



Australian Government

Department of Resources, Energy and Tourism



# A FAIR GO FOR TOURISTS

## COMPLIANCE INFORMATION FOR THE TOURISM INDUSTRY IN AUSTRALIA

This Guide is intended to help tourism businesses and professionals, particularly those servicing international visitors to Australia, to understand and comply with their obligations under Australian laws and regulations.

These laws and regulations protect the rights of visitors, and the rights of businesses, to fair dealings in Australia. This is essential to Australia's reputation for tourism excellence.

The Guide also aims to encourage members of the tourism industry or the public to report any information they have on individuals or businesses that may be breaking the law or engaging in unfair and/or dishonest practices.

Other related initiatives by industry and government to help ensure the high quality of Australia's tourism products and services include:

- enhancing consumer protection for tourists by better educating international visitors on their consumer rights in Australia, and facilitating lodgement of complaints where visitors have experienced a problem with a tour, store, service or product in Australia. Further information is available from the Australian Government Department of Resources, Energy and Tourism (RET) web site at [www.ret.gov.au/touristcomplaints](http://www.ret.gov.au/touristcomplaints); and
- promoting voluntary Codes of Conduct and quality accreditation programs for the tourism industry. Further information is available from the RET web site at [www.ret.gov.au/tourism](http://www.ret.gov.au/tourism)

### UNDERSTANDING YOUR OBLIGATIONS

#### General requirements

While visitors are in Australia they are covered by Australia's consumer protection laws, which require all businesses to treat consumers fairly.

All businesses operating in Australia are subject to Australia's fair trading laws, which prohibit false or misleading conduct, collusion and other unfair business practices.

Other applicable business requirements may include taxation, employment, migration (visa employment conditions), customs, transport, and local Council regulations.

Most of Australia's States and Territories have legislation that regulates travel agents and can provide compensation to travellers if their travel agent goes out of business.

Governments in Australia provide comprehensive information on regulation for businesses. This can be accessed through the Australian Government Business Entry Point [www.business.gov.au](http://www.business.gov.au)

#### China ADS Scheme

Inbound Tour Operators (ITOs) interested in servicing the leisure group travel market from China need to comply with the requirements of the China Approved Destination Status (ADS) scheme. Suppliers contracting to ITOs in this market also need to comply with obligations under the ADS scheme.

The China ADS scheme is a bilateral tourism arrangement between the Chinese Government and a foreign destination. Countries with ADS status, including Australia, are permitted by China to host Chinese tourists undertaking leisure travel in groups. ITOs operating in the ADS market must be approved. Approval requirements aim to ensure the integrity of both visa compliance and consumer safeguards for ADS tour groups. Approved ADS operators must also ensure that their subcontractors and employees meet specified obligations. For more information see [www.ret.gov.au/tourism\\_ads](http://www.ret.gov.au/tourism_ads)

#### Non-prescription medicines

If your business is involved in selling health-related products, such as non-prescription medicines, you need to be aware of the obligations applying to supply of therapeutic goods in Australia. Therapeutic goods, including non-prescription medicines, cannot be supplied in Australia unless they are included in the Australian Register of Therapeutic Goods, and must be numbered and labelled accordingly. Advertisements of therapeutic goods in Australia must not be likely to mislead consumers about expectations of effectiveness. In particular, it is an offence for advertisements to refer to curing serious diseases, conditions or disorders like cancer or fertility problems, as these require proper diagnosis and treatment by a medical practitioner. It is also an offence for advertisements of therapeutic goods to contain or imply endorsement by any government agency, healthcare facility or healthcare professional. For more information see the Australian Therapeutic Goods Administration site [www.tga.gov.au](http://www.tga.gov.au)

## Government contacts for compliance advice

Contact details are provided at the end of this Guide for officers of relevant Government agencies who can assist you with queries on compliance requirements for your tourism business.

## Other compliance advice

Your industry association or your business adviser will also be able to help you with compliance advice.

## TAKING ACTION ON UNETHICAL PRACTICES

### Tourist Consumer Protection Working Group

Most tourism businesses in Australia operate to high professional and ethical standards and provide excellent experiences for visitors to Australia. A small number of unethical operators, however, can damage the reputation of Australia and the Australian tourism industry.

The Tourist Consumer Protection Working Group aims to enhance consumer protection of visitors to Australia and to improve compliance in the inbound tourism market with Australia's laws and regulations.

This Working Group of tourism and enforcement agencies is convened by the Australian Government Department of Resources, Energy and Tourism. Key tasks include: better informing tourists about their consumer rights in Australia; making it easier for tourists to submit complaints to Australian authorities; ensuring complaints are addressed effectively; monitoring visitor satisfaction; and keeping industry and other stakeholders informed of activities. For more information see [www.ret.gov.au/tourismcompliance](http://www.ret.gov.au/tourismcompliance)

## Examples of non-compliance

Below are some examples of tourism industry conduct that is likely to be in breach of Australian laws and regulations:

