

1980 BILL 243

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 243

THE TRAVEL AGENTS LICENSING ACT

MR. COOK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 243
Mr. Cook

BILL 243

1980

THE TRAVEL AGENTS LICENSING ACT

(Assented to , 1980)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 In this Act,

- (a) "Minister" means the Minister of Consumer and Corporate Affairs;
- (b) "regulations" means the regulations established pursuant to this Act;
- (c) "travel agent" means a person who carries on the business of selling to the public, travel services that have been provided by another person;
- (d) "travel wholesaler" means a person who acquires rights to travel services from another person for the purpose of resale direct to the public or through a travel agent.

2 No person shall carry on the business of or represent himself to be, a travel agent or travel wholesaler unless he is licensed by the Minister pursuant to section 3.

3(1) The Minister shall license a travel agent or travel wholesaler who applies to be licensed in the manner provided in the regulations where

- (a) the applicant pays the licence fee established in the regulations,
- (b) the applicant posts a bond in the manner and in the amount provided by the regulations,
- (c) the applicant provides to the Minister any information the

Explanatory Notes

1 Definitions

2 Not to carry on business unless licensed

3 Licensing criteria

Minister requests concerning the nature and volume of the applicant's business,

(d) the applicant gives the Minister notice of his business address and an address for service of documents, and

(e) the Minister is satisfied that every complaint that has been made concerning the applicant pursuant to section 4, that the Director of Trade Practices considers to be justified, has been properly rectified and that the complaint does not render the applicant as unfit to be licensed under this Act in accordance with section 5.

(2) A licence issued pursuant to subsection (1) shall be for a period of no more than one year.

4 The Minister shall require the Director of Trade Practices to receive complaints from the public against travel agents or travel wholesalers, to investigate such complaints and report to the Minister on complaints that he considers to have been justified and any rectification made by the person against whom the complaint was made.

5 The Minister may suspend or cancel, or refuse to grant a licence to any travel agent or travel wholesaler who he considers unfit to be licensed on the ground that

(a) the bond, posted pursuant to section 3, has lapsed,

(b) he has been convicted, or his director, officer or employee has been convicted of an offence under *The Unfair Trade Practices Act* or the *Criminal Code (Canada)*, in relation to the operation of the business licensed under this Act,

(c) he fails to satisfy a judgement against him in relation to the business licensed under this Act, or

(d) he fails to rectify, in a manner satisfactory to the Minister, any complaint made against him pursuant to section 4, that the Director of Trade Practices considers to be justified.

6 The Minister shall promptly send written notification of any decision to refuse, suspend or terminate a licence under this Act to the applicant or licensee, and shall state the grounds for his decision.

7 A travel agent or travel wholesaler may appeal the decision of the Minister to refuse, suspend or cancel a licence under this Act, to the Court of Queen's Bench at any time within 90 days of receiving notice of the Minister's decision.

4 Complaints

5 Licence refused

6 Notices of refusal

7 Appeal

- 8** The Lieutenant Governor in Council may make regulations
- (a) setting the amount of a bond in accordance with the nature and volume of the business licensed under this Act in an amount sufficient to protect the public;
 - (b) presenting the form of procedure for an application made under section 3;
 - (c) requiring the posting of evidence of a licence issued under this Act at a place of business;
 - (d) presenting the amount of fee payable for a licence;
 - (e) establishing the procedure for the handling of complaints received under section 5;
 - (f) requiring the guarantor of a bond posted pursuant to section 3 to advise the Minister if the bond lapses or becomes void.
- 9** This Act comes into force on January 1, 1981.