

ADS

Code of Business
Standards and Ethics

Version 1.0

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This Code has been prepared in English and simplified Chinese characters. In case of differences in interpretation, the English text shall prevail.

The Attachments referred to in the *ADS Code of Business Standards and Ethics* (the Code) can be downloaded from www.ret.gov.au/tourism_ads

Further Information

Information on the ADS application process or the ADS scheme is available at the Department of Resources, Energy and Tourism (RET) website at www.ret.gov.au/tourism_ads

Alternatively, please contact:

ADS Executive Officer
Tourism Division
Department of Resources, Energy and Tourism
GPO BOX 1564
CANBERRA ACT 2601

Phone: 1800 048 155

Fax: (02) 6213 7070

E-mail: ads@ret.gov.au

This version of the Code is effective when the Minister approves the applicants in the first round of applications in 2010, and the applicants are listed on the RET website. It then replaces all previous versions of the Code.

1. Purpose

- 1.1 This Code sets out the responsibilities of Inbound Tour Operators (ITOs) Approved by the Minister to participate in the Approved Destination Status (ADS) scheme.
- 1.2 The Code aims to establish a minimum standard for the conduct of an ITO ensuring that they provide members of their Tour Groups with a quality tourism experience and help maintain the integrity of the ADS scheme.
- 1.3 The Code is a responsive document that may be amended by RET at any time to ensure that the ADS scheme continues to deliver high quality tourism experiences for ADS tourists. ITOs will be provided with 28 days notice in writing prior to an amendment of the Code.
- 1.4 The Australian Government through RET is responsible for administering the Code.
- 1.5 Only Approved ITOs can participate in the ADS scheme and can only conduct business with ADS approved Outbound Tour Operators (OTOs). Approved ITOs are listed on the RET website at www.ret.gov.au/tourism_ads

Approved OTOs are listed on a Legislative Instrument under the *Migration Regulations 1994*, and can also be found on the RET website at www.ret.gov.au/tourism_ads

2. Contact information

- 2.1 Where an ITO is required to provide information to RET in accordance with this Code, unless otherwise provided for in this Code or specified by RET, all information should be provided to the ADS Executive Officer (ADSEO), as follows:

Email: ads@ret.gov.au
Ph: 1800 048 155 (within Australia) and
+61 2 6213 7020 (outside Australia)
Fax: +61 2 6213 7070
Post: GPO Box 1564
CANBERRA ACT 2601

- 2.2 The Department of Immigration and Citizenship (DIAC) is responsible for all immigration aspects of the ADS scheme. For ease of administration, there is one central contact point for ITOs. Therefore, all immigration related requirements can be sent to the ADSEO at RET for action by DIAC.

3. Definitions

The following definitions apply to this Code:

Absconder means an ADS visa holder who fails to follow the Approved Itinerary in contravention of his/her visa conditions, leaves the Tour Group permanently and fails to depart Australia with the group.

ADS means Approved Destination Status.

ADS Declaration and Consent Form means the declaration and consent form, which is available on the RET website at www.ret.gov.au/tourism_ads

ADS Deed means a Deed signed by RET and an ITO which, amongst other things, provides that the ITO agrees to be bound by this Code. The ADS Deed is available from RET.

ADS scheme means the Approved Destination Status (ADS) scheme as agreed between the Governments of Australia and the People's Republic of China by an exchange of letters on 22 April 1999.

ADSEO means the ADS Executive Officer appointed by RET who will act as the central contact point for the operation of the ADS scheme. The ADSEO will deal with administrative issues including application enquiries and advice about the ADS scheme. The ADSEO will report to the Minister as required.

Agent means an entity that enters into an agreement with an ITO to provide components of the ITO's ADS business.

Applicant means an Australian business, that is a licensed travel agent which is applying to become an ITO.

Approval/Approved means the approval by the Minister of an Applicant to participate as an ITO under the ADS scheme.

Approved Itinerary means the final Itinerary approved by RET.

Assessor means any person or body appointed by RET to undertake any aspect of the Fit and Proper Person assessment of ITOs or their Associates applying for Approval.

Associate means, in relation to an ITO:

- (a) a principal, officer, employee, Agent, or subcontractor of the ITO who conducts ADS-related activities for, or on behalf of, the ITO. Such activities may include the day-to-day management or operation of the ITO, the ITO's business-related activities, or the arrangement and/or delivery of a Tour; or
- (b) a person who has entered into, or proposes to enter into, a commercial or other arrangement with an ITO under which a Commission is to be provided (either to the ITO or that person) or a right is to be conferred to that person to direct some or all of the ADS related activities of that ITO, including a Commission Linked Shopping Outlet; or
- (c) any person who has done, or proposes to do, any act or thing in order to become financially, prudentially or otherwise connected with the ITO in relation to the ADS scheme or the ITO's inbound tour business.

Australian Registered Training Organisation means an organisation registered to deliver training in relation to this Code and/or conduct assessments of the competency of tour guides on issues such as language skills and issue nationally recognised qualifications in accordance with the Australian Quality Training Framework. A list of Australian Registered Training Organisations can be found at www.ntis.gov.au

Code means this Code, the ADS Code of Business Standards and Ethics, including any attachments.

Commission means any financial or other advantage or benefit received by an ITO, its Associates and or a Commission Linked Shopping Outlet that results from activities conducted by Tour Group Members. A commission does not include the provision of refreshment of a reasonably modest standard intended to be consumed during the course of the visit to a business by whom it is provided.

Commission Linked Shopping Outlet means a shopping outlet from which the ITO, OTO, tour leader, tour guide or its Associate has received, or reasonably expects to receive, any Commission in connection with a visit by a Tour Group.

Competitive Retail Area means a precinct containing a range of competing retail outlets representing diverse shopping opportunities. An indicative list of competitive retail areas for unsupervised shopping time is listed at Attachment I.

Compliance Monitoring Agency (CMA) means any body or bodies appointed by RET to receive and investigate complaints relating to the ADS scheme, and/or to undertake audits or investigations of any kind to assess the performance of ITOs under the ADS scheme.

Compliance Monitoring Officer (CMO) means an officer of the CMA conducting investigations or audits on behalf of the CMA.

DIAC means the Commonwealth Department of Immigration and Citizenship, or its successor, which is responsible for advising the Minister for Immigration and Citizenship on immigration aspects of the ADS scheme.

Deviator means an ADS visa holder who fails to follow the Approved Itinerary in contravention of his/her visa conditions, on a temporary basis, but later returns to the Tour Group, and departs Australia as required.

Fit and Proper Person means a person who is assessed as meeting the criteria outlined in Attachment A of this Code.

Industry Association means a tourism specific trade and/or export association which operates in Australia.

Itinerary means the Tour Itinerary provided to RET for approval outlining the specific Tour arrangements and prepared in accordance with Attachment E and clause 14 of the Code.

ITO means an Australian ADS Inbound Tour Operator (ITO) that has been approved by the Minister to participate in the ADS scheme. A list of ITOs can be found on the RET website at www.ret.gov.au/tourism_ads

Minister means the Commonwealth Minister for Tourism, Minister Assisting the Minister for Tourism or a delegate of either Minister.

Minister for Immigration and Citizenship means the Commonwealth Minister for Immigration and Citizenship, or a delegate of that Minister.

OTO means an ADS Chinese Outbound Tour Operator (OTO) that has been approved to operate within the ADS scheme by the China National Tourism Administration and by the Minister for Immigration and Citizenship on a Legislative Instrument under the Migration Regulations 1994. A list of approved OTOs may be found at www.ret.gov.au/tourism_ads

Quotation means the quotation outlining the price that potential Tour Group Members will pay in order to participate in a Tour.

RET means the Commonwealth Department of Resources, Energy and Tourism, or its successor, which is responsible for administering the ADS scheme and advising the Minister in relation to the making of decisions under the ADS scheme.

Sanctions Structure means the process outlined in Attachment B to the Code, by which RET and the Minister will address compliance issues and breaches and take enforcement action under the Code.

TA means Tourism Australia, which is responsible for the industry fitness components of the ADS scheme and training of the OTOs.

Tour means a tour that follows an Approved Itinerary provided by an ITO under the ADS scheme.

Tour Group means a group of Tour Group Members participating in a Tour.

Tour Group Members means Chinese citizens who are members of a Tour Group.

4. Ongoing Requirements for Participation in the ADS Scheme

- 4.1 An ITO may only participate in the ADS scheme if the ITO has obtained Approval by the Minister and that Approval is not suspended or revoked.
- 4.2 An ITO must notify the ADSEO immediately if it becomes aware that:
 - (a) information provided in its application for Approval was false or misleading, or has become false or misleading;
 - (b) relevant information was omitted from its application for Approval; or
 - (c) there has been a change of circumstances which may affect the ITOs Approval.
- 4.3 At all times an ITO must comply, and ensure that its Associates and Agents comply, with the ADS Deed and this Code.
- 4.4 On request by RET, an ITO must:
 - (a) provide full details of its arrangements with its Associates;
 - (b) comply with any reasonable direction of the Minister or RET in relation to an Associate; and
 - (c) ensure that each Associate of the ITO, signs an ADS Declaration and Consent Form (which is available at www.ret.gov.au/tourism_ads) and returns it to the ADSEO before conducting any activities related to the ADS scheme.

- 4.5 ITOs are at all times fully responsible for all aspects of their ADS business and business-related activities, including any actions of their Associates that are not in accordance with this Code. For the avoidance of doubt, non-compliance with this Code by an Associate is taken to be non-compliance with this Code by the ITO. An ITO must take all reasonable steps to ensure that Associates comply with this Code.
- 4.6 An ITO must, at all times:
- (a) take all reasonable steps to maintain the integrity of the ADS scheme;
 - (b) provide a high quality tourism experience for Tour Group Members;
 - (c) conduct its ADS business and ADS business-related activities to a high professional and ethical standard of service, particularly in their dealings with Tour Group Members;
 - (d) ensure that the ITO and its Associates do not engage in any activity that:
 - (i) gives rise to an actual or perceived conflict of interest with its ADS responsibilities or with its duties owed to a Tour Group Member; or
 - (ii) may be characterised as exerting or acceding to actual or perceived undue influence, favouritism or collusive or unfair practices;
 - (e) comply, and take reasonable steps to ensure that its Associates comply, with all relevant laws and regulations of the jurisdictions in which it operates; and
 - (f) maintain and act in accordance with their travel agent's licence under the relevant State/Territory legislation, and inform the ADSEO by email immediately of any lapse, cessation or cancellation of the travel agent's licence.
- 4.7 An ITO must notify the ADSEO via email within 48 hours of any change in any staff employed by an ITO including tour guides, and staff at the management level.

5. Fit and Proper Person

- 5.1 An ITO (and any Associate of the ITO) must, at all times, be a Fit and Proper Person within the meaning of this Code.
- 5.2 RET, TA, DIAC or an Assessor engaged on their behalf will assess, on an ongoing basis, whether an ITO is a Fit and Proper Person, having regard to the criteria outlined in Attachment A to this Code.
- 5.3 The Fit and Proper Person assessments will be conducted, as follows:
- (a) RET will conduct an assessment of the general requirements outlined in Item 1 of Attachment A to this Code;
 - (b) RET and/or an Assessor appointed by RET will, on an ongoing basis, conduct assessments as to the good standing of the ITO, which will comprise an analysis of the ITO's compliance with the good standing criteria outlined in Item 2 of Attachment A to this Code;
 - (c) TA, RET and/or an Assessor appointed by RET will, on an ongoing basis, conduct industry fitness assessments, which will comprise an analysis of the ITOs compliance with the industry fitness criteria outlined in Item 3 of Attachment A to this Code; and

- (d) DIAC, RET or an assessor appointed by RET will, on an ongoing basis, conduct assessments as to the immigration compliance of the ITO, which will comprise an analysis of the ITOs compliance with the immigration compliance criteria outlined in Item 4 of Attachment A to this Code.
- 5.4 During the annual ADS renewal process an ITO must submit updated information to demonstrate that the ITO remains a Fit and Proper Person and as otherwise required from time to time by RET, DIAC, CMA, TA, Assessors, or any other person nominated by RET.
- 5.5 RET may, at any time, make recommendations to the Minister as to whether an ITO (and any Associate of the ITO) is a Fit and Proper Person within the meaning of this Code. Such recommendations may be based on all relevant information, including information that is obtained:
- (a) through complaints made by any person to the ITO, RET or any other person;
 - (b) from an Assessor, the CMA/CMO, DIAC, TA or any other relevant person;
 - (c) through audits or checks undertaken by RET or an appointed body, such as an Assessor or a CMA/CMO (including audits on itineraries and on financial standing);
 - (d) through any other investigation undertaken or commissioned by the Commonwealth; or
 - (e) by any other means.
- 5.6 The Minister may, on the basis of RET's recommendations and having regard to any other relevant matter:
- (a) make a determination as to whether an ITO or Applicant is a Fit and Proper Person;
 - (b) take action in accordance with the Sanctions Structure if, in the opinion of the Minister, an ITO or any of its Associates is not a Fit and Proper Person; and
 - (c) publicly disclose the reasons for the Minister's decision.