Activity	Conduct likely to be in breach
Dealing with consumers	<ul style="list-style-type: none"><li>refusing to refund, replace or repair a faulty item sold</li><li>preventing tourists shopping where they choose, within the requirements of any relevant visa conditions</li><li>misleading or deceiving consumers into purchasing non-prescription medicines for unproven health benefits</li><li>downgrading of the itinerary eg; accommodation or inclusions on the tour as delivered are different to what was advertised and do not provide comparable value for money</li><li>charging tourists for entry to locations or events that are actually free to the public</li><li>falsely representing the country of origin of goods eg; souvenirs or medical products</li></ul>
Dealing with other businesses	<ul style="list-style-type: none"><li>competitor stores servicing a certain inbound tourism market agreeing among themselves on how much commission to pay to tour guides who bring tour groups to the stores</li><li>violence and threats</li></ul>
China ADS scheme	<ul style="list-style-type: none"><li>ADS tour groups not being taken to competitive retail precincts as required when commission-based shopping is included in an ADS tour itinerary</li></ul>
Coaches and drivers	<ul style="list-style-type: none"><li>unregistered vehicles or unlicensed drivers</li></ul>
Tax	<ul style="list-style-type: none"><li>cash receipts not declared to the Australian Tax Office</li></ul>
Abalone sale and export	<ul style="list-style-type: none"><li>stores selling abalone that has not been legally harvested</li><li>pooling abalone quotas among members of a tour group, so that tour leaders take out amounts well above the quota</li></ul>

## Reporting non-compliance

If you have information on an individual or business that may be breaking the law or engaging in unfair and/or dishonest practices, it is important to report this information to relevant compliance agencies so that improper conduct can be investigated and eliminated from the industry.

The stronger the evidence that can be provided, the greater the potential for enforcement outcomes. Evidence is strengthened by specific allegations (eg time, date, location, named parties, impacts), supporting documentation, and identified witnesses (local and/or overseas).

Other information can still be valuable as intelligence, to help enforcement agencies target their investigative efforts.

Contact details are provided at the end of this Guide for officers of relevant government agencies who can handle information and intelligence about suspected illegal or dishonest practices in inbound tourism within their jurisdiction. If appropriate, they can also help direct you to other compliance agencies that may be relevant.

You can also contact your state or regional tourism organisation or your industry association, for assistance in passing on information.



## COMPLIANCE CONTACTS As at March 2008

Check [www.ret.gov.au/tourismcompliance](http://www.ret.gov.au/tourismcompliance) for latest updates.

Type of activity	Compliance agencies	Contact agency	Contact name	Contact phone	Contact email
Treating consumers unfairly OR Unfair business practices OR Travel Agents regulation	Fair Trading Agency in the State or Territory where the activity is located	Australian Capital Territory Office of Fair Trading	Client Services	02 6207 0400	fair.trading@act.gov.au
		New South Wales Office of Fair Trading	Mr Malcolm Finger	02 9895 0416	malcolm.finger@oft.commerce.nsw.gov.au
	OR Australian Competition and Consumer Commission	Northern Territory Office of Consumer and Business Affairs	Consumer Affairs	08 8999 1999	consumer@nt.gov.au
		Queensland Office of Fair Trading	Mr Stephen L'Barrow	07 3305 9625	stephen.l'barrow@justice.qld.gov.au
		South Australian Office of Consumer and Business Affairs	Mr David Schomburgk	08 8204 9755	schomburgk.david@agd.sa.gov.au
		Tasmanian Consumer Affairs and Fair Trading	Mr Phil Marriott	03 6233 4500	phil.marriott@justice.tas.gov.au
		Consumer Affairs Victoria	Enquiry line	1300 55 81 81	Online enquiry form from <a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a>
		Western Australia Consumer and Employment Protection	Mr David Hillyard	08 9282 0608	dhillyard@docep.wa.gov.au
		Australian Competition and Consumer Commission	ACCC Infocentre	1300 302 502	Online form from <a href="http://www.accc.gov.au">www.accc.gov.au</a>
Queensland inbound tourism – licensing of inbound tour operators, and treating consumers fairly	Queensland Office of Fair Trading – administers the <i>Queensland Tourism Services Act 2003</i>		Mr Stephen L'Barrow	07 3305 9625	stephen.l'barrow@justice.qld.gov.au
China Approved Destination Status (ADS) scheme	For ADS Code of Business Standards and Ethics matters	Australian Government Department of Resources, Energy and Tourism	ADS Executive Officer	1800 048 155	ads@ret.gov.au
	For ADS visa matters	Australian Government Department of Immigration and Citizenship	Mr Michael Clisby	02 6225 6375	ads@immi.gov.au
Employment eg awards and wages; conditions of employment; workers compensation; apprenticeships	State, Territory and Australian Government workplace and industrial relations agencies	Australian Government Department of Education, Employment and Workplace Relations	Workplace Infoline	1300 363 264	Online form from <a href="http://www.workplace.gov.au">www.workplace.gov.au</a>
Migration eg visa employment conditions	Australian Government Department of Immigration and Citizenship		Employer Information Hotline	1800 040 070	Online forms from <a href="http://www.immi.gov.au">www.immi.gov.au</a>
Export regulations, inbound passenger concessions and duty free licensing	Australian Customs Service		Customs Information and Support Centre	1300 363 263 inside Australia +61 2 6275 6666 from outside	information@customs.gov.au
Supplying therapeutic goods (including non-prescription medicines)	Commonwealth Therapeutic Goods regulation applies for corporations and cross-border trade; other regulation is by State and Territory health departments	Therapeutic Goods Administration	Enquiries	1800 020 653 inside Australia +61 2 6232 8444 from outside Australia	Online forms from <a href="http://www.tga.gov.au">www.tga.gov.au</a>
Abalone harvesting, processing and sale	State, Territory and Australian Government fisheries authorities	Australian Government Department of Agriculture, Fisheries and Forestry	DAFF switchboard	02 6272 3933	Online form from <a href="http://www.daff.gov.au/fisheries/iuu">http://www.daff.gov.au/fisheries/iuu</a>