

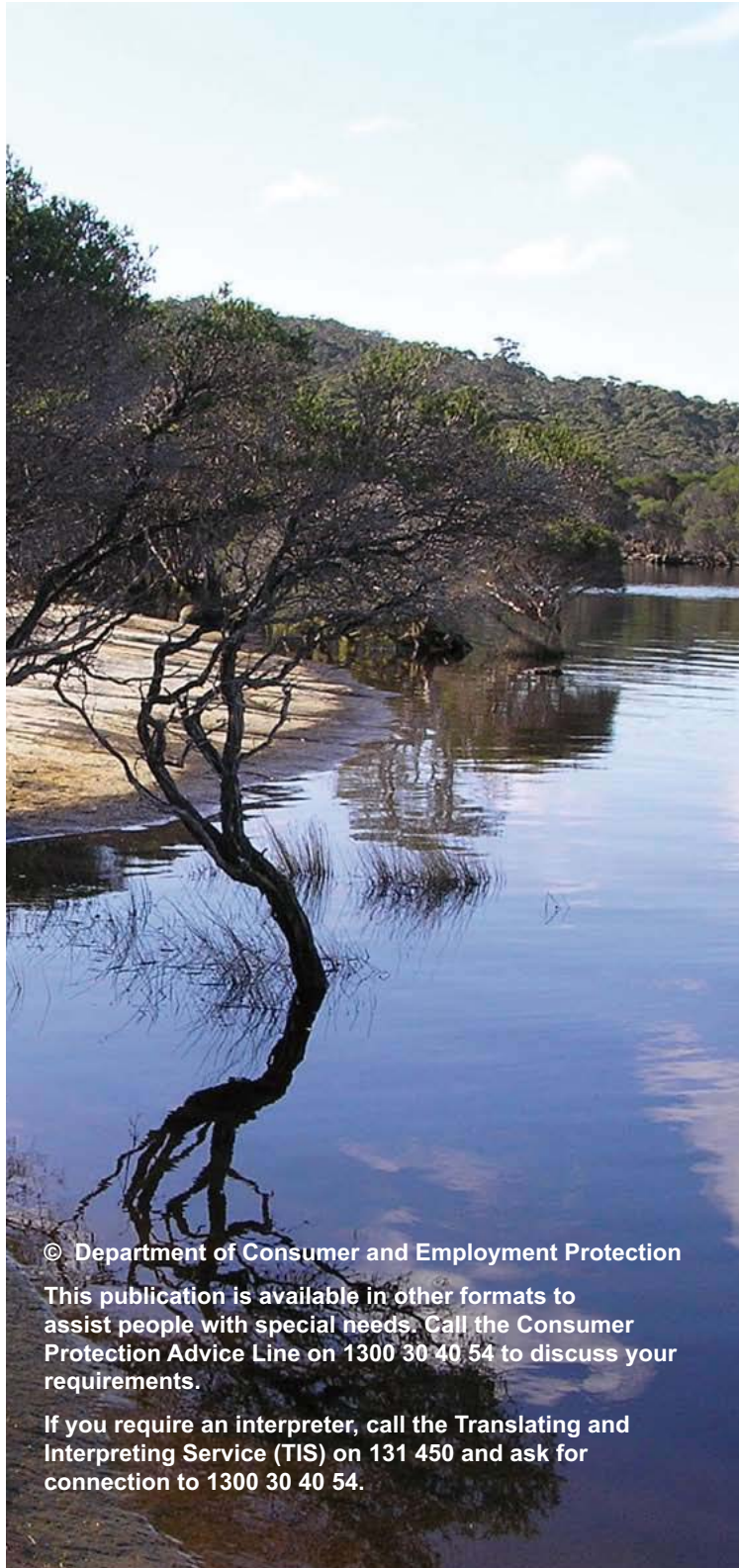
# Travel agent licensing



Your questions answered



Department of Consumer  
and Employment Protection  
Government of Western Australia  
Consumer Protection



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If you require an interpreter, call the Translating and Interpreting Service (TIS) on 131 450 and ask for connection to 1300 30 40 54.

The Consumer Protection Division of the Department of Consumer and Employment Protection (DOCEP) has prepared these frequently asked questions to help travel agents understand their rights and responsibilities regarding licensing under the *Travel Agents Act 1985* and associated regulations.

### Do I need to be licensed?

All individuals, firms or bodies corporate (companies and other incorporated bodies) who carry on business as travel agents must be licensed under the *Travel Agents Act* (the Act). This includes general sales agents, tour operators, wholesalers and consolidators as well as retail agents.

You are considered to be 'carrying on business' as a travel agent if you are engaged in any one or more of the following:

- selling tickets that entitle other people to travel, or otherwise arranging for other people's rights to travel on conveyances (ie means of transport such as planes, boats and trains);
- selling, or arranging or making available, other people's travel to a particular place and accommodation at that place; and/or
- purchasing for resale, the rights of travel on conveyances.

A licence is **not** required if you only:

- make domestic travel arrangements (ie for travel within Australia) and your gross annual turnover in respect of those arrangements is not more than \$50,000;
- sell tickets, buy for resale or otherwise arrange rights of travel for other people on conveyances that leave and arrive at the same place on the same day (eg day excursions, sightseeing trips etc); or

- sell tickets or arrange travel for other people on a conveyance that you own. (Note: If you also arrange accommodation for those people at places you take them to, then you will need a licence, unless you own **both** the conveyance and the accommodation).

*Bona fide* employees of licensed travel agents do not need a licence if they are only selling tickets for or arranging travel in the course of their employment.

### What if I am a 'freelance' travel consultant?

'Freelance' travel consultants or 'commission' consultants (ie consultants who are not *bona fide* employees of a licensed travel agent) may not sell tickets or otherwise arrange travel for other people unless they themselves are holders of a travel agents licence.

It is an offence under the Act to carry on business as a travel agent without a licence. The maximum penalty is \$50,000 and/or 12 months imprisonment.

A licensed travel agent who knowingly assists an unlicensed person to carry on business as a travel agent also commits an offence. 'Assistance' includes allowing an unlicensed 'freelance or 'commission' consultant to carry on business from the licensee's own premises.

### How do I apply for a licence?

You must make two applications:

- one to the Commissioner for Consumer Protection at DOCEP for a licence; and
- one to the Travel Compensation Fund to be admitted as a member of the Fund.

Both application forms are available from any office of DOCEP.

Travel Compensation Fund applications can also be obtained from [www.tcf.org.au](http://www.tcf.org.au).

### **What information do I need to provide?**

Licence applications can be made by any individual, firm or body corporate. In the case of a partnership, each partner must be licensed.

The application will ask for details about the applicant and any other person who will be involved in managing the business. Corporate applicants are asked to supply details of incorporation, including a copy of the certificate of incorporation and details of directorships. Other application requirements include:

- an original National Police Certificate and Insolvency Trustee Service Australia clearance (bankruptcy) for every individual applicant, director, office holder and manager;
- details as to the business name(s) and addresses(es) at which you intend carrying on business; and
- details of experience and/or qualifications of the person who is to be in charge of day-to-day management at each place of business.

### **Can I get an interim licence?**

No. The Act does not provide for interim licences. If you carry on business while your application is being processed you can be prosecuted (maximum penalty of \$50,000 and/or 12 months imprisonment) and could jeopardise your chances of getting a licence.

### **Can my application be refused?**

Yes. Your application will be refused if you:

- are under 18 years of age;
- are disqualified from holding a travel agents licence;
- are disqualified from being involved in the direction, management or conduct of the business of a travel agent;
- propose to employ a person to manage the day-to-day operation of the business who is not of good character or repute;



- are not likely to carry on business fairly and honestly;
- are in any way not a fit and proper person to hold a licence; or
- are not eligible to be a member of the Travel Compensation Fund.

If your application is refused you will be notified why in writing.

### **Can anyone object to my application?**

Yes. Anyone, including the Commissioner for Consumer Protection, can object to your application.

Objections must specify the ground of the objection, which must be one upon which the Commissioner for Consumer Protection could refuse the licence. The objection must be lodged with the Commissioner within 14 days of the notice of application appearing in a state-circulated newspaper.

### **What right of appeal do I have?**

You have the right to appeal to the State Administrative Tribunal if:

- the Commissioner for Consumer Protection refuses your application;
- your licence is granted subject to conditions or restrictions with which you do not agree; or
- your application to join the Travel Compensation Fund is refused.

### **Can the Commissioner for Consumer Protection apply conditions to my licence?**

Yes. If a conditional licence is issued you must comply with the conditions at all times.

### **Why do applications go to the Commissioner for Consumer Protection?**

Under the Act, the Commissioner for Consumer Protection has a duty to conduct inquiries into applications. The Commissioner is also empowered to conduct whatever further inquiries are considered necessary including:

- character checks of individual applicants, directors, office holders and managers;
- qualification checks of people who are to be in charge of the day-to-day management of the business; and
- business name checks to ensure that applicants seeking to operate under names that are different to their own, have those names properly registered under the *Business Names Act 1962*.