6. Compliance Monitoring

- 6.1 Ongoing compliance with the Code is assessed by the CMA.
- 6.2 The CMA can perform varying types of compliance checks as part of the ADS scheme. These may include but are not limited to:
- (a) random checks;
 - (b) extended random checks;
 - (c) compliance checks;
 - (d) compliance readiness checks (for new operators);
 - (e) status checks;
 - (f) financial examinations;
 - (g) satisfaction surveys on visitor satisfaction levels;
 - (h) checks of the ITO's complaints register;
 - (i) financial audits;

- (j) audits of completed Itineraries (including a comparison of completed Itinerary with Approved Itineraries submitted by the ITO to RET;
 - (k) mystery shopper checks; and
 - (l) any other check to examine any aspect of the ITO's performance and/or compliance with this Code.
- 6.3 An ITO must cooperate fully with all Compliance Monitoring activities authorised by RET, and must comply with directions from the CMA.
- 6.4 If a CMA/CMO identifies a breach of the Code, or suspects that an ITO is acting in a manner that is inconsistent with the ITO's status as a Fit and Proper Person:
- (a) the CMA/CMO may, in its discretion, for minor or first time breaches of the Code, write to the ITO stating:
 - (i) the fact that a breach has occurred and the reasons why the CMA/CMO believes a breach has occurred; and
 - (ii) that the ITO has an opportunity to provide a statement as to whether the ITO considers that the alleged breach of the Code has occurred, whether the ITO considers the reasons provided by the CMA/CMO to be correct and reasonable, and an opportunity for the ITO to provide any additional information that may be relevant to the matter.
 - (b) the ITO must provide a written response to the CMA/CMOs statement within five (5) business days.
 - (c) having regard to the explanation provided by the ITO, the CMA/CMO will provide directions to the ITO in relation to:
 - (i) any corrective action that is necessary to remedy the breach of the Code; and
 - (ii) any further action that should be taken to ensure that no similar breaches of the Code occur in the future.
 - (d) the CMA/CMO will then provide the ITO with an opportunity to make comments within five (5) business days in relation to the directions provided, and will consider those comments on their merits and if necessary, amend or withdraw its directions.
 - (e) the CMA/CMO will then prepare a compliance report, which will contain, amongst other things, a description of the compliance monitoring activities undertaken, an outline of the alleged breach of the Code, the written explanation provided by the ITO, and the advice provided by the CMO. The CMO will place the compliance report on the ITO's file (which is maintained by the CMA) and will provide the compliance report to the ADSEO.

7. Continuation of Approval and Penalties

- 7.1 An ITO must re-apply for Approval on an annual basis.
- 7.2 If an ITO re-applies for Approval and it is not Approved to continue participating in the ADS scheme, following the decision by the Minister not to Approve the application:
- (a) Tours that have commenced in Australia (at the time of the Minister's decision) by that operator will be allowed to continue through to finality under the management of that ITO;

- (b) Tours that have been granted visas by DIAC but have not yet arrived in Australia (at the time of the Minister's decision) will be allowed to commence their Tour and continue through to finality under the management of that ITO; and
- (c) where visa applications for Tour Group Members have been lodged with but not yet approved by DIAC, the ITO must not make arrangements for the conduct of the Tour unless the ITO has first obtained the approval of the ADSEO.

8. Sanctions Structure

- 8.1 The ADSEO may, in its discretion, apply the Sanctions Structure (which can be found at Attachment B) in relation to that ITO if, in the ADSEO's opinion, an ITO has breached the Code.
- 8.2 The ADSEO must apply the Sanctions Structure in relation to that ITO if, in the ADSEO's opinion, an ITO has three separate breaches of the Code on record or if the ITO has committed a fundamental breach of the Code.
- 8.3 The ADSEO may advise DIAC or any other relevant government agency where it considers that a breach of this Code identified by the Commonwealth is believed to involve, or be associated with, a contravention of Australian law. The Commonwealth may refer the matter to the relevant authorities.

9. Requirements of Suspended ITOs

- 9.1 If an ITO's Approval has been suspended, the ITO must still act in a manner consistent with the Code, but it may not:
 - (a) subject to clause 9.2 and the terms of any suspension, conduct any ADS related activities;
 - (b) hold itself out as an Approved ITO; or
 - (c) where visa applications for Tour Group Members have been lodged with, but not yet approved by DIAC, the ITO must not make arrangements for the conduct of the Tour unless the ITO has first obtained the approval of the ADSEO.
- 9.2 If an ITO's Approval has been suspended, the suspended ITO may:
 - (a) complete any Tours that have already commenced in Australia under the management of that ITO at the time of the Minister's decision; and
 - (b) commence and conduct Tours through to finality where Tour Groups have been granted visas by DIAC but have not yet arrived in Australia at the time of the Minister's decision.

10. Record Keeping

- 10.1 An ITO must:
 - (a) maintain proper records and books of account of its ADS business and ADS business-related activities, including receipts for all Commissions received in consequence of managing each Tour, in accordance with Australian tax law (where applicable); and
 - (b) on request, submit to an independent financial audit of its ADS business and ADS business-related activities conducted by RET, or by an Assessor or CMA/CMO on behalf of RET.

11. Change in Company Structure

- 11.1 If there is a change in the ownership or effective control of an ITO's business or any aspect of its business relevant to the ADS scheme, there is no automatic continuation or transfer of Approval to the new owner or person with effective control. The new owner or person with effective control must be assessed by the Minister to be a Fit and Proper Person in order for the ITO to maintain its Approval.
- 11.2 A change in effective control may arise in a number of ways, including:
- (a) a change in shareholding;
 - (b) the appointment of an administrator, receiver or liquidator; or
 - (c) a change in the identity of any person in accordance with whose wishes the ITO is accustomed to act.
- 11.3 An ITO must notify the ADSEO via email within 48 hours of any change in the ownership or effective control of its business or any aspect of its business relevant to the ADS scheme.
- 11.4 Following notification of change of effective control of the business to the ADSEO, the Minister may determine whether the new controlling entity is a Fit and Proper Person to participate in the ADS scheme. The ADSEO may notify the new controlling entity of any additional information or consent required to be provided to enable that determination to be made.
- 11.5 The Minister may revoke the ITO's Approval if the entity that has acquired ownership or effective control of the ITO's business or any aspect of the ITO's business relevant to the ADS scheme:
- (a) is assessed not to be a Fit and Proper Person to participate in the ADS scheme; or
 - (b) fails to agree to, or cooperate with, the undertaking of a Fit and Proper Person assessment.

12. Agents

- 12.1 An ITO is responsible for all the activities of their agents and must ensure that their agents act in accordance with this Code.
- 12.2 An ITO must:
- (a) inform the ADSEO in writing if it wishes to:
 - (i) establish a list of appointed agents;
 - (ii) appoint an agent to handle any ADS business on its behalf; or
 - (iii) amend the list of appointed agents previously provided to the ADSEO.
 - (b) send to the ADSEO an ADS Declaration and Consent Form signed by each agent it includes on the list of appointed agents;
 - (c) subject to clause 12.3, not appoint any agent to conduct ADS-related activities that where that agent:
 - (i) has not been approved by the ADSEO to be included in a list of appointed agents;
 - (ii) is not an Approved ITO; and

- (iii) is an ITO that is suspended under the Code.
 - (d) terminate arrangements with any agents who cease to be an ITO, or whose Approval has been suspended or revoked under this Code, in so far as those arrangements relate to the ADS scheme.
 - (e) on request, provide the Minister, RET, DIAC or other relevant government Ministers with full details and evidence of the circumstances in which it has appointed an Agent.
- 12.3 An ITO may appoint an Agent that is not an ITO for a particular Tour if:
- (a) that entity holds a current travel agent's licence;
 - (b) the ITO does not have, in the relevant State or Territory, current business operations that are necessary to conduct the Tour;
 - (c) either:
 - (i) there is no Approved ITO that conducts relevant business operations in the relevant State or Territory; or
 - (ii) there is no Approved ITO in the relevant State or Territory that is willing or able to handle the ADS business for the Tour; and/or
 - (d) the ITO has first obtained Approval from the ADSEO.
- 12.4 An ITO must not act as an Agent for any tour operator or anyone or any organisation that is not an Approved ITO, or that is suspended under this Code, where the agency arrangement is related to the activities that would fall under the ADS scheme.
- 12.5 If an ITO breaches the Code while acting as an Agent for another ITO, a formal breach may be recorded against either/or both ITOs.

13. Arrangements with Outbound Tour Operators

- 13.1 An ITO may only accept ADS business from OTOs:
- (a) that are ADS approved OTOs who are not currently suspended; and
 - (b) whose ADS Service Contract contains either the model clauses, or clauses of the same effect and which are not inconsistent with the model clauses, set out in Attachment C.
- 13.2 An ITO must cease any business with an OTO whose approval to participate in the ADS scheme has been revoked or suspended.
- 13.3 An ITO must not accept or conduct ADS business from an outbound tour operator that is not an approved OTO.
- 13.4 An ITO must only accept payment for services provided by an OTO directly from the OTO and must not accept payment on behalf of the OTO by any other person.

14. Itineraries

- 14.1 An ITO must prepare an Itinerary for each Tour in the form outlined in Attachment E containing the following information:
- (a) the Post Reference Number - a unique code created by DIAC and advised by RET - which is to be clearly displayed at the top of the Itinerary;

- (b) any flexible Tour arrangements that will be provided in accordance with clause 21 of this Code;
 - (c) any free time Tour arrangements that will be provided in accordance with clause 22 of this Code;
 - (d) the business name, address and contact details of all supervised shopping venues and Commission Linked Shopping Outlets to be visited as part of a Tour;
 - (e) where the Tour includes a visit to any supervised shopping venues and/or Commission Linked Shopping Outlets in a particular State or Territory, the Itinerary must include a prior visit to a Competitive Retail Area approved by the ADSEO in that State or Territory for at least the same duration as the visit to the Commission Linked Shopping Outlet;
 - (f) a disclaimer against each shopping visit regarding Commission shopping which must state **“Purchases made may result in a commission or other benefit being paid to or received by your ADS inbound tour operator, tour guide, tour leader or ADS approved Chinese travel agent”**;
 - (g) the names of any other ITOs to whom the ITO will delegate activities conducted as part of the Tour, and the nature of those activities;
 - (h) a 24-hour contact service for Tour Group Members in Australia and China; and
 - (i) any other information outlined in Attachment E.
- 14.2 The Itinerary and Quotation for an ADS Tour Group must be finalised by the ITO and OTO before the OTO submits visa applications for Tour Group Members to DIAC.
- 14.3 Any Itinerary for an ADS group is the responsibility of the ITO who relies on that itinerary regardless of whether or not it has been prepared by a third party such as an Agent.
- 14.4 The ITO must, within 24 hours of receiving an email from the ADSEO or any other body appointed by RET confirming that the visa applications for a Tour Group have been approved, send a reply email as directed that:
- (a) confirms that the ITO will take full responsibility for the Tour Group;
 - (b) provides a copy of the Itinerary, in the form outlined at Attachment E, and advises whether the Itinerary was prepared by the ITO or by an Agent of the ITO, including the name and details of any relevant Agent; and
 - (c) include a fully completed name list.
- 14.5 Upon receiving the Itinerary, RET will determine whether or not to approve the Itinerary.
- 14.6 An ITO must take reasonable steps to ensure that any OTO, with which the ITO has an agreement, provides each Tour Group Member with a copy of the Approved Itinerary in both English and Chinese prior to commencement of the Tour in Australia.
- 14.7 An ITO must notify the ADSEO if, after the commencement of a Tour in Australia, the ITO discovers that the majority of Tour Group Members for a particular Tour are not in possession of the Approved Itinerary. The ITO must then provide the Approved Itinerary to Tour Group Members.
- 14.8 An ITO may only amend an Approved Itinerary after Tour Group Members have been provided with a copy of the Approved Itinerary where:

- (a) amendments to the Approved Itinerary are required as a result of circumstances beyond the ITO's control;
 - (b) each change is fair and reasonable in all the circumstances and provides at least comparable value for money for all Tour Group Members; and
 - (c) the ITO has first obtained the ADSEO's consent.
- 14.9 An ITO must ensure that the ITO and its Associates conduct each Tour, and deliver all products and services listed in that Tour, in accordance with the Approved Itinerary.
- 14.10 An ITO must ensure that it provides the OTO, with which it has an agreement, a copy of the amended Approved Itinerary prior to each Tour Group's departure. Any changes to the Approved Itinerary should be brought to the attention of the OTO prior to the Tour Group's departure from China to ensure that Tour Group Members are aware of any changes to the Tour arrangements.

15. Quotations

- 15.1 An ITO must prepare Quotations for each Tour in the form outlined in Attachment F and provide that Quotation to the relevant OTO and the ADSEO. The ADSEO will accept separate Quotations from each ITO who are participating in a split tour arrangement (i.e. where different parts of a Tour are delegated to different ITOs in accordance with clause 20.3). Quotations provided by an ITO to the ADSEO must relate to the activities of the ITO to which the Quotation relates.
- 15.2 The price listed in a Quotation for a Tour must not be changed once it has been finalised under clause 15.1.
- 15.3 The ITO must, within 24 hours of receiving an email from the ADSEO or any other body appointed by RET confirming that the visa applications for a Tour Group have been approved, send a reply email as directed that provides a Quotation for the Tour Group.
- 15.4 An ITO must ensure each Tour Group Member has been provided with a final Quotation in both English and Chinese prior to the Tour's commencement in Australia and before their departure from the People's Republic of China.

16. Mixed ADS and non-ADS Tours

- 16.1 An ITO may only arrange mixed ADS and non-ADS tours where all ADS and non-ADS group members are:
- (a) travelling under the same Itinerary;
 - (b) being handled by the same ITO;
 - (c) none of the ADS or non-ADS group members will be undertaking business-related activities, work or study as part of the tour;
 - (d) the tour is conducted in all other respects in accordance with this Code; and
 - (e) the ITO has obtained the approval of the ADSEO.

17. Tour Guides and Conduct

- 17.1 An ITO must ensure that each Tour Group is supervised by a tour guide at all times unless other arrangements are agreed to by the ADSEO, in which case, the Tour must be facilitated in accordance with those other arrangements. For the avoidance of doubt,

any agreement by the ADSEO in this regard is to be taken to apply only to a specific Tour, and is not to be taken to be a general approval for subsequent Tour Groups. Other arrangements may be made if there is a shortage of suitable guides during peak periods. If this is the case the tour leader may also act as a tour guide. Please note, flexible tour arrangements require that if the Tour Group is split all Tour Group Members are still required to be supervised.

17.2 All tour guides provided by an ITO for a Tour must:

- (a) be fluent in both English and Chinese;
- (b) meet the minimum language and tour guiding competencies under the Australian Qualifications Framework (i.e. the national set of qualifications for all education and training in Australia); and
- (c) have passed, or be capable of passing if directed by the CMA or RET, a Certificate 1 Competency Test prescribed by an Australian Registered Training Organisation in written and oral English and Chinese.

17.3 An ITO must ensure that its ADS tour guides, on request by RET, an Assessor appointed by RET, or the CMO, undergo an independent assessment by an Australian Registered Training Organisation to complete the Certificate 1 Competency Test in written and oral English and Chinese. ADS tour guides who do not pass at the Certificate 1 competency level for written and oral English and Chinese must not be used by an ITO in connection with any Tour.

17.4 An ADS ITO must ensure that tour guides used by it for an ADS tour:

- (a) ensure that the time spent at any tour inclusion matches the amount of time allocated and stated on the Approved Itinerary; and/or
- (b) only sell or promote the sale of retail products, optional tours and other optional services on their merits and do not make disparaging or false remarks about the integrity, character or physical trading environment of other service providers or about the quality or availability of their products/services.

18. Coaches/Bus Transport

18.1 Where a coach, bus or other motor vehicle is used by an ITO to transport an ADS Tour Group, a sign must be placed on the dashboard, in a position which is reasonably visible from outside the vehicle and can be seen by all passengers, measuring at least 300mm x 200mm and using lettering at least 20mm high that must show:

- (a) the name of the ADS OTO;
- (b) the words 'ADS Group';
- (c) the ITO's business name; and
- (d) the post reference number for the ADS group and the Itinerary number in lettering at least 30mm high.

18.2 Where a coach or other motor vehicle is used by an ITO to transport a Tour Group there must be displayed within the vehicle, in such a position that it can be seen by passengers, the driver's licence to operate that vehicle of that class or a copy of it. If the licence does not show the driver's photograph, then one must be displayed on the dashboard. The driver's licence must be produced on request by a CMO.

18.3 Coaches, buses and other motor vehicles used for Tour Groups must be roadworthy, regularly serviced, well maintained, safe, clean and tidy and be appropriately registered and insured.

19. Shopping and Commissions

19.1 An ITO or its Agents must not:

- (a) require Tour Group Members to shop in retail outlets against their wishes;
- (b) take Tour Group Members to retail shopping outlets which sell goods to Tour Group Members that are fake or described or labeled with intent to deceive;
- (c) prevent, discourage or impede in any way, Tour Group Members from shopping in retail outlets of their choice or from purchasing optional Tours of their choice, to the extent that doing so would not be consistent with the Approved Itinerary, whether or not:
 - (i) a shopping visit to a Commission Linked Shopping Outlet has been scheduled in the Approved Itinerary;
 - (ii) the shopping visit has been facilitated by the ITO; and
 - (iii) the shopping visit has been scheduled in any other part of the Approved Itinerary;
- (d) make disparaging or false remarks about the integrity, character or physical or trading environment of other service providers or about the quality or availability of their products and/or services;
- (e) charge for services or entrance to venues which are free or which, if not free, have already been charged for within the all inclusive package price of the Approved Itinerary; and
- (f) directly or indirectly provide or offer, or seek or receive, a Commission from a person that results in:
 - (i) the whole-of-tour cost (including shopping expenditure) borne by a Tour Group Member exceeding the sum of the commercial prices that would otherwise have been paid in the absence of that Commission; or
 - (ii) the Approved Itinerary that is arranged for a Tour Group Member being less flexible or favourable, or of lesser quality, to the Tour Group Member, than the Itinerary that would otherwise have been in the absence of the Commission.

19.2 An ITO must ensure that the receipt of Commissions by the ITO does not compromise the quality of the Itinerary and the tourism experience.

19.3 Where the Tour includes a visit to any Commission Linked Shopping Outlet, the Itinerary must include a prior visit to a Competitive Retail Area approved by the ADSEO, whether or not the approved Competitive Retail Area is listed in Attachment I. An ITO may seek, in writing, and in advance, the approval of the ADSEO for a preferred list of Competitive Retail Areas to use in its Itineraries over a 12 month period.

19.4 An ITO must only sell or promote the sale of retail products, optional Tours and other optional services on their merits.

20. Conduct of Tours

- 20.1 An ITO must ensure that Tour Group Members are:
- (a) kept safe and secure;
 - (b) not exposed to, or subjected to, physical or psychological harm; and
 - (c) given comprehensive and accurate information in relation to a Tour and the ADS scheme, particularly in response to any questions Tour Group Members may have.
- 20.2 An ITO must ensure that the time spent by ADS Tour Groups at each event in the Itinerary matches the amount of time allocated and stated on the Approved Itinerary.
- 20.3 An ITO may delegate part of a Tour to another ITO (for example the Western Australian part of a Tour if they are a New South Wales based ITO), in which case, the ITO who is delegating the tour, still has final responsibility for Tour Group and Tour Group Members.
- 20.4 Within 14 days of a request, an ITO must provide to the ADSEO or CMA, a report in relation to a completed Tour in the form outlined in Attachment G, and if necessary, must provide any further information or clarify any matter contained within a submitted report within the timeframe specified by the ADSEO.

21. Flexible Tour Arrangements

- 21.1 Flexible tours are an optional component and allow agents to provide Tour Group Members with alternative accommodation, dining, sightseeing and places of interest to that received by other Tour Group Members.
- 21.2 ADS visa holders on a Tour may, as outlined in the Approved Itinerary, and under the supervision of a tour leader and tour guide:
- (a) eat at different restaurants (e.g. 1/2 Tour Group eat at a restaurant in Chinatown Sydney and other 1/2 of the group eat at a more expensive restaurant);
 - (b) stay at different hotels (e.g. 1/2 Tour Group stay at 3 star hotel in Sydney and other 1/2 of the group stay at 4 star hotel in Sydney); and/or
 - (c) attend optional Tours (e.g. 1/2 the Tour Group may wish to go shopping with tour leader, whilst tour guide takes other 1/2 of the group to the National Aquarium).
- 21.3 These “options” must be outlined in an Approved Itinerary for the Tour Group (e.g. 12 March: Group A Visit National Gallery in Canberra, Group B Visit National Museum in Canberra).
- 21.4 All members of the ADS group must:
- (a) be supervised by either the Chinese tour leader or an Australian tour guide during daily activities, as outlined in the Approved Itinerary;
 - (b) travel on the same domestic and international flights and any separate hotel accommodation must be in the same city; and
 - (c) when submitting Itineraries to ads.itinerary@ret.gov.au, include the words “flexible tour” in the subject title of the email.

22. Free Time Tour arrangements

- 22.1 Free time is an optional component and allows ITOs to offer Itineraries that provide Tour Group Members with free time to explore at their own pace, to catch up with family or friends in Australia, or to visit attractions not included in the standard Itinerary.
- 22.2 For free time Itineraries that include a free time component, the usual ADS visa conditions apply, as well as the following conditions:
- (a) the maximum free time allowed in an ADS Itinerary is two blocks of up to 12 hours each (for example, an ITO may introduce one six hour free time period and one eight hour time period in an Itinerary);
 - (b) the tour leader and tour guide must meet the Tour Group at the end of the free time period at the place identified in the Itinerary;
 - (c) the ITO must book accommodation for the entire Tour Group during the free time period and include the accommodation details in the Itinerary;
 - (d) the Tour leader must be contactable during the free time period, and provide free time Tour Group Members with their mobile phone number, and should assist Tour Group Members in any way possible;
 - (e) no business activities may be conducted on a Tour – this includes during the period of free time;
 - (f) free time Itineraries must be clearly marked, either at the top of the Itinerary as part of the group's Post Reference number or as part of the email's name, e.g. "B0100999004 Free Time";
 - (g) the ITO must clearly indicate in the Itinerary when the period of free time will occur. Start times and end times must be clearly marked on the Itinerary; and
 - (h) all Tour Group Members must meet with the tour leader at the end time of the free time period, and if any Tour Group Members have not arrived by that time the ITO must complete and email an Absconder report to the ADSEO.

23. Immigration

- 23.1 DIAC is responsible for all immigration aspects of the ADS scheme. For ease of administration there is one central contact point for agents. Therefore, all immigration related requirements can be sent to RET at ads@ret.gov.au for action by DIAC.
- 23.2 An ITO must take all reasonable steps to ensure that Tour Group Members do not Deviate or Abscond, and are duly supervised to minimise opportunities for Deviator or Absconder incidents to occur during the activities outlined in the Approved Itinerary, particularly while Tour Groups are at airports and when boarding waiting transport.
- 23.3 Under ADS arrangements, an ITO must ensure that all Tour Group Members comply with the conditions of their visa and follow the Approved Itinerary. An ITO should not allow Tour Group Members to:
- (a) work;
 - (b) study; or
 - (c) conduct business activities whilst in Australia.

- 23.4 An ITO must not, and must ensure that its Associates or Agents do not, provide any deliberate assistance to a Tour Group Member in Absconding from a Tour Group.
- 23.5 An ITO must ensure that its Associates or Agents are aware of immigration requirements in relation to ADS visas.
- 23.6 For all Absconder incidents, an ITO must, within 48 hours:
- (a) submit a fully completed detailed absconder report by email to the ADSEO at ads@ret.gov.au and the ADS approved OTO in the form of Attachment H; and
 - (b) after providing the absconder report, provide any additional information required by the ADSEO or DIAC.
- 23.7 An ITO and Associates or Agents of an ITO must submit any other Tour related documentation requested by the ADSEO or DIAC.
- 23.8 An ITO must immediately notify the ADSEO by email if it becomes aware of any issue (whether before or after an ADS group has arrived in Australia) which may affect the immigration management and monitoring of the Tour Group or a Tour Group Member, including, but not limited to, issues such as:
- (a) cancellation of either the whole Tour or travel arrangements for Tour Group Members;
 - (b) changes to international flight arrangements;
 - (c) an inability of particular Tour Group Members to be able to follow the Approved Itinerary for a brief period due to illness; and
 - (d) concerns about the immigration status or intention of a Tour Group or a Tour Group Member.
- 23.9 If a Tour Group Member has been delayed in leaving Australia due to unforeseen circumstances, the responsible ITO must:
- (a) assist the Tour Group Member to the extent possible;
 - (b) inform the ADSEO of the visa holder's circumstances as soon as possible, and provide whatever assistance is necessary to RET and DIAC to resolve any issues that may arise; and
 - (c) facilitate the affected visa holder liaising with DIAC about their immigration status.

24. Complaints

- 24.1 An ITO must:
- (a) maintain a complaints policy and use its best endeavours to address and resolve all reasonable customer concerns, complaints and queries within two (2) weeks; and
 - (b) maintain a complaints register, to be made available to the ADSEO or the CMA on request, that includes at least the following information:
 - (i) name of complainant and Tour Group Post Reference Number;
 - (ii) description of the complaint;
 - (iii) date of the complaint; and
 - (iv) any action taken by the ITO to resolve the complaint.

ATTACHMENT A: FIT AND PROPER PERSON

1. General Requirements

- 1.1 An ITO or Applicant must meet the following requirements in order to be assessed to be a Fit and Proper Person: General Requirements, Good Standing, Industry Fitness, and Immigration Compliance criteria outlined below.
- 1.2 Additionally, the following matters may be grounds for an adverse assessment as to whether an ITO or Applicant is a Fit and Proper Person:
 - (a) non-compliance with the Code as an ITO or former ITO;
 - (b) intentional or reckless provision of false or misleading information to the Minister, RET, the ADSEO, DIAC, a CMO, the CMA, or any other person connected to the administration of the ADS scheme, whether such information was provided as an Applicant, an ITO, or a former ITO;
 - (c) failure by the Applicant or ITO to notify the ADSEO of any matter relevant to the Applicant or ITO's status as a Fit and Proper Person; and
 - (d) any other matter considered relevant to an assessment as to whether an Applicant or ITO is a Fit and Proper Person.

2. Good Standing

- 2.1 An ITO must, at all times, demonstrate that they meet the Good Standing requirements outlined in this Item 2.
- 2.2 Applicants must, in their application, demonstrate that they meet the Good Standing requirements outlined in this Item 2.
- 2.3 In assessing the good standing of an Applicant or ITO, the Minister may have regard to the personal, commercial, financial or professional status or standing of the ITO or Applicant and its Associates. Factors that may be indicative of a lack of good standing include:
 - (a) any adverse comment relating to the ITO, Applicant or their Associate in any document or report;
 - (b) any criminal conviction under Australian law or a law of a foreign country against the ITO, Applicant or their Associate;
 - (c) any breach of any immigration requirement in Australia or a foreign country by the ITO, Applicant or their Associate;
 - (d) any civil penalty or administrative sanction against the ITO, Applicant or their Associate under Australian or foreign law;
 - (e) any critical comment against the ITO, Applicant or their Associate by a court, tribunal, or industry or professional body;
 - (f) bankruptcy or insolvency of the ITO, Applicant or their Associate within the previous two (2) years;
 - (g) whether any key officer of the ITO, Applicant or their Associate has managed a failed business within the previous two (2) years;

- (h) an adverse assessment by the Australian Taxation Office or any other Commonwealth agency in relation to the ITO or any of its Associates;
- (i) any matter considered relevant by RET and/or the Minister to the personal, commercial, financial or professional status or reputation of the ITO or an Associate; and
- (j) any other matter considered by the Minister to be relevant to the good standing of the Applicant or ITO (or their Associates).

3. Industry Fitness

- 3.1 An ITO must, at all times, demonstrate that they meet the Industry Fitness requirements outlined in this Item 3.
- 3.2 Applicants must, in their application, demonstrate that they meet the Industry Fitness requirements outlined in this Item 3.
- 3.3 Factors that may be indicative of an Applicant or ITO's industry fitness include:
 - (a) evidence that the Applicant's or ITO's current and former business operations relating to services provided under the ADS scheme have been conducted in a manner consistent with the Code (if applicable);
 - (b) evidence of the Applicant/ITO's strong track record and commitment in relation to:
 - (i) the China outbound tour market;
 - (ii) the Australian inbound tour market;
 - (iii) the Applicant/ITO's own enterprise development;
 - (iv) the Applicant/ITO's commitment to industry development; and
 - (v) the Applicant/ITO's current and continuous financial membership of a relevant Industry Association acceptable to RET (see Attachment D);
 - (c) evidence that the Applicant/ITO has a current travel agent's license in accordance with all relevant State/Territory laws, and its associated current membership of the Travel Compensation Fund;
 - (d) evidence that the Applicant/ITO has cooperated and worked with relevant industry bodies and Tourism Australia to help achieve the best long-term results for the China related tourism industry in Australia;
 - (e) evidence that the Applicant/ITO employs at least one full time staff member who:
 - (i) has at least one year's experience in handling tour operations in Australia;
 - (ii) has either passed a Certificate 1 competency test in written and oral English and Chinese prescribed by an Australian Registered Training Organisation, or passes the Certificate 1 competency test where RET requests that the Certificate 1 competency test be undertaken; and
 - (iii) has responsibility for handling the ITO's Tour operations and is employed and conducts their work within the registered business address within Australia.
 - (f) evidence of any other industry activities, credentials, awards or recognition; and
 - (g) any other matter that, in the opinion of the Minister, is relevant to an Applicant/ITO's industry fitness.

- 3.4 In addition to the factors outlined in Item 3.3, an ITO must also provide evidence that the ITO:
- (a) has developed ADS business from China by working with ADS approved OTOs, representatives from the Australian tourism industry and the Commonwealth;
 - (b) is engaging in active dealings with the China market and demonstrates a commitment to maintaining and developing the China market by making sales calls to OTOs in China;
 - (c) has taken steps to continuously advance Australian ADS market opportunities and Australian product knowledge, and at a minimum, must:
 - (i) maintain continuous financial membership of a relevant Industry Association acceptable to RET;
 - (ii) participate in at least one ADS development forum if an ADS development forum is conducted by RET; and
 - (iii) participate in a minimum of four relevant industry seminars, familiarisations and/or workshops conducted by relevant Industry Associations or Organisations such as TA or State Tourism Organisations in each calendar year that relate to the ADS scheme.

4. Immigration Compliance

- 4.1 An ITO must, at all times, demonstrate that they meet the Immigration Compliance requirements outlined in this Item 4.
- 4.2 Applicants must, in their application, demonstrate that they meet the Immigration Compliance requirements outlined in this Item 4.
- 4.3 Factors that may be indicative that an Applicant or ITO has failed to meet its Immigration Compliance requirements include:
- (a) any findings of current or past involvement by the ITO in migration fraud;
 - (b) any current or past conduct within the ADS scheme as an ITO, including any warnings or sanctions issued due to failure to meet immigration compliance or visa integrity requirements of the ADS scheme;
 - (c) any current or professional association with persons identified by DIAC as persons of concern due to their immigration related activities; and
 - (d) any other matter that, in the opinion of the Minister, is relevant to an Applicant/ITO's immigration compliance.

- 4.4 In addition to the factors outlined in Item 4.3, other factors that are indicative that an ITO has not met its Immigration Compliance requirements include:
- (a) any failure to take all reasonable steps to ensure that Tour Group Members comply with the conditions of their visa including, amongst other things, failure to take all reasonable steps to ensure that Tour Group Members:
 - (i) follow their Approved Itinerary;
 - (ii) do not work, study, or conduct business activities whilst in Australia; and
 - (iii) do not abscond (for example, through inadequate supervision of Tour Group Members during activities outlined in the Approved Itinerary, particularly while Tour Groups are at airports and are boarding waiting transport);
 - (b) any failure to ensure that each Associate of the ITO is aware of the immigration requirements in relation to ADS visas;
 - (c) any assistance given to absconding Tour Group Members; and
 - (d) any failure to immediately notify RET of any issue which may affect the immigration management and monitoring of the Tour Group or a Tour Group Member, whether or not the ITO became aware of the issue before or after a Tour Group or Tour Group Member's arrival in Australia.

ATTACHMENT B: ADS SANCTION STRUCTURE

1. The Sanctions Structure

- 1.1 If the ADSEO considers that an ITO has breached the Code, the ADSEO may send a letter to the ITO:
 - (a) stating the reasons why the ADSEO believes there has been a breach or breaches of the Code;
 - (b) stating the breach or breaches of the Code that the ADSEO believes has occurred (including the category of breach); and
 - (c) inviting the ITO to show cause in writing within 14 days as to why the ITO should not be regarded as having breached the Code.
- 1.2 If the ITO provides a response to the ADSEO within the 14 day period, the ADSEO will consider the response on its merits and make an assessment as to whether the ADSEO still considers that there has been a breach of the Code.
- 1.3 If, after considering the ITO's response, the ADSEO is satisfied that the ITO has not breached the Code, the ADSEO will advise the ITO and will take no further action.
- 1.4 If, after considering the ITO's response, the ADSEO still believes that the ITO has breached the Code, the ADSEO will record the matter on the ITO's file as either a fundamental breach or a compliance breach, and inform the ITO.
- 1.5 If an ITO has less than three (3) recorded compliance breaches on its file, the ADSEO may, in its discretion, refer the matter to the Minister recommending that action be taken to suspend or revoke the ITO's approval under the ADS scheme unless satisfied that the breaches were unintentional and/or reasonable in all the circumstances or arose due to extenuating circumstances. The ADSEO must provide reasons to the Minister to support the recommendation.
- 1.6 If an ITO has three recorded compliance breaches on its file, the ADSEO must refer the matter to the Minister recommending that action be taken to suspend or revoke the ITO's approval under the ADS scheme unless satisfied that the breaches were unintentional and/or reasonable in all the circumstances or arose due to extenuating circumstances. The ADSEO must provide reasons to the Minister to support the recommendation.
- 1.7 If an ITO has a recorded fundamental breach on its file, the ADSEO will refer the matter to the Minister recommending that action be taken to suspend or revoke the ITO's approval under the ADS scheme unless satisfied that the breach or breaches were unintentional and/or reasonable in all the circumstances or arose due to extenuating circumstances. The ADSEO must provide reasons to the Minister to support the recommendation.
- 1.8 The Minister, having regard to the recommendation provided by the ADSEO, will make a decision as to whether there has been a breach or breaches of the Code or whether the ITO is a Fit and Proper Person.
- 1.9 If, in the Minister's opinion, there has been a breach or breaches of the Code, the Minister may, in his/her discretion, suspend or revoke the ITO's Approval, having regard to the category and severity of the breach or breaches.
- 1.10 The Minister's decision will take effect immediately on notification of the decision to the ITO.

2. Breaches

2.1 **Fundamental Breaches** are likely to result in suspension or revocation, of an ITO's Approval. A fundamental breach occurs when an ITO acts contrary to any of the clauses of the Code set out in the table below:

4.1	9.1	13.1	19.3
4.2	11.1	13.2	19.4
4.3	11.3	13.3	20.1
4.6	12.2	13.4	23.2
5.3	12.3	17.4	23.3
5.4	12.4	19.1	23.4
6.3	12.5	19.2	23.6

2.2 **Compliance breaches** are all breaches that are not fundamental breaches (all remaining clauses in the Code). A Compliance Breach occurs when an ITO acts contrary to any of the remaining clauses (not fundamental clauses) of the Code.

ATTACHMENT C: ADS SERVICE CONTRACT - MODEL CLAUSES

1. Tour commitment

- (a) [ITO] undertakes to provide, and [ADS OTO] undertakes to acquire, ADS tour services in accordance with the attached Itinerary and the Code.
- (b) Within 14 days of signature of this agreement, [ITO] will confirm in writing to [ADS OTO]:
 - (i) the Itinerary and whole-of-tour price for the tour;
 - (ii) the costs that are and are not included in the whole-of-tour price;
 - (iii) the amount of any deposit that must be paid;
 - (iv) the date for payment of the deposit;
 - (v) the date for payment of the balance of the whole-of-tour price;
 - (vi) the date for confirming the tour's rooming list and meal requirements;
 - (vii) the cancellation period for the tour;
 - (viii) the terms and conditions on which full or partial refunds will be made by [ITO] in the event of a cancellation; and
 - (ix) any cancellation fee payable if a tour is cancelled beyond the cancellation period.
- (c) [ADS OTO] must make all ADS booking requests to [ITO] in writing.
- (d) 'Whole-of-tour' price includes, unless agreed otherwise:
 - (i) transport fees, including airport tax, for transport to be organised by [ITO];
 - (ii) accommodation costs;
 - (iii) the cost of meals included in the Itinerary, excluding drinks;
 - (iv) fees for first entry to tourist sites and areas for non-self paid travel items; and
 - (v) other fees specified as included in the whole-of-tour price.
- (e) 'Whole-of-tour' price does not include, unless agreed otherwise:
 - (i) fees in relation to the handling of travel documents and the splitting of tourist groups;
 - (ii) tourists' insurance premiums;
 - (iii) fees for self-paid activities or other costs;
 - (iv) fees for activities and other costs that are not included in the itinerary;
 - (v) tips;
 - (vi) personal expenses incurred during the Itinerary, such as meals not included in the Itinerary, in-room charges, drinks, fees for laundry, and telephone calls;
 - (vii) fees for excess baggage;
 - (viii) individuals' medical expenses;
 - (ix) fees and rewards for the recovery of lost personal property; or
 - (x) compensation incurred for personal reasons.

2. Visa application process

- (a) [ADS OTO] is responsible for submitting visa applications to the Australian department responsible for approving visa applications on behalf of all ADS group members in a tour.
- (b) As soon as possible after [ITO] has confirmed the Itinerary and price for a tour under clauses 1(b) and 1(c), [ADS OTO] will submit to the Australian department responsible for approving visa applications:
 - (i) the visa applications for each ADS group member on the tour; and
 - (ii) a copy of the Itinerary and quotation for the tour.

3. Approved Itinerary and price

- (a) Unless agreed otherwise with the [ADS OTO], the Approved Itinerary for an ADS tour must not be changed except where:
 - (i) the ADSEO has approved the amendments;
 - (ii) amendments are required as a result of circumstances not reasonably expected by, or circumstances beyond the control of, either [ITO] or [ADS OTO], as the case may be; and
 - (iii) each change is fair and reasonable in all the circumstances and provides at least equal value for money.
- (b) The whole-of-tour price for an ADS tour, or any component of that price, must not be changed once confirmed by [ITO] unless the change is necessary to reflect changes made to the Approved Itinerary under 3(a).
- (c) [ADS OTO] must give a copy of the Approved Itinerary (in the form set out in *Attachment E* to the Code) in English and Chinese to each Tour Group Member prior to the commencement of their tour in Australia.
- (d) [ITO] and [ADS OTO] must each use their best endeavours to ensure that they and their Associates conduct each ADS tour and deliver all products and services listed in the Approved Itinerary for a tour in accordance with the Approved Itinerary for that tour.

4. Room and meal requirements

[ADS OTO] must give [ITO] written confirmation of the rooming list and meal requirements for an ADS tour within the time specified by [ITO] under clause 1(b)(vi).

5. Mixed ADS and non-ADS groups

[ITO] and [ADS OTO] must not arrange a tour containing ADS and non-ADS group members unless:

- (a) all tourists on the tour:
 - (i) travel under the same Approved Itinerary;
 - (ii) are handled only by the [ADS OTO] and [ITO];
 - (iii) none of the ADS or non-ADS group members will be undertaking work, study or business-related activities during the tour;
 - (iv) the tour is conducted in all other respects in accordance with this Code; and
 - (v) the ITO has obtained the approval of the ADSEO.

6. Cancellations

- (a) All cancellations must be received by [ITO] in writing within the time specified by [ITO] under clause 1(b)(vii).
- (b) [ITO] will refund any amount payable under clause 1(b)(viii) in the event that a tour is cancelled.
- (c) [ADS OTO] must pay any cancellation fee payable under clause 1(b)(ix). If a deposit was paid for the tour, [ITO] may withhold the cancellation fee from the amount of any deposit otherwise refundable to [ADS OTO].

7. Guides and conduct of tours

An [ITO] must:

- (a) be fluent in both English and Chinese;
- (b) place a sign within the coach that is visible to all passengers and can be viewed from the outside of the vehicle that is used to transport ADS tourists showing:
 - (i) the name of the OTO - in large letters;
 - (ii) the words 'ADS Group' - in large letters;
 - (iii) the ITO's business name - in smaller letters; and
 - (iv) the Post Reference Number for the group and the Itinerary number;
- (c) provide a 24-hour contact service for ADS group members in Australia and China.

8. Payment

Payment terms for an ADS tour will be:

- (a) where [ITO] is to purchase air tickets for the ADS group members for travel between China and Australia - full payment by [ADS OTO] of the whole-of-tour price must be made at least [30 days] prior to the date of arrival in Australia;
- (b) in all other circumstances -
 - (i) where [the ITO] has existing ADS business arrangements with [the ADS OTO]:
 - (A) payment by [ADS OTO] of a deposit of at least 10% of the whole-of-tour price must be made at least [7 days] prior to the date of arrival in Australia; and
 - (B) payment by [ADS OTO] of the balance of the whole-of-tour price must be made within [14 days] after the date of arrival in Australia; or
 - (ii) where the ADS tour operator does not have existing ADS business arrangements with the ADS OTO, payment by [OTO] of the whole-of-tour price must be made at least [7 days] before the date of arrival in Australia; and
- (c) payments must be made directly by the approved OTO and not by any third party.

