes to examine or prevents any such person from being examined by an inspector or attempts so to conceal or prevent any person; or
- 25 (e) conceals from an inspector, or destroys, mutilates or alters, any record that an inspector is empowered by section 9A to inspect,
- 30 is guilty of an offence and is liable on conviction to a penalty not exceeding \$500.

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

(5) (a) Section 78 (2) (d)—

5 Omit the paragraph, insert instead :—

(d) prescribe conditions and restrictions to  
which licences or any class of licences are  
or is to be subject and prescribe con-  
10 ditions and restrictions that the Board is  
empowered to impose when granting an  
application for a licence and during the  
currency of a licence;

(b) Section 78 (2) (g)—

15 Omit “paragraph (e).”, insert instead “paragraph  
(e);”.

(c) Section 78 (2) (h), (i), (j)—

After section 78 (2) (g), insert :—

(h) prescribe the records to be kept by a  
20 licensee (in addition to those required to  
be kept by virtue of Part VA) and the  
form and manner of keeping records so  
prescribed;

(i) require licensees to appoint auditors,  
25 prescribe the duties and privileges of  
auditors so appointed, provide for the  
payment of the fees and expenses of any  
such auditors, and provide for the  
resignation and removal of any such  
auditors;

(j) provide for the disposal of unclaimed  
30 money held by a licensee in a trust  
account kept by him, being unclaimed  
money to which the Unclaimed Moneys  
Act, 1917, does not apply; and

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VIII OF THE  
TRAVEL AGENTS ACT, 1973—*continued.*

- 5 (k) regulate the publication of advertisements offering, or notifying the availability of, the services of travel agents and prescribe the form and content of those advertisements.

SCHEDULE 8.

Sec. 5.

10 SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule—

Interpreta-  
tion.

“Board” means the Travel Agents Registration Board constituted under the Principal Act;

“Principal Act” means the Travel Agents Act, 1973.

- 15 2. (1) A licence which, immediately before the commencement of Licences. Schedule 2, was in force under the Principal Act shall be deemed to be a licence issued under section 13 of that Act (as in force after that commencement) and shall continue in force until cancelled under that Act (as so in force).

- 20 (2) Where, before the commencement of Schedule 2, an appli-  
cation for a licence has been made under section 12 of the Principal  
Act (as in force immediately before that commencement) and that  
application has not been granted, refused or withdrawn before that  
commencement, that application shall be deemed to be an application  
25 made under that section (as in force after that commencement) and  
shall be dealt with accordingly.

- (3) Where, before the commencement of Schedule 2, an appli-  
cation for the renewal of a licence has been made under section 12  
of the Principal Act (as in force immediately before that commence-  
30 ment) before the date on which that licence would, but for subsection  
(6) of that section (as so in force), have expired and the application  
has not been granted, refused or withdrawn before that commence-  
ment, the provisions of that Act relating to the renewal of licences  
(as so in force) shall continue to apply in respect of that application  
35 as if Schedule 2 had not commenced and if, pursuant to those pro-  
visions, the licence is renewed, that licence shall be deemed to be a  
licence issued under section 13 of the Principal Act (as in force after  
that commencement) and shall continue in force until cancelled under  
that Act (as so in force).

SCHEDULE

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*Travel Agents (Amendment).*

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SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(4) Where, before the commencement of Schedule 2, an application for the restoration of a licence has been made under section 14 of the Principal Act (as in force immediately before that commencement) and that application has not been granted, refused or withdrawn before that commencement, that application shall be deemed to be an application made under section 12 of the Principal Act (as in force after that commencement) and shall be dealt with accordingly.

10 (5) Where, before the commencement of Schedule 2, an application to vary a licence has been made under section 15 of the Principal Act (as in force immediately before that commencement) and that application has not been disposed of before that commencement, the provisions of that Act relating to applications to vary  
15 licences (as so in force) shall continue to apply in respect of that application as if that Schedule had not commenced.

(6) Where a licence is continued in force by virtue of this clause and the form of that licence does not conform to the form of a licence that would be issued under section 13 of the Principal Act  
20 (as in force after the commencement of Schedule 2), the Board may, by notice in writing served on the holder of that licence, require that holder to deliver that licence to the Board within such period as may be specified in the notice.

(7) On the delivery to the Board of a licence in accordance  
25 with subclause (6) of this clause, the Board may make such amendments to the form of the licence as may be necessary to make it conform to the form of a licence that would be issued under section 13 of the Principal Act (as in force after the commencement of Schedule 2) or, if the Board considers it necessary or expedient to do  
30 so, substitute for that form of licence a form of licence that would be issued under that section (as so in force).

(8) A substitution made under subclause (7) of this clause does not interrupt or otherwise affect the continuity of the original licence.

SCHEDULE



*Travel Agents (Amendment).*

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(9) If the holder of a licence fails to comply with a notice served on him under subclause (6) of this clause within the period specified in the notice, the Board may cancel the licence and, on so doing, shall cause a notice of that cancellation to be served on the person who was the holder of that licence.

3. Any proceeding taken under Part IV of the Principal Act Disciplinary before the commencement of Schedule 3 and not disposed of before provisions. that commencement shall be disposed of as if that Schedule had not commenced.

4. Any appeal made under Part V of the Principal Act before the Appeals. commencement of Schedule 3 and not disposed of before that commencement shall be disposed of as if that Schedule had not commenced.

5. All money forming part of the Travel Agents Fidelity Guarantee Travel Fund established under section 43 of the Principal Act (as in force Agents immediately before the commencement of Schedule 5), shall, on and Fidelity after that commencement, form part of the Travel Agents Compen- Guarantee Fund. sation Fund established under that section (as in force after that commencement).

6. Where, immediately before the commencement of Schedule 5— Claims against Travel Agents Fidelity Guarantee Fund.

(a) any claim has been made under Part VI of the Principal Act (as in force immediately before that commencement) but has not been finally determined by the Board in accordance with that Part (as so in force); or

(b) any claim could have been made to the Board under that Part (as so in force) but has not been so made,

SCHEDULE

*Travel Agents (Amendment).*

SCHEDULE 8—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

that claim may be determined by, or, as the case may be, that claim may be made to, and received and determined by, the Board as if it were a claim that could be made under that Part (as in force after that commencement), and that Part (as so in force), so far as applicable and with any necessary modifications, shall apply in respect of that claim accordingly.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977