Arrangements are also made by the Commissioner for a notice of every new application to be published in a state-circulated newspaper. This is a further requirement of the *Travel Agents Act 1985*.

### **Do I need any qualifications to hold a licence?**

Regulations to the *Travel Agents Act 1985* set out the qualifications an applicant must hold in order to obtain a licence. However, if the applicant is not qualified, a licence can still be granted if a suitably qualified person is employed by the applicant to manage the day-to-day conduct of the business.

If business is to be conducted at more than one location, such suitably qualified people must manage the business at each place.

## Qualifications

The qualifications required vary according to the type of business applicants wish to conduct. There are two categories of licence. A brief description of each category and the qualifications required, are shown below.

Category of Business	Qualifications
Category "A", being any business involving the sale of tickets, or the arrangement of rights of passage, for international travel, or international travel and accommodation.	Successful achievement of <i>Unit of Competence THTSOP20A</i> , delivered or assessed by an organisation registered by a State or Territory recognition authority to deliver training and/or conduct assessments and issue nationally recognised qualifications in accordance with the Australian Quality Training Framework; or One year's full time experience (or equivalent), in the five years preceding the application – (i) in the selling of tickets, or the arrangement of rights of passage, for international travel, or international travel and accommodation; or (ii) in employment as a person in charge of the day to day conduct of a place of business of a licensed travel agent in a state or territory selling tickets, or arranging of rights of passage, for international travel, or international travel and accommodation.
Category "B", being any business involving the sale of tickets, or the arrangement of rights of passage, for any travel, or travel and accommodation, other than Category A business.	No qualifications are required.

## How much is a licence?

The licence fee varies, depending on:

- whether the applicant is an individual or body corporate; and
- the number of places at which business is to be conducted.

A schedule of licence fees can be found on the internet at [www.docep.wa.gov.au](http://www.docep.wa.gov.au). Travel Compensation Fund contribution fees are in addition to licence fees.

### How long is a licence valid?

A licence remains in force until it is suspended, surrendered or cancelled.

Your licence will be cancelled if you fail to pay the periodic licence fee or fail to lodge the periodic statement with the Department of Consumer and Employment Protection.

Your licence will be suspended automatically if you cease to be a participant of the Travel Compensation Fund. If you continue to trade while under suspension you can be prosecuted for unlicensed trading.

### How long does it take to get a licence?

Provided all necessary information and supporting documents are supplied, licence applications take approximately 28 days to process.

### What is the Travel Compensation Fund?

The Travel Compensation Fund was established in 1986 by Trust Deed, executed by the then Ministers of Consumer Affairs of NSW, South Australia, Victoria and Western Australia. Other states and territories have since joined the fund.

The fund is administered by a Board of Trustees comprised of representatives of the Consumer Protection Ministers in the participating states and territories, plus representatives with knowledge of the travel industry and of the interests of travelling consumers.

The main objectives of the fund are:

- to compensate people who have suffered monetary loss where a licensed travel agent has failed to account for monies received; and
- to monitor the financial health of licensed travel agents to ensure that they have sufficient resources to carry on business.

It is a condition of **every** travel agents licence that the licensee becomes and remains a participant of the Travel Compensation Fund.

For further information you can contact the Travel Compensation Fund on (02) 8227 3500, facsimile (02) 8227 3535 or write to them at:

Travel Compensation Fund  
Level 3, 15 Castlereagh Street  
Sydney NSW 2000.

### **If I buy a travel agency, can the licence be transferred to me?**

No. If you wish to carry on business as a travel agent you must apply for your own licence. Travel agents licences are not transferable. It is also a breach under the Act to borrow (or lend) a travel agents licence.

### **Who do I notify about any changes to my licence?**

If you change your company name, partnership/firm, business name, address, manager, company directors, office holder, or status of your business, you are required to notify the Travel Agent Licensing Officer in writing within 14 days at:

Travel Agent Licensing Officer  
Department of Consumer and Employment  
Protection  
Locked Bag 14  
CLOISTERS SQUARE WA 6850

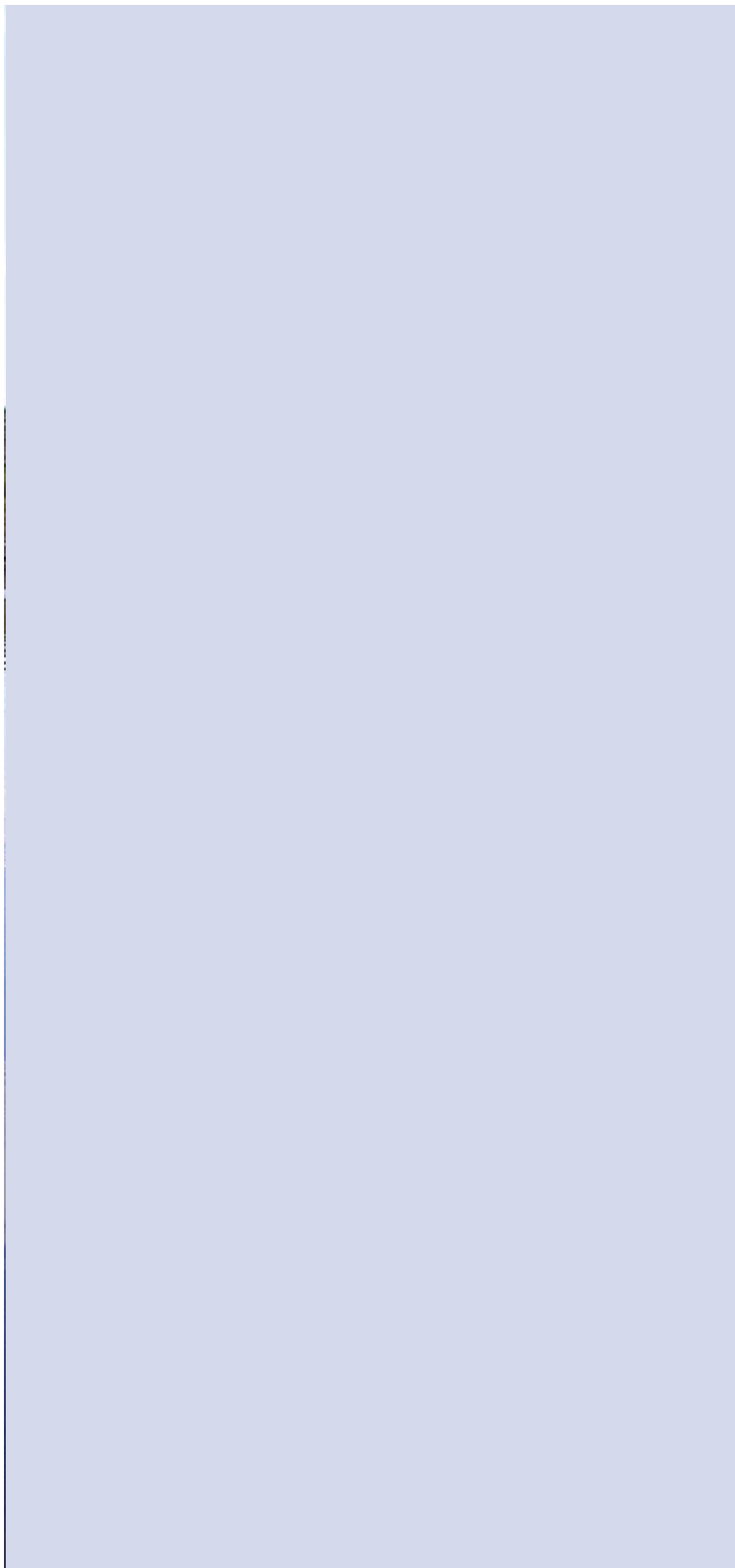
### **Further Information**

For further information contact:  
Travel Agent Licensing on (08) 9282 0842 or  
[travelagents@docep.wa.gov.au](mailto:travelagents@docep.wa.gov.au)

#### **Note:**

Licences are issued for three years.

Fees payable to the Travel Compensation Fund are in addition to the fees listed on the website.





Department of Consumer  
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**Consumer Protection Advice Line**  
**1300 30 40 54**

(for the cost of a local call statewide)  
8.30am – 5.00pm weekdays

Forrest Centre  
219 St Georges Terrace  
Perth Western Australia 6000  
Administration: (08) 9282 0777  
Facsimile: (08) 9282 0850  
National Relay Service: 13 36 77

Locked Bag 14 Cloisters Square  
Western Australia 6850

Website: [www.docep.wa.gov.au](http://www.docep.wa.gov.au)  
Email: [consumer@docep.wa.gov.au](mailto:consumer@docep.wa.gov.au)

Great Southern	(08) 9842 8366
South-West	(08) 9722 2888
Mid-West	(08) 9964 5644
Goldfields/Esperance	(08) 9021 5966
North-West	(08) 9185 0900
Kimberley	(08) 9169 2811