



AUSTRALIAN CAPITAL TERRITORY

## **Agents (Amendment) Act 1998**

No. 60 of 1998

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### **An Act to amend the *Agents Act 1968***

*[Notified in ACT Gazette S209:11 December 1998]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Agents (Amendment) Act 1998*.

**2. Commencement**

(1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

**3. Principal Act**

In this Act, “Principal Act” means the *Agents Act 1968*.<sup>1</sup>

**4. Interpretation**

Section 5 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of the definition of “trust deed” in subsection (1) “clause 30 of”;
- (b) by omitting from subsection (1) the definition of “participant” and substituting the following definition:
  - “ ‘participant’ has the same meaning as in the trust deed;”;
- (c) by omitting from subsection (1) the definition of “trustees”; and
- (d) by inserting in subsection (1) the following definition:
  - “ ‘Board of Trustees’ means the Board of Trustees of the trust established by the trust deed under which the compensation scheme is administered;”.

**5. Unlicensed travel agents—additional penalty**

Section 19A of the Principal Act is amended by omitting from subsection (2) “trustees of the compensation scheme” and substituting “Board of Trustees”.

**6. Eligibility—natural persons**

Section 47A of the Principal Act is amended—

- (a) by omitting paragraph (c) and substituting the following paragraph:
  - “(c) the Board of Trustees has determined under the trust deed that the person is eligible to be a participant;”;
- (b) by omitting from paragraph (d) “Part 6 of”.

**7. Eligibility—companies**

Section 47B of the Principal Act is amended—

- (a) by omitting paragraph (d) and substituting the following paragraph:
  - “(d) the Board of Trustees has determined under the trust deed that the company is eligible to be a participant;”;
- (b) by omitting from paragraph (e) “Part 6 of”.

**8. Participation in compensation scheme**

Section 71B of the Principal Act is amended—

- (a) by omitting from subsections (1), (2) and (3) “in the compensation scheme”; and
- (b) by omitting from paragraph (3) (b) “trustees of the compensation scheme” and substituting “Board of Trustees”.

**9. Powers of Board of Trustees**

Section 71C of the Principal Act is amended by omitting “trustees of the compensation scheme have” and substituting “Board of Trustees has”.

**10. Legal action by Board of Trustees**

Section 71D of the Principal Act is amended—

- (a) by omitting “trustees of the compensation scheme” and substituting “Board of Trustees”;
- (b) by omitting “them” (wherever occurring) and substituting “the Board”; and
- (c) by omitting “compensation scheme” (last occurring) and substituting “trust deed”.

**11. Rights of Board of Trustees**

Section 71E of the Principal Act is amended—

- (a) by omitting from subsection (1) “claimant” (wherever occurring) and substituting “person”;
- (b) by omitting from subsection (1) “trustees of the compensation scheme are” and substituting “Board of Trustees is”; and
- (c) by omitting from subsection (2) “trustees” and substituting “Board of Trustees”.

**12. Revocation of registration or licence**

Section 77 of the Principal Act is amended by omitting subparagraph (1) (d) (i) and substituting the following subparagraph:

“(i) the Board of Trustees has declared under the trust deed that the person is no longer a participant; or”.

**13. Review of decisions**

Section 98 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsection:

“(2) An application may be made to the Administrative Appeals Tribunal for a review of a decision of the Board of Trustees under the trust deed determining that a person—

- (a) is eligible to be a participant subject to conditions;
- (b) is not eligible to be a participant;
- (c) remains eligible to be a participant subject to conditions; or
- (d) is no longer eligible to remain a participant.”.

**14. Notification of decisions**

Section 98A of the Principal Act is amended—

- (a) by omitting from subsection (1) “or (2)”;
- (b) by inserting after subsection (1) the following subsection:

“(1A) Where the Board of Trustees makes a decision of a kind referred to in subsection 98 (2), it shall cause written notice of the decision to be given to the person to whom the decision relates.”;

and
- (c) by inserting in subsection (2) “or (1A)” after “subsection (1)”.

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**NOTE**

**Principal Act**

1. Reprinted as at 30 November 1996. See also Acts Nos. 41 and 96, 1997.

*[Presentation speech made in Assembly on 29 October 1998]*

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