

Travel and Tourism Law in Australia and New Zealand

Gary N. Heilbronn. The Federation Press 1992
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This book deals with a subject close to the hearts of many lawyers, however it is only in recent times that travel and tourism has emerged as a discrete topic in legal literature.

The development of Travel and Tourism Law as an area of practice provokes bemused comment from some quarters, but it is really not surprising that legal issues as they arise peculiarly in a particular industry should be collected together in a work such as this. The insurance industry, mining industry, media and advertising industry are just a few examples where specialisation has evolved in legal literature and practice. Given the twentieth century boom in travel and tourism it is only natural that a sustainable legal speciality should arise to service that industry.

In this publication, the author has broken up the subject into five major areas:

Part 1 sets the background by looking at travel, and travel and tourism law, in both the historical and modern context.

Part 2 deals with personal restrictions on travel covering such matters as passports, entry and exit controls and financial implications.

Part 3 looks at regulation and administration of travel and tourism focusing on the key elements of accommodation and transportation (both air and surface).

Part 4 contains a useful treatment of a peculiar feature of the travel and tourism industry, the role of intermediaries such as travel agents and tour operators.

Part 5 addresses the issue of liability for accidents and injury on the part of both travel agents and suppliers of services. Again, accommodation, air and surface travel are specifically dealt with.

The publication concludes with a series of annexures


which are referred to in each part eg. OECD Decision - Resolution on International Tourism Policy 1985; WTO Manila Declaration on World Tourism 1980 and Acapulco Document; IATA ticketing documentation; TPC Travel Advertising Guidelines.

The book is far and away the most comprehensive and up-to-date offering in the area, and the most suitable for the practitioner. Of other publications, *Australian Travel and Tourism Law Handbook* by Cordato (Butterworths, 1988) is written rather more for the student or travel agent and *The Law of Travel and Tourism* by Pengilley is a more limited though specialised text dealing mainly with aspects of Trade Practices Law in their application to travel and tourism.

An inadequacy in the publication is in its treatment of the EEC Directive of 13th June 1990 on package travel, package holidays and package tours. Whilst Parts 3 and 5 refer to the Directive, noting that it is aimed at formalising tour contract provisions in EEC countries, the text of the Directive is not reproduced in the Annexures. Perhaps this is because tour operator liability will be implemented through legislation adopted by each member State, the date for compliance is not until 1993 and it is not strictly Australian or New Zealand law. However, as is pointed out by the author, Australian and New Zealand travellers often take package tours in or organised from an EEC country. In addition, the EEC Directive and legislation based upon it may well provide a precedent for law reform in Australia as has been the case in other areas eg. product liability. It is to be hoped, therefore, that future editions will go further in keeping Australasian practitioners up to date with this emerging area of law.

This criticism in no way detracts from the extremely detailed analysis the present edition provides of matters of more direct relevance to Australian and New Zealand Travel and Tourism Law. Those with an interest in the area would do well to obtain a copy of this invaluable compendium of references and otherwise difficult to obtain materials on the subject. □

Neil Francey



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