



ANNO TRICESIMO SEPTIMO

**ELIZABETHAE II REGINAE**

**A.D. 1988**

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**No. 73 of 1988**

**An Act to amend the Travel Agents Act, 1986.**

*[Assented to 24 November 1988]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Travel Agents Act Amendment Act, 1988*.
- (2) The *Travel Agents Act, 1986*, is in this Act referred to as "the principal Act".

**Interpretation**

2. Section 3 of the principal Act is amended by striking out from the definition of "the compensation fund" "Part III" and substituting "the trust deed".

**Substitution of ss. 20 to 24**

3. Sections 20 to 24 (inclusive) of the principal Act are repealed and the following sections are substituted:

**Obligation of agent to participate in scheme**

20. (1) A licensed travel agent must be a contributor to the compensation scheme established by the trust deed.

(2) If the trustees determine that a licensed travel agent is not eligible or is no longer eligible to be a contributor to the compensation fund, the licence is, by force of this subsection, cancelled (but it revives if the trustees' determination is reversed on appeal).

**Appeals**

21. (1) If the trustees—

(a) determine that a person is not eligible, or is no longer eligible, to be a contributor to the compensation fund;

or

(b) make a conditional determination that a person is eligible, or is to remain eligible, to be a contributor to the compensation fund,

the person may, within 28 days after service of notice of the determination, appeal against the determination or the condition to the Tribunal.

(2) An appeal may be heard and determined concurrently with an application for a licence.

(3) On an appeal under this section, the Tribunal—

- (a) may confirm or reverse a determination of the trustees;
- (b) may confirm, vary or quash the condition to which a conditional determination is subject;
- (c) may make consequential or ancillary orders.

#### **Name in which trustees may sue and be sued**

4. Section 26 of the principal Act is amended by striking out subsection (2).

#### **Investigations**

5. Section 29 of the principal Act is amended by striking out “cause a member of the police force to”.

#### **Commencement of prosecutions**

6. Section 37 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

- (2) Proceedings for an offence against this Act must not be commenced except—
- (a) by the Commissioner, an authorized officer, the Commissioner of Police or a member of the police force acting in an official capacity;
- or
- (b) by some other person acting with the consent of the Minister.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor