**What does WA travel industry deregulation mean for consumers?**

Western Australia’s licensing system for travel agents ceased on 8 October 2014 as part of national deregulation of the industry.

The Travel Compensation Fund (TCF), which travel agents had to be a member of, is only taking consumer claims in relation to travel bookings paid for before 1 July 2014 and will be wound down by late 2015.

The TCF offered consumers compensation when travel agents or other intermediaries (e.g. wholesaler or cruise operator) went bust. Without the TCF this compensation is not available.

Consumers who use a travel agent should now check whether the business has its own insolvency insurance. Consumers will need to check whether this cover also extends to intermediaries that the travel agent passes client funds on to, such as a tour operator.

Consumer-bought travel insurance policies are unlikely to provide cover in the event that a travel agent, or other intermediary, goes under. Travel insurance purchased by consumers often covers cancellation of holidays, medical expenses and the collapse of suppliers such as airlines and hotels. However, as it stands, generally, travel insurance policies expressly exclude claims in relation to the insolvency of travel agents, wholesalers and cruise or tour operators.

Consumers not able to directly protect themselves through insurance should consider paying by credit card, or selecting ‘credit’ on a Mastercard or Visa debit card. Consumers who use ‘credit’ may be able to seek a chargeback from the card issuer/provider if the travel agent becomes insolvent. Consumers should enquire about their card issuer/provider’s chargeback policy as this can vary depending upon the financial institution.

Travel agents cannot require consumers to give up their right to chargeback as a condition of sale; Consumer Protection is likely to treat this as an unfair contract term.

**Consumer protection**

The Australian Consumer Law (ACL) continues to apply to travel transactions.

Under the ACL travel services must be as described or advertised and an agent must operate with an acceptable level of skill, otherwise the customer is entitled to a refund, compensation or to have the service provided again.

A new voluntary accreditation scheme called ATAS has been developed by the Australian Federation of Travel Agents and the list of travel businesses that have registered can be viewed at [www.atas.com.au](http://www.atas.com.au)

There is an industry Code of Conduct and dispute resolution processes are in place.

**Community education**

A national campaign called Pack Some Peace of Mind ([www.packsomepeaceofmind.gov.au](http://www.packsomepeaceofmind.gov.au)) is underway.

Here is a summary of the consumer advice:

When looking for a travel agent, check that they:

* are accredited (for example, through the Australian Federation of Travel Agents accreditation scheme - ATAS) or have received another stamp of approval to provide specific products and services
* advertise their services and any deals clearly and accurately
* listen closely to what you want, answer your questions, make appropriate suggestions, and explain any terms and conditions.

Also, ask friends and family for referrals.

Consider paying by credit card or by selecting ‘credit’ on a Mastercard or Visa debit card, as you may be able to seek a chargeback from your bank if you don’t get what you paid for.

When buying from online sellers, check that:

* they have a good reputation. For example, read online reviews and comments
* their contact details, such as phone number and email address, are on their website
* the website payment page includes security features, such as a padlock symbol and address starting with 'https://'
* they display clear processes for solving problems and giving replacements and refunds.

Your Australian Consumer Law rights may also apply when you buy from an overseas online business, but you might find it difficult to get a refund or other solution if something goes wrong.

In the unlikely event that your travel booking does not go as planned:

* contact your travel agent for assistance
* if you booked with a credit card or by selecting ‘credit’ on a Mastercard or Visa debit card – contact your bank as soon as possible to seek a chargeback.

If you cannot resolve a dispute with your travel provider:

* seek support through the relevant accreditation scheme, if you used an accredited provider
* contact the Airline Customer Advocate if you have a problem with a participating airline ([airlinecustomeradvocate.com.au](http://www.airlinecustomeradvocate.com.au/General/Default.aspx))
* your state or territory consumer protection agency can help you understand your rights and may assist you to resolve the dispute.

**Further information**

See the Consumer Protection website: [www.commerce.wa.gov.au/travel](http://www.commerce.wa.gov.au/travel).

Buying travel insurance tips are at: [www.moneysmart.gov.au](http://www.moneysmart.gov.au)

To seek advice or complain about travel services consumer should contact the Consumer Protection advice line on 1300 30 40 54 or email [consumer@commerce.wa.gov.au](mailto:consumer@commerce.wa.gov.au).