9. Refunds and compensation

- (a) If, due to circumstances beyond the control of [ITO], the tour is not able to be performed substantially in accordance with the Itinerary or if the Itinerary has been approved by RET, the Approved Itinerary, and an alternative date or Itinerary of at least equal value for money cannot be agreed by [ITO] and [ADS OTO], [ITO] will refund any of the whole-of-tour price that has been paid.

- (b) Unless this agreement is terminated under paragraphs (b) or (c) of clause 10, [ITO] will reimburse [ADS OTO] any amount for which [ADS OTO] has an enforceable legal obligation to pay to the extent that such obligation arises directly from cases where [ITO], without the agreement of the [ADS OTO]:
- (i) fails to provide services in line with the requirement for quality and prices agreed and reflected in the Itinerary or if the Itinerary has been approved by RET, the Approved Itinerary, or makes a material change to the activities expected to be available under the Itinerary or if the Itinerary has been approved by RET, the Approved Itinerary that results in a reduction in the number and/or standard of inclusions;
 - (ii) makes arrangements for tourists to take part in any self-paid activities or additional shopping trips that are not included in the Itinerary or if the Itinerary has been approved by RET, the Approved Itinerary; or
 - (iii) suspends the provision of accommodation, meals, transport and other travel services included in the Itinerary or if the Itinerary has been approved by RET, the Approved Itinerary.
- (c) For the avoidance of doubt, this clause survives termination of the agreement pursuant to clause 10.

10. Termination

[ITO] may terminate this agreement if:

- (a) the ITOs Approval is revoked or suspended;
- (b) [ADS OTO] does anything that causes [ITO] to be in breach of the terms and conditions of its approval under the ADS scheme by the Australian Minister responsible for granting such approval; or
- (c) approval of [ADS OTO] is revoked or suspended by the China National Tourism Administration and/or the Minister for Immigration and Citizenship.

ATTACHMENT D: INDICATIVE LIST OF INDUSTRY ASSOCIATIONS

The approved membership to any of the following Industry Associations is required in order for applications for ADS approval to be accepted:

- Australian Federation of Travel Agents (AFTA)
- Australian Tourism Export Council (ATEC)
- Local or Regional Tourism organisations, e.g. Tropical North Queensland Tourism and Gold Coast Tourism
- Pacific Asia Travel Association (PATA)
- State Tourism Industry Bodies, e.g. Queensland Tourism Industry Council, South Australian Tourism Industry Council, Tourism Alliance Victoria, Tourism Industry Council of New South Wales, Tourism Industry Council Tasmania and Tourism Council of Western Australia

ATTACHMENT E: ADS ITINERARY PROFORMA

An ADS Itinerary prepared by an ITO should contain the following information and be prepared on company letterhead:

Tour and Itinerary Identification

- Identification details for the ITO:

Trading name:

ABN:

Address:

Travel Agent's Licence number:

Telephone (24 hour):

Fax:

Email:

- The **Post Reference Number** - The unique code, provided with the visa grant details, allocated to the particular group (see clause 14.1 of the Code).

Visa Conditions (this disclaimer must be displayed prominently on top of the first page of the itinerary in both English and Chinese)

- **This itinerary relates to an ADS tour organised by an approved ADS Chinese agent (OTO) and an approved ADS Australian agent (ITO). As an ADS visa holder, this visa allows you to enter and remain in Australia while you are part of your tour group. There are number of conditions on your visa which you must abide by:**
- **You must enter and depart Australia with your tour group;**
- **You must not deviate or depart from the approved tour arrangements;**
- **You are not permitted to undertake any study or training;**
- **You are not permitted to undertake work in Australia. This means you must not undertake paid or unpaid employment or any business activities; and**
- **You are not permitted to apply for another visa while you are in Australia.**

Tourist Details (otherwise referred to as a Name List)

- Total number of tourists.
- Full name, date of birth and passport details of each tourist and the tour leader.

Tour Dates

- Start and finish of tour dates.
- Points and times of departure and arrival and flight number(s).

Tour Guides

- A tour guide must not change an ADS Approved Itinerary unless there is an emergency or an unusual circumstance that makes such a change necessary.
- Tour guides must ensure that all ADS tours visit the competitive/free shopping venues nominated in the Approved Itinerary and that tour members have unhindered access to all shops in that venue for the full amount of time that is allocated in the Approved Itinerary.

Contact Details

- Hotels: *[Insert full contact details for each hotel at which the group will be staying during the tour. Include full hotel name, address, dates of stay for each property and telephone numbers. Also include accreditation details and star rating.]*
- Chinese Speaking Guides: *[Insert names and contact details including mobile phone numbers.]*
- Coach Company/Companies: *[Insert full coach company names for each company used during the tour and telephone numbers.]*
- ADS Inbound Tour Operator's Office: *[Insert office address, daytime telephone number, 24 hour contact number in Australia and name of contact person.]*
- ADS OTO: *[Insert name of agent, office address, daytime telephone number, 24 hour contact number in China and name of contact person.]*

Consumer Information

Important contact phone numbers

- Consumer Complaints Hotline: 1300 552 263
- Interpreter service: 131 450
- Emergency (for life threatening situations): 000
- Poisons Information: 13 11 26
- Online complaint facility at http://www.ret.gov.au/tourism/information_for_visitors/lodging_a_complaint/Pages/LodgingaComplaint.aspx and www.australia.com
- Consumer information at http://www.ret.gov.au/tourism/information_for_visitors/ConsumerInformation/Pages/default.aspx:
 - Information on Your Consumer Rights in Australia;
 - Information on Purchasing a Package Holiday; and
 - Information on Travelling in Australia under the China ADS scheme.

In-Tour Costs

- Tour costs: Charges payable by group members: *[Insert the minimum tour cost payable by each Tour Group Member and any charges payable for optional tour features including but not limited to accommodation or meal upgrades and additional activities.]*

Daily Approved Itinerary

Include all relevant details of each activity to be undertaken throughout the period of the tour, including:

- all shopping opportunities included within the tour, clearly identifying each venue as supervised or unsupervised. Where Commission Linked Shopping Outlets will be visited:
 - unsupervised shopping opportunities of at least the same duration must be provided at a prior time at a nominated Competitive Retail Area in the same region (see paragraph 14.1(e) of the Code); and
 - the Approved Itinerary must show the business name, address and contact details of all Commission Linked Shopping Outlets (see paragraph 14.1(d) of the Code);
- for each shopping venue (whether a stand-alone shopping venue or attached to an attraction or other shopping venue) to be visited on the tour where the ITO will, or should reasonably expect, to receive (directly or indirectly) a Commission arising from the group visit, the following statement must be made:

“Purchases made may result in a Commission being paid to or received by your ADS inbound tour operator, tour guide, tour leader or ADS Approved Chinese Tour Operator.”

ATTACHMENT F: ADS QUOTATION PROFORMA

An ADS quotation provided to an ADS OTO under paragraph 15.1 of the Code must, as a minimum:

- include the following identification details for the ITO:
 - Trading name:
 - ABN:
 - Address:
 - Travel Agent's licence number:
 - Telephone (24 hour):
 - Fax:
 - Email:
- state, in AUD\$, the per person cost of the Tour payable to the ITO;
- state, in AUD\$, any additional or optional charges that may be payable;
- have attached to it the proposed Itinerary for the Tour prepared under clause 14.1 and *Attachment E*; and
- refer to the contract between the ITO and the ADS OTO — see clause 13.1(b) and *Attachment C* of the Code.

ATTACHMENT G: TOUR COMPLETION REPORT

A Tour completion report is required for any **Tour on request by ADSEO (RET) or the CMA**. The report must contain the following information, and should be forwarded within 14 days of the request to:

The ADS Executive Officer
Tourism Division
Department of Resources, Energy and Tourism
GPO BOX 1564
CANBERRA ACT 2601

Telephone: 1800 048 155
Facsimile: 02 6213 7070
Email: ads@ret.gov.au

ADS tour *[insert ADS tour code identification number, **Post Reference Number and any group name**]* concluded on *[insert date]*.

The Approved Itinerary, quotation and ADS service contract as agreed with the ADS OTO immediately prior to the commencement of the tour is attached and marked Attachment *[insert number or letter]*.

Please select the appropriate option:

- The tour was conducted in compliance with that Approved Itinerary.
- The tour was not conducted in compliance with that Itinerary and copies of the revised itineraries issued to Tour Group Members are attached and marked, together with any revisions to the quotation and ADS service contract *[insert identifying numbers or letters]*.
- The tour was not conducted in compliance with that Itinerary and a revised Itinerary was not issued to Tour Group Members. The revised Itinerary is attached and marked, together with any revisions to the quotation and ADS service contract *[insert identifying numbers and letters]*

The value of Commissions received or expected to be received in connection with the tour is: *[insert the value of the Commissions that the ADS tour operator has received, or should reasonably expect to receive (directly or indirectly) arising from the tour]*.

The number of tour members was *[insert the number of Chinese ADS tourists participating in the tour]*.

I acknowledge that I must hold receipts for all Commissions received in consequence of handling this tour, for a period in accordance with Australian tax law and that these must be shown on request to an Assessor, a Compliance Monitoring Officer or any other auditor authorised by RET.

Signed:

Date:/...../.....

Position:

For: *[insert name of ITO]*

ATTACHMENT H: ADS ABSCONDER REPORT



IMMIGRATION ADS ABSCONDER INCIDENT REPORT

DIAC office use only A#:

This report must be emailed (in word format) to ads@ret.gov.au within 48 hours of an absconder incident.

Group details:

Post reference number:				CO#
Australian agent:				
PRC Agent:				
Australian tour guide:		Contact phone number:		
PRC tour leader:		DOB:		
Report submitted by (full name)		Position:	Phone No:	

Absconder Details:

A#	Family Name: _____ Given Name: _____ DOB: ____/____/____ Gender: Male <input type="checkbox"/> Female <input type="checkbox"/> Passport No.: _____	A#	Family Name: _____ Given Name: _____ DOB: ____/____/____ Gender: Male <input type="checkbox"/> Female <input type="checkbox"/> Passport No. : _____
A#	Family Name: _____ Given Name: _____ DOB: ____/____/____ Gender: Male <input type="checkbox"/> Female <input type="checkbox"/> Passport No.: _____	A#	Family Name: _____ Given Name: _____ DOB: ____/____/____ Gender: Male <input type="checkbox"/> Female <input type="checkbox"/> Passport No.: _____

Incident Details

Date Last Seen: ____/____/20__	Time Person Last Seen: _____AM/PM
City Last Seen: <input type="checkbox"/> Sydney <input type="checkbox"/> Brisbane <input type="checkbox"/> Melbourne <input type="checkbox"/> Canberra Other _____	Place Last Seen: _____
Absconder holds passport?: Yes <input type="checkbox"/> No <input type="checkbox"/>	Absconder had luggage? Yes <input type="checkbox"/> No <input type="checkbox"/>

Description of Incident (Please ensure a detailed response is provided below).

Describe how they left the tour group:
 What were the tour leader AND tour guide doing at the time:
 Were they travelling with anyone:
 Did they show any signs that they intended to abscond:
 Do they have relatives/friends/business ties in Australia:
 Additional Comments:

DIAC OFFICE USE ONLY

COD : a) _____ b) _____ Visa expiry date: _____
 c) _____ d) _____
 MAL updated: ADS database updated:

DIAC Comments:

ATTACHMENT I: INDICATIVE LIST OF COMPETITIVE RETAIL AREAS

Adelaide

- Chinatown, Moonta Street, Grote Street, Gouger Street
- Harbour Town Shopping Centre
- Jetty Road, Glenelg
- Marion Shopping Centre
- Rundle Mall
- Rundle Street

Alice Springs

- Alice Springs Mall

Brisbane

- Airport Drive
- Brisbane Central Business District including the Queen Street Mall bounded by George Street, Edward Street, Elizabeth Street and Adelaide Street (including Broadway on the Mall, Macarthur Central, The Myer Centre, Wintergarden, Queens Plaza (new), Brisbane Arcade, Tattersall's Arcade, Queen Adelaide Building, and Riverside Markets)
- Carindale Shopping Centre
- Chermiside Shopping Centre
- Fortitude Valley and Chinatown (including Ann Street, Emporium, Brunswick & Wickham Streets, James Street, James Street Markets, Jan Power's Farmer's Markets at Brisbane Powerhouse and Chinatown)
- Indooroopilly Shopping Centre
- Logan Hyperdome
- Southbank
- Toombal Shopping Centre
- Toowong Village Shopping Centre
- Westfield Garden City
- Westcourt DFO

Cairns

- Central Shopping Centre, Grafton Street
- City Mall Precinct, Lake Street
- Kuranda Village and Heritage Markets, Kuranda
- Macrossan Street, Port Douglas
- Night Markets, the Esplanade
- Orchid Plaza, Abbott Street

- Pier Shopping Centre, the Esplanade
- Raintrees Shopping Centre, Manunda
- Smithfield Shopping Centre, Smithfield
- Stockland Shopping Centre, Mulgrave Street
- Westcourt DFO, Mulgrave Road, Westcourt

Canberra

- Brand Depot
- Canberra Central Business District bounded by Parkes Way, Coranderrk Street, Ballumbir Street, Cooyong Street, Barry Drive and Marcus Clarke Street
- Canberra Centre
- DFO Canberra
- Tuggeranong Hyperdome
- Westfield Belconnen
- Westfield Woden

Darwin

- Casuarina Shopping Square
- Mindil Beach Markets
- Nightcliff Markets
- Palmerston Shopping Centre
- Parap Markets
- Smith Street Mall
- Tourist precinct of Mitchell Street

Gold Coast

- Australia Fair, Southport
- Ferry Rd Markets, Southport
(www.ferryrdmarket.com.au/frm_index)
- Harbour Town Shopping Outlet
- Marina Mirage
- Oasis Shopping Centre / Broadbeach Mall, Broadbeach
- Pacific Fair
- Robina Town Centre
- Runaway Bay Shopping Village
(www.runawaybayshopping.com.au/home/)
- Sanctuary Cove Marine Village

- Tourist precinct of Surfers Paradise bounded by Gold Coast Highway, Staghorn Avenue, the Esplanade and Clifford Street
- Westfield Helensvale (www.westfield.com.au/helensvale/ourstores)

Hobart

- Salamanca Place bounded by Davey Street, Castray Esplanade, Morrison Street and Murray Street

Melbourne

- Block Arcade, 280-286 Collins St, Melbourne
- Bourke Street Mall, Bourke St, between Swanston & Elizabeth St, Melbourne
- Bridge Rd & Swan St, Richmond
- Brunswick St, Fitzroy
- Chadstone Shopping Centre
- Chapel St, South Yarra
- Collins Street, Top end of Collins St, Melbourne
- Federation Square
- Flinders Lane, Melbourne
- GPO, Corner Elizabeth St & Bourke St Mall
- Harbour Town, Docklands
- Melbourne Central Business District bounded by Flinders Street, Queen Street, Spring Street, Latrobe Street
- Queen Victoria Markets
- Royal Arcade, 355 Bourke St, Melbourne
- Smith Street, Collingwood
- Southbank
- Southern Cross Station DFO, Spencer St, Melbourne
- St Kilda Esplanade Markets
- Toorak Rd, Toorak.

Perth

- Carousel Shopping Centre
- Fremantle Shopping Area
- Garden City Shopping Centre
- Harbourtown Shopping Centre
- Perth Central Business District bounded by Hay Street, Murray Street, Barrack Street and William Street

Sydney

- Birkenhead Point Shopping Centre
- Bondi Junction Shopping Centre
- Chatswood Shopping Centre
- Chinatown (Dickson Street)
- Darling Harbour
- Double Bay shopping precinct
- Homebush Bay Direct Factory Outlets
- Manly shopping precinct
- Mosman shopping precinct (Military Road from Spofforth Street to Raglan Street)
- Newtown shopping precinct (King Street from Missenden Road to Lord Street)
- Oxford Street bounded by Liverpool St (City) and Queen St (Woollahra)
- Paddy's Market, Market City near Chinatown
- Parramatta Shopping Centre
- Sydney Central Business District including the Queen Victoria Building and bounded by Hunter Street, Elizabeth Street, Kent Street and Liverpool Street
- The Rocks area
- Warringah Mall, Brookvale

Uluru/Ayers Rock

- Town Centre Shops

This list will be reviewed annually in consultation with State and Territory governments and the retail industry. In between annual reviews, retail groups may submit an application to be listed as a Competitive Retail Area. These applications for listing should be forwarded to the ADSEO who will, in consultation with the appropriate organisations, consider each on their merit.

A current list of Competitive Retail Areas may be found at www.ret.gov.au/tourism_ads

In developing ADS itineraries, an ITO may submit a list of Competitive Retail Areas that it intends to include in its itineraries over the coming 12 months for prior approval by the ADSEO. Any queries on Competitive Retail Areas should be directed to the ADSEO.

Contact particulars are:

The ADS Executive Officer

Tourism Division

Department of Resources, Energy and Tourism

GPO BOX 1564

CANBERRA ACT 2601

Telephone: 1800 048 155 (within Australia)

+61 2 6213 7020 (outside Australia)

Facsimile: +61 2 6213 7070

Email: ads@ret.gov.au

Website: www.ret.gov.au/tourism_ads

每年与州/领地政府和零售行业共同协商审查该名单。零售团体可在年审以外时间, 申请加入竞争性零售区域名单。该申请将转交ADSEO, 由ADSEO与相关机构共同协商、客观考虑。

竞争性零售区域当前名单参见www.ret.gov.au/tourism_ads

ITO应在制订ADS行程安排时, 将行程安排在未来12个月中所要采用的一份竞争性零售区域名单提前报ADSEO审批。

与竞争性零售区域有关的任何询问, 都将直接转至ADSEO。

联系方式:

The ADS Executive Officer
Tourism Division
Department of Resources, Energy and Tourism
GPO BOX 1564
CANBERRA ACT 2601

电话: 1800 048 155 (澳大利亚国内)

+61 2 6213 7020 (澳大利亚国外)

传真: +61 2 6213 7070

电邮: ads@ret.gov.au

网址: www.ret.gov.au/tourism_ads

- Fremantle Shopping Area
- Garden City Shopping Centre
- Harbourn Shopping Centre
- 佩斯中央商务区(以Hay Street, Murray Street, Barrack Street和William Street为界)

悉尼

- Birkenhead Point Shopping Centre
- Bondi Junction Shopping Centre
- Chatswood Shopping Centre
- 唐人街(Dickson Street)
- 达令港
- 德宝湾shopping precinct
- Homebush Bay Direct Factory Outlets
- Manly购物区
- Mosman购物区, 位于Military Road (Spofforth Street与Raglan Street之间)
- Newtown购物区, 位于King Street (Missenden Road与Lord Street之间)
- Oxford Street, 位于Liverpool St(市中心)与Queen St (Woollahra)之间
- Paddy's市场(唐人街附近Market City)
- Parramatta购物中心
- 悉尼中央商务区(包括维多利亚女皇大厦), 以Hunter Street, Elizabeth Street, Kent Street和Liverpool Street为界
- 岩石区
- Warringah Mall, Brookvale

乌鲁入/艾尔斯岩

- 购物中心

- Robina Town Centre
- Runaway Bay Shopping Village
(www.runawaybayshopping.com.au/home/)
- Sanctuary Cove Marine Village
- 冲浪者天堂旅游区(以Gold Coast Highway, Staghorn Avenue, the Esplanade和Clifford Street为界)
- Westfield Helensvale (www.westfield.com.au/helensvale/ourstores)

霍巴特

- Salamanca Place(以Davey Street, Castray Esplanade, Morrison Street和Murray Street为界)

墨尔本

- Block Arcade(墨尔本, 280-286 Collins St)
- Bourke Street Mall, 位于Bourke St (Swanston和Elizabeth St之间)
- Bridge Rd & Swan St, Richmond
- Brunswick St, Fitzroy
- Chadstone Shopping Centre
- Chapel St, South Yarra
- Collins Street, Collins St的东端, 墨尔本
- Federation Square
- Flinders Lane, 墨尔本
- GPO, Elizabeth St和Bourke St Mall之间的街角
- Harbour Town, Docklands
- 墨尔本中央商务区(以Flinders Street, Queen Street, Spring Street和Latrobe Street为界)
- 维多利亚女皇市场
- Royal Arcade, 355 Bourke St, 墨尔本
- Smith Street, Collingwood
- 南岸区
- 南十字站DFO(墨尔本, Spencer St)
- St Kilda Esplanade Markets
- Toorak Rd, Toorak.

佩斯

- Carousel Shopping Centre

- 夜市 (the Esplanade)
- 兰花广场(Abbott Street)
- Pier Shopping Centre, the Esplanade
- Raintrees Shopping Centre, Manunda
- Smithfield Shopping Centre, Smithfield
- Stockland Shopping Centre, Mulgrave Street
- Westcourt DFO, Mulgrave Road, Westcourt

堪培拉

- Brand Depot
- 堪培拉中央商务区(以Parkes Way, Coranderrk Street, Ballumbir Street, Cooyong Street, Barry Drive 和Marcus Clarke Street为界)
- 堪培拉购物中心
- DFO堪培拉
- Tuggeranong Hyperdome
- Westfield Belconnen
- Westfield Woden

达尔文

- Casuarina Shopping Square
- Mindil海滩集市
- Nightcliff集市
- Palmerston Shopping Centre
- Parap集市
- Smith Street Mall
- Mitchell Street旅游区

黄金海岸

- Australia Fair购物中心(Southport)
- Ferry Rd Markets, Southport
(www.ferryrdmarket.com.au/frm_index)
- Harbour Town Shopping Outlet
- Marina Mirage
- Oasis 购物中心/ Broadbeach Mall, Broadbeach
- Pacific Fair

附件I: 竞争性零售区域指导名单

阿德莱德

- 唐人街, Moonta Street, Grote Street, Gouger Street
- Harbour Town Shopping Centre
- Jetty Road, Glenelg
- Marion Shopping Centre
- Rundle Mall
- Rundle Street

艾丽斯泉

- Alice Springs Mall

布里斯班

- Airport Drive
- 包括Queen Street Mall的布里斯班中央商务区, 以George Street, Edward Street, Elizabeth Street和Adelaide Street为界, 有Broadway on the Mall, Macarthur Central, The Myer Centre, Wintergarden, Queens Plaza (new), Brisbane Arcade, Tattersall's Arcade, Queen Adelaide Building以及Riverside Markets
- Carindale Shopping Centre
- Chermshire Shopping Centre
- Fortitude Valley和唐人街(包括Ann Street, Emporium, Brunswick和Wickham Streets, James Street, James Street Markets, Jan Power's Farmer's Markets at Brisbane Powerhouse以及唐人街)
- Indooroopilly Shopping Centre
- Logan Hyperdome
- Southbank
- Toombal Shopping Centre
- Toowong Village Shopping Centre
- Westfield Garden City
- Westcourt DFO

凯恩斯

- 中央购物中心(Grafton Street)
- 城市购物区(Lake Street)
- 库兰达镇和遗产集市(库兰达)
- Macrossan Street(道格拉斯港)

附件H: ADS潜逃者报告



入境ADS潜逃者事件报告

仅限DIAC使用 A#:

应在发生潜逃事件后48小时内, 以word文档形式向ads@ret.gov.au发送本报告。

旅游团资料:

递交地点参考码:		CO#
澳大利亚中介:		
中华人民共和国中介:		
澳大利亚导游:	联系电话号码:	
中华人民共和国领队:	出生日期:	
报告提交人(全名)	职务:	电话号码:

潜逃者资料:

A#	姓: _____ 名: _____ 出生日期: __/__/__ 性别: 男 <input type="checkbox"/> 女 <input type="checkbox"/> 护照号码: _____	A#	姓: _____ 名: _____ 出生日期: __/__/__ 性别: 男 <input type="checkbox"/> 女 <input type="checkbox"/> 护照号码: _____
A#	姓: _____ 名: _____ 出生日期: __/__/__ 性别: 男 <input type="checkbox"/> 女 <input type="checkbox"/> 护照号码: _____	A#	姓: _____ 名: _____ 出生日期: __/__/__ 性别: 男 <input type="checkbox"/> 女 <input type="checkbox"/> 护照号码: _____

事件详情:

最后出现的日期	__/__/20__	最后出现的城市	_____上午/下午
最后出现的城市	<input type="checkbox"/> 悉尼 <input type="checkbox"/> 布里斯班 <input type="checkbox"/> 墨尔本 <input type="checkbox"/> 堪培拉 其他 _____	最后出现的地点	
潜逃者是否持有护照?:	是 <input type="checkbox"/> 否 <input type="checkbox"/>	潜逃者是否携带行李?:	是 <input type="checkbox"/> 否 <input type="checkbox"/>

事件说明(请确保详细回答下列问题)。

说明他们如何离开旅游团:
 当时旅游领队和导游在做什么:
 潜逃者是否与他人同行:
 他们是否表现出潜逃迹象:
 他们在澳大利亚是否有亲属/朋友/商务关系:
 附注:

仅供DIAC使用

COD: a) _____	b) _____	签证到期日:
c) _____	d) _____	
MAL更新: <input type="checkbox"/>	ADS数据库更新: <input type="checkbox"/>	
DIAC意见:		

附件G：旅游结束报告

ADSEO(RET)或CMA若有要求，任何旅游活动均应提供旅游结束报告。报告应包含下列信息，并在收到上述要求后14日内发至：

The ADS Executive Officer
Tourism Division
Department of Resources, Energy and Tourism
GPO BOX 1564
CANBERRA ACT 2601

电话: 1800 048 155
传真: 02 6213 7070
电邮: ads@ret.gov.au

于[填入日期]结束的ADS旅游[填入ADS旅游代码标识号、递交地点参考码以及任何旅游团名称]。

旅游开始前所附的特许行程安排、报价单、与ADS OTO达成的ADS服务合同以及标有号码的附件
[填入编号或字母]。

请选择适当选项：

- 旅游行为符合特许行程安排。
- 旅游行为不符合行程安排，但向旅游团成员提供了修订后的行程安排，并将该修订行程安排与任何报价和ADS服务合同变更共同标记为附件[填入识别编号或字母]。
- 旅游行为不符合行程安排，且未向旅游团成员提供修订后的行程安排。经修订的行程安排以及任何报价和ADS服务合同变更共同标记为附件[填入识别编号或字母]。

已收取或期望收取的旅游相关佣金价值为：[填入ADS旅行社因旅游活动(直接或间接)而收取或合理期望收取的佣金价值]。

旅游团成员数量为[填入参加旅游的中国ADS游客数量]。

本人确认在澳大利亚税法规定的时间内，持有因开展本旅游而收取的所有佣金收据，并根据评估师、合规监督官员或经RET授权的任何其他审计人员的要求，出示这些收据。

签署人：.....

日期：...../...../.....

职位：.....

代表： [填入ITO名称]

附件F：ADS报价单格式

根据准则第15.1条向ADS OTO提供的ADS报价单至少应：

- 包含如下ITO资料：
 - 商号：
 - ABN：
 - 地址：
 - 旅行社执照号码：
 - 电话(24小时)：
 - 传真：
 - 电邮：
- 说明每名旅行团成员应向ITO支付的费用(AUD\$)；
- 说明可能支付的额外或可选费用(AUD\$)；
- 附有拟定旅游行程安排——根据第14.1条和附件E制定；以及
- 参考ITO与ADS OTO签订的合同——参见第13.1(b)和准则附件C。

场所), 若ITO因旅行团购物而合理期望收取(直接或间接)佣金, 则应提供以下声明:

“ADS入境游旅行社、导游、旅游领队**或ADS**特许中国旅行旅行社可能因您的购买行为而获得或收取佣金。”

联系方式

- 宾馆:[填入旅游团在旅游期间所有住宿宾馆的完整联系方式,包括宾馆全称、地址、住宿日期、电话号码以及认证情况和星级。]
- 中文导游:[填入姓名和联系方式,包括手机号码。]
- 客车公司:[填入旅游中提供服务的每一客车公司的全称和电话号码。]
- ADS入境游旅行社办公室:[填入办公地址、日间联系电话号码、澳大利亚24小时联系号码以及联系人姓名。]
- ADS OTO:[填入旅行社全称、办公地址、日间联系电话号码、中国24小时联系号码以及联系人姓名。]

消费者信息

重要联系电话号码

- 消费者投诉热线:1300 552 263
- 传译服务:131 450
- 紧急情况(危及生命情况):000
- 毒物信息:13 11 26
- 通过http://www.ret.gov.au/tourism/information_for_visitors/lodging_a_complaint/Pages/LodgingaComplaint.aspx以及www.australia.com实施网上投诉。
- 消费者信息参见http://www.ret.gov.au/tourism/information_for_visitors/ConsumerInformation/Pages/default.aspx:
 - 澳大利亚消费者权益信息;
 - 购买全包旅游相关信息;以及
 - 中国ADS计划澳洲游相关信息。

旅游费用

- 旅游费用:旅游团成员应付费用:[填入每名旅游团成员应支付的最低旅游费用以及旅游特色项目费用,包括但不限于住宿或食品升级以及额外活动。]

日常特许行程安排

包括旅游期间所开展每项活动的所有相关详情,包括:

- 旅游期间所有购物机会,并标明是否为陪同或非陪同购物场所。旅游行程安排包括前往佣金挂钩购物点购物时:
 - 必须在同地区的指定竞争性零售区域,提前提供至少相同时间的非陪同购物机会(参见准则第14.1(e)条);并且
 - 特许行程安排必须提供所有佣金挂钩购物点的企业名称、地址和联系方式(参见准则第14.1(d)条);
- 对于行程中的每个购物场所(无论为独立购物场所或是附属于旅游景点或其他购物

附件E: ADS行程安排格式

ITO制订的ADS行程安排应包含下列信息, 并印有公司抬头:

旅游和行程标识

- ITO标识内容:

商号:
ABN:
地址:
旅行社执照号码:
电话(24小时):
传真:
电邮:

- 递交地点参考码——为每个旅游团指定的专用代码及签证发放详情(参见准则第14.1条)。

签证条件(该声明必须同时以中英文置于行程安排首页顶部的显著位置)。

- 该行程安排针对由特许ADS中国旅行社(OTO)和特许ADS澳大利亚旅行社(ITO)组织的ADS旅游。作为ADS签证持有人, 该签证允许您以旅行团成员身份进入澳大利亚并作停留。您必须遵守签证规定的一系列条件:
 - 您必须跟随您参加的旅游团进入和离开澳大利亚;
 - 您不得脱离或离开特许旅游安排;
 - 您不得从事任何学习或培训;
 - 您不得在澳大利亚开展工作。也就是说, 您不得从事付费或免费工作或任何商务活动; 并且
 - 您不得在澳大利亚另外申请签证。

游客资料(或名单)

- 游客总数。
- 每位游客及旅游领队的全名、出生日期和签证内容。

旅游日期

- 旅游起止日期。
- 抵达与离开的时间、地点和航班号。

导游

- 导游不得更改ADS特许行程安排, 除非紧急或异常情况要求实施变更。
- 导游必须确保所有ADS游客前往特许行程安排指定的竞争性/自由购物区, 且确保旅游团成员在特许行程安排规定时间内自由光顾该区域所有店铺。

附件D：行业协会指导名单

成为以下行业协会核准会员是ADS特许申请被接受的前提条件：

- 澳大利亚旅行社联合会(AFTA)
- 澳大利亚旅游出口委员会(ATEC)
- 当地或区域旅游组织, 例如热带北昆士兰旅游局和黄金海岸旅游局
- 亚太旅游协会(PATA)
- 州级旅游行业机构, 例如昆士兰州旅游业理事会、南澳州旅游业理事会、维多利亚州旅游联盟、新南威尔士州旅游业理事会、塔斯马尼亚州旅游业理事会以及西澳州旅游业理事会

- (c) 为免生疑问, 本条款在协议根据第10条终止后仍然有效。

10. 终止

[*ITO*]可在下列情况下终止协议:

- (a) *ITO* 特许资格被撤销或中止;
- (b) [*ITO*]因[*ADS OTO*]的任何行为而违反其ADS计划特许(由相关澳大利亚部长批准)条款;或者
- (c) [*ADS OTO*]特许资格被中国国家旅游局和/或澳大利亚移民与公民事务部部长撤销或中止。

除取消费用, 否则应将定金返还[ADS OTO]。

7. 导游与旅游行为

[ITO]必须:

- (a) 掌握流利的英语和汉语;
- (b) 在ADS旅游大巴内各处以及车外均可看到的位置放置一个标牌, 标明如下内容:
 - (i) OTO名称(大字体);
 - (ii) “ADS旅游团”字样(大字体);
 - (iii) ITO公司名称(小字体);以及
 - (iv) 旅游团的递交地点参考码和行程编号。
- (c) 在澳大利亚和中国为ADS旅游团成员提供24小时联系服务。

8. 付款

ADS旅游付款条件如下:

- (a) 若由[ITO]为ADS旅游团成员购买中澳间旅行机票, 则[ADS OTO]应至少在旅游团抵达澳大利亚[30日]前, 全额支付旅游全程价款。
- (b) 在其他情况下——
 - (i) 若[ITO]当前与[ADS OTO]存在ADS业务安排:
 - (A) [ADS OTO]至少在旅游团抵达澳大利亚[7日]前, 支付不少于旅游全程价格10%的定金;以及
 - (B) [ADS OTO]在旅游团抵达澳大利亚后[14日]内, 支付旅游全程价格的剩余款项;或
 - (ii) 若ADS旅行社当前与ADS OTO不存在ADS业务安排, 则[OTO]应在旅行团抵达澳大利亚[7日]前, 全额支付旅游全程价款。并且
- (c) 款项应由特许OTO直接支付, 而非任何第三方。

9. 退款和补偿

- (a) 若由于超出[ITO]控制的情况, 导致无法根据行程安排(或RET批准的特许行程安排)充分开展旅游, 并且[ITO]与[ADS OTO]无法就至少具有同等货币价值的替代日期或行程达成一致, 则[ITO]将返还所有已支付的旅游全程价款。
- (b) 除非根据第10条第(b)或(c)款本协议终止, 否则对于[ADS OTO]直接因[ITO]擅自采取下列行动而承担的强制性法定支付义务, [ITO]应予以偿付:
 - (i) 未能根据约定或行程安排(或RET批准的特许行程安排)规定的质量和价格要求提供服务, 或者对行程安排(或RET批准的特许行程安排)的活动作出重大变更, 并导致旅游内容的数量和/或标准下降;
 - (ii) 安排游客参加行程安排(或RET批准的特许行程安排)之外的自费活动或额外购物游;或者
 - (iii) 中止提供行程安排(或RET批准的特许行程安排)所含住宿、食品、交通及其他旅行服务。

2. 签证申请程序

- (a) [ADS OTO]负责代表所有ADS旅游团成员, 向澳大利亚签证申请审批部门提交签证申请。
- (b) 在[ITO]根据第1(b)和1(c)条确认旅游行程安排和价格后, [ADS OTO]将尽快向澳大利亚的签证审批部门提交下列各项:
 - (i) 每名ADS旅游团成员的签证申请书;以及
 - (ii) 旅游行程安排和报价副本。

3. 特许行程和价格

- (a) 除非与[ADS OTO]另有约定, 不得更改ADS旅游特许行程, 除非:
 - (i) 更改获得ADSEO许可;
 - (ii) 在[ITO]或[ADS OTO]无法控制或合理预期的情况下(视具体情况而定), 需要实施的更改;以及
 - (iii) 每项更改在任何情况下均公平合理, 并至少提供等量的货币价值。
- (b) ADS旅游全程价格或其任何部分经[ITO]确认后不得更改, 除非根据第3(a)条对特许行程所做变更要求该更改。
- (c) [ADS OTO]应在旅游团成员启程前往澳大利亚前, 向每人提供一份中英双语的特许行程安排(采用准则附件E中所述格式)。
- (d) [ITO]和[ADS OTO]分别尽最大努力, 确保自身及其相关人员根据旅游特许行程安排开展每项ADS旅游以及为旅游提供特许行程所列全部产品与服务。

4. 客房与食品要求

[ADS OTO]应在[ITO]根据第1(b)(vi)条指定的时间内, 针对每项ADS旅游以书面方式向[ITO]确认住宿名单和食品要求。

5. ADS与非ADS混合旅游团

除以下情况外, [ADS OTO]与[ITO]不得组织ADS与非ADS混合旅游:

- (a) 旅游团所有游客:
 - (i) 采用相同的特许行程安排;
 - (ii) 仅由[ADS OTO]和[ITO]组织旅游;
 - (iii) ADS和非ADS旅游团成员在旅游期间均不开展工作、学习或商务相关活动;
 - (iv) 旅游其他方面均遵守本准则规定;并且
 - (v) ITO获得ADSEO许可。

6. 取消

- (a) 所有取消应在[ITO]根据第1(b)(vii)条指定的时间内, 以书面形式提交[ITO]。
- (b) 旅游取消时, [ITO]将根据第1(b)(viii)条规定返还任何款项。
- (c) [ADS OTO]必须根据第1(b)(ix)规定, 支付任何取消费用。若已收旅游定金, 则[ITO]可从中扣

附件C：ADS服务合同——示范条款

1. 旅游承诺

- (a) [ITO]与[ADS OTO]承诺根据所附行程安排与准则，分别提供和接受ADS旅游服务。
- (b) [ITO]将在签署本协议后14日内，以书面方式向[ADS OTO]确认下列事项：
- (i) 行程安排以及旅游全程价格；
 - (ii) 旅游全程价格包括和不包括的费用；
 - (iii) 所需支付定金数额；
 - (iv) 定金支付日期；
 - (v) 旅游全程价格剩余款项的支付日期；
 - (vi) 确认旅游住宿名单及食品需要的日期；
 - (vii) 旅游的取消期限；
 - (viii) 取消旅游时[ITO]部分或全额退款的规定条款；
 - (ix) 超过取消期限取消旅游时应支付的任何取消费用。
- (c) [ADS OTO]应以书面形式向[ITO]提出所有ADS预定要求。
- (d) 除另有约定外，“旅游全程”价格包括：
- (i) 由[ITO]安排交通时应支付的交通费(包括机场税)；
 - (ii) 住宿费；
 - (iii) 行程中的食品费用(不含酒水)；
 - (iv) 景点以及非自费旅游项目区的门票；以及
 - (v) 规定纳入旅游全程价格的其他费用。
- (e) 除非另有约定，“旅游全程”价格不包括：
- (i) 办理旅游证件以及拆分旅行团的相关费用；
 - (ii) 旅游保险费；
 - (iii) 自费活动费用或其他费用；
 - (iv) 行程安排不包括的活动费用及其他费用；
 - (v) 小费；
 - (vi) 行程中发生的个人费用，如行程安排不含的食品、客房内消费、酒水、洗衣费和电话费；
 - (vii) 超重行李费；
 - (viii) 个人医疗费；
 - (ix) 个人物品失而复得所需费用与报酬；或者
 - (x) 由个人原因引起的补偿费用。

附件B: ADS处罚措施

1. 处罚措施

- 1.1 若ADSEO认为ITO违反了准则,可向ITO发函:
 - (a) 阐述认为ITO违反准则的理由;
 - (b) 阐述ITO的准则违规情况(包括违规类型);以及
 - (c) 请ITO在14日内作出书面解释,为何ITO不应被视为违反准则。
- 1.2 若ITO在14日内给予答复,则ADSEO应作客观考虑与评估,并重新认定是否存在违规。
- 1.3 若ADSEO考虑ITO的答复后,认为没有违反准则,则ADSEO将就此通知ITO且不再采取进一步行动。
- 1.4 若ADSEO考虑ITO的答复后,仍认为存在违规情况,则ADSEO将在ITO档案中记作重大或合规性违规,并就此通知ITO。
- 1.5 若ITO有不超三(3)项合规性违规记录在案,则ADSEO可自行决定向部长提交该情况,并建议采取措施中止或撤销ITO的ADS计划特许资格,除非可证明相关违规为非故意行为和/或在任何情况下均具合理性或者情有可原。ADSEO应向部长提供相关理由支持其建议。
- 1.6 若ITO有三(3)项合规性违规记录在案,则ADSEO应向部长提交该情况,并建议采取措施中止或撤销ITO的ADS计划特许资格,除非可证明相关违规为非故意行为和/或在任何情况下均具合理性或者情有可原。ADSEO应向部长提供相关理由支持其建议。
- 1.7 若ITO有重大违规记录在案,则ADSEO应向部长提交该情况,并建议采取措施中止或撤销ITO的ADS计划特许资格,除非可证明相关违规为非故意行为和/或在任何情况下均具合理性或者情有可原。ADSEO应向部长提供相关理由支持其建议。
- 1.8 部长将根据ADSEO所提建议,决定是否存在违反准则情况,或ITO是否为合适及恰当人员。
- 1.9 如果部长认为存在违反准则情况,则可根据违规类型和情节严重性,自行中止或撤销ITO特许资格。
- 1.10 部长所做决定在通知ITO后立即生效。

2. 违规

- 2.1 重大违规很可能导致ITO的特许资格被中止或撤销。当ITO行为违反下表所述任何准则条款时,将出现重大违规:

4.1	9.1	13.1	19.3
4.2	11.1	13.2	19.4
4.3	11.3	13.3	20.1
4.6	12.2	13.4	23.2
5.3	12.3	17.4	23.3
5.4	12.4	19.1	23.4
6.3	12.5	19.2	23.6

- 2.2 合规性违规是指重大违规之外的违规情况(准则其他条款)。ITO行为违反准则其他条款(非重大条款)时,就会发生合规性违规情况。

- (a) 未采取所有合理措施确保旅游团成员遵守其签证条件, 包括未采取所有合理措施确保旅游团成员:
 - (i) 遵守特许行程安排;
 - (ii) 不在澳大利亚开展工作、学习或经营活动; 并
 - (iii) 不发生潜逃(例如, 在特许行程安排所列活动期间, 尤其是在机场及搭乘、等待交通工具时未能充分监督旅行团成员);
- (b) 未能确保ITO的每个相关人员了解与ADS签证相关的入境要求;
- (c) 为旅游团成员潜逃提供任何帮助; 以及
- (d) ITO在旅游团或旅游团成员到达澳大利亚之前或之后, 发现可能对旅游团或旅游团成员入境管理和监督造成影响的任何问题后, 未能立即就此通知RET。

- (i) 中国出境旅游市场;
 - (ii) 澳大利亚入境旅游市场;
 - (iii) 申请人/ITO自身企业发展;
 - (iv) 申请人/ITO致力于行业发展;
 - (v) 申请人/ITO继续维持其RET认可的行业协会缴费会员资格(详见附件D);
- (c) 申请人/ITO根据所有相关州/领地法律,持有旅行社有效执照,并维持在旅游赔偿基金的有效会员资格;
- (d) 申请人/ITO与相关行业机构和澳大利亚旅游局合作,协助长期发展澳大利亚的中国相关旅游业;
- (e) 申请人/ITO至少雇佣一名符合以下条件的全职员工:
- (i) 至少在澳大利亚具有一年旅游经营经验;
 - (ii) 通过了澳大利亚注册培训机构规定的中英文写作及口语一级证书能力水平考试,或根据RET要求通过了一级证书能力水平考试;并且
 - (iii) 负责处理ITO旅游经营,并在澳大利亚国内的注册经营场所就业和开展工作。
- (f) 任何其他行业活动、证书、奖励或认可;以及
- (g) 部长认为与申请人/ITO行业适当性有关的任何其他事项。
- 3.4 除第3.3项所列因素外,ITO还应证明ITO:
- (a) 与ADS特许OTO、澳大利亚旅游业和联邦代表合作,开发ADS中国业务;
 - (b) 积极参与中国市场,并通过向中国OTO开展电话销售,维持和开发中国市场;
 - (c) 采取措施持续促进澳大利亚ADS市场机遇和澳大利亚产品知识,并至少应:
 - (i) 继续维持其RET认可的相关行业协会缴费会员资格;
 - (ii) 至少参加一个由RET开展的ADS发展论坛;并
 - (iii) 在每个日历年至少参加四个由相关行业协会或组织(如TA或州旅游机构)开展并与ADS计划有关的行业研讨会、介绍会和/或专题讨论会。

4. 入境合规性

- 4.1 ITO应始终证明可满足本项所述之入境合规要求。
- 4.2 申请人应在其申请中,证明他们满足本项所述之入境合规要求。
- 4.3 可反映申请人或ITO未能满足入境合规要求的因素包括:
- (a) ITO当前或曾经卷入移民欺诈事件;
 - (b) 以ITO身份在ADS框架内的过去及当前表现,包括由于未能满足ADS计划的入境合规性或签证完整性要求而受到的警告或处罚;
 - (c) 与DIAC所确认之移民活动相关人员具有当前或专业联系;以及
 - (d) 部长认为与申请人/ITO入境合规性有关的任何其他事项。
- 4.4 除第4.3项所述因素外,证明ITO未能满足移民合规要求的其他因素包括:

附件A: 合适及恰当人员

1. 基本要求

- 1.1 ITO或申请人应满足下列要求, 以确保经评估达到合适及恰当人员标准: 基本要求、良好信誉、行业适当性以及入境合规标准。
- 1.2 此外, 下列事项可作为逆向评估依据, 确定ITO或申请人是否为合适及恰当人员:
 - (a) 作为ITO或前ITO未能遵守准则;
 - (b) 以申请人、ITO或前ITO身份, 向部长、RET、ADSEO、DIAC、CMO、CMA或与ADS计划管理有关的其他任何人, 有意或无意地提供虚假或误导性资料;
 - (c) 申请人或ITO未能针对与其合适及恰当人员身份有关的任何事宜, 通知ADSEO; 并且
 - (d) 关于评估申请人或ITO是否为合适及恰当人员的任何其他相关事宜。

2. 良好信誉

- 2.1 ITO应始终证明可满足本项所述之良好信誉要求。
- 2.2 申请人必须在申请中, 证明他们满足本项所述良好信誉要求。
- 2.3 在评估申请人或ITO的良好信誉时, 部长可考虑ITO或申请人及其相关人员的个人、商业、财务或专业状况或信誉。表明缺乏良好信誉的因素包括:
 - (a) 任何文件或报告中有关ITO、申请人或其相关人员的不利意见;
 - (b) ITO、申请人或其相关人员在澳大利亚法律或国外法律下的刑事记录;
 - (c) ITO、申请人或其相关人员违反澳大利亚或国外的入境要求;
 - (d) 根据澳大利亚或外国法律, 针对ITO、申请人或其相关人员的民事处罚或行政处分;
 - (e) 法院、法庭或者行业或专业机构对ITO、申请人或其相关人员作出的刑事意见;
 - (f) ITO、申请人或其相关人员在前两(2)年发生破产或无力偿债;
 - (g) ITO、申请人或其相关人员的任何主要高级管理人员在前两(2)年经营亏损。
 - (h) 澳大利亚税务局或联邦其他机构有关ITO或其任何相关人员的不利评估;
 - (i) RET和/或部长考虑的与ITO或相关人员个人、商业、财务或专业状况或信誉有关的事项;
 - (j) 部长考虑的与申请人或ITO(或其相关人员)良好信誉有关的任何其他事项。

3. 行业适当性

- 3.1 ITO应始终证明可满足本项所述行业适当性要求。
- 3.2 申请人应在申请中, 证明他们满足本项所述之行业适当性要求。
- 3.3 可反映申请人或ITO行业适当性的因素包括下列证据:
 - (a) 截至目前, 申请人或ITO开展经营活动提供ADS计划规定服务均符合准则要求(如适用);
 - (b) 申请人/ITO有关下列事项的良好记录与行动:

- 23.3 根据ADS安排, ITO应确保所有旅行团成员遵守其签证条件以及特许行程安排。ITO不得允许旅游团成员:
- (a) 工作;
 - (b) 学习;或者
 - (c) 在澳大利亚开展经营活动。
- 23.4 ITO应确保自身及其相关人员或中介, 不得有意协助旅行团成员潜逃。
- 23.5 ITO应确保其相关人员或中介, 了解与ADS签证相关的入境问题。
- 23.6 对于所有潜逃事件, ITO必须在48小时内:
- (a) 以附件H所述格式, 通过电子邮件向ADSEO(ads@ret.gov.au)和ADS特许OTO发送一份填写完整的潜逃者报告;以及
 - (b) 提交潜逃者报告后, 根据ADSEO或DIAC要求提供任何额外资料。
- 23.7 ITO及其相关人员或中介应根据ADSEO或DIAC要求, 提供任何其他旅游相关文件。
- 23.8 若发现可能影响某旅游团或旅游团成员入境管理和监督的任何问题(无论是ADS旅游团抵澳之前或之后), ITO均必须立即通过电邮通知ADSEO, 包括如下问题:
- (a) 取消旅游团成员的全程旅游活动或旅行安排;
 - (b) 国际航班安排变动;
 - (c) 特定旅游团成员因生病短期无法按旅游行程安排出行;以及
 - (d) 对某个或多个旅游团成员入境身份或意图存在疑虑。
- 23.9 若旅游团成员因无法预测的情况, 推迟离开澳大利亚, 那么责任ITO应:
- (a) 尽量协助旅游团成员;
 - (b) 尽快向ADSEO通知签证持有人情况, 并向RET和DIAC提供必要协助, 解决可能发生的任何问题;并
 - (c) 促进受影响的签证持有人就其入境状态联络DIAC。

24. 投诉

- 24.1 ITO应:
- (a) 制订投诉政策, 并尽其所能在两(2)周内处理并解决顾客的所有合理疑虑、投诉、咨询事项;并
 - (b) 保管投诉登记簿, 并根据要求向ADSEO或CMA提供登记本, 该登记簿应至少包括如下资料:
 - (i) 投诉者姓名及旅游团参考号;
 - (ii) 投诉事宜说明;
 - (iii) 投诉日期;以及
 - (iv) ITO为解决该投诉而采取的任何措施。

- 21.2 ADS签证持有人应根据特许行程规定,以及在旅游领队和导游的陪同下:
- (a) 在不同餐馆就餐(例如,旅游团一半成员在悉尼唐人街就餐,另一半在较昂贵的餐馆就餐);
 - (b) 在不同宾馆住宿(例如,旅游团一半成员在悉尼星级酒店,另一半在悉尼四星级酒店);
 - (c) 自选行程(例如,旅游团一半成员由领队陪同购物,另一半由导游带领参观国家水族馆)。
- 21.3 特许行程必须为旅游团列出上述“可选项”(例如,3月12日:A组参观堪培拉国家美术馆,B组参观堪培拉国家博物馆)。
- 21.4 ADS旅游团所有成员应:
- (a) 根据特许行程规定,在中国导游或澳大利亚导游陪同下开展日常活动;
 - (b) 乘相同国内和国际航班旅行,并且选择不同旅馆住宿时应在同一城市;以及
 - (c) 向ads.itinerary@ret.gov.au提交行程时,应在电邮主题中标注“灵活旅游”字样。

22. 自由时间旅游安排

- 22.1 自由时间为旅游可选部分,ITO行程可包含自由时间,供旅游团成员在澳大利亚自行访亲会友,或参观标准行程之外的旅游景点。
- 22.2 对于包含自由时间安排的自由时间行程,常规ADS签证条件以及下列条件均适用:
- (a) ADS行程可分两批提供最长不超过12小时的自由时间(例如,ITO向一批提供6个小时自由时间,另一批8个小时);
 - (b) 旅游领队和导游应于自由时间结束后,在行程安排指定地点与旅游团会面;
 - (c) ITO应在自由时间期间为整个旅游团预定住宿,包括行程安排的住宿细节;
 - (d) 旅游领队应在自由时间期间,处于可联系状态,向自由时间旅游团成员提供其手机号,并尽力为旅游团成员提供帮助;
 - (e) 旅游期间不得开展商务活动,包括在自由时间期间;
 - (f) 应将自由时间行程安排作为递交地点参考码,明确标于行程安排顶部,或者纳入电子邮件名称,例如“B0100999004自由时间”;
 - (g) ITO必须在行程安排中指明自由时间的起止时间;并
 - (h) 全体旅游团成员应在自由时间结束后,与旅游领队碰面;若有任何旅游团成员逾期未到,ITO应填写并通过电邮向ADSEO提交潜逃者报告。

23. 入境

- 23.1 DIAC负责ADS计划的所有入境事宜。为了便于管理,针对中介设置了一名中心联络人。因此所有入境相关要求可通过ads@ret.gov.au发至RET,由DIAC处理。
- 23.2 ITO必须采取所有合理措施,确保旅游团成员不发生潜逃或脱逃,并妥善监督以最大限度防止特许行程安排所列活动期间发生潜逃或脱逃事件,尤其是在机场及搭乘、等待交通工具时。

- (b) 带领旅游团成员前往出售假冒(或具有欺骗性描述或标注)产品的零售点购物;
 - (c) 以任何方式妨碍、阻碍或阻止旅游团成员自行选择购物店购物,或自行选择旅游行程,以至无法与特许行程保持一致,而无论:
 - (i) 特许行程是否安排了前往佣金挂钩购物点购物;
 - (ii) ITO是否促进该购物活动;以及
 - (iii) 特许行程的任何其他部分是否安排了该购物活动;
 - (d) 贬低或虚假评论其他服务提供者的信誉、品行、实际环境或交易环境,其产品、服务的质量或可用性;
 - (e) 对免费服务或免收门票的场所,收取费用;或对特许行程全包价格已包含相关费用的收费服务或场所,重复收费。
 - (f) 基于以下原因,直接或间接向他人提供、提议、要求或收取佣金:
 - (i) 与无佣金时应缴付的商业价格相比,旅游团成员承担了较高的全程旅游费用(包括购物开支);或者
 - (ii) 与无佣金时应安排的特许行程相比,为ADS旅游团成员安排了灵活性较低或较不利、或质量较差的特许行程。
- 19.2 ITO应确保,收取佣金不会降低行程质量和旅游体验。
- 19.3 若旅游包括前往任何佣金挂钩购物点,则行程应优先安排前往ADSEO特许竞争性零售区域,而不论附件I中是否包括该特许竞争性零售区域。ITO可事先以书面方式请求ADSEO批准用于其行程的一份竞争性零售区域首选名单(有效期12个月)。
- 19.4 ITO不得销售或推销零售产品、自选行程以及其他自选服务。

20. 旅游行为

- 20.1 ITO应确保旅游团成员:
- (a) 安全;
 - (b) 远离或避免身心受到伤害;并且
 - (c) 针对旅游及ADS计划获取全面、准确的信息,尤其包括对旅游团成员可能提出问题的回应。
- 20.2 ITO应确保ADS旅游团在行程的每项活动中所花时间与特许行程安排分配和说明的时间相吻合;
- 20.3 ITO可将部分旅游项目委派另一ITO(例如,新南威尔士的ITO委派其西澳州旅游部分),在这种情况下,作为委派方的ITO仍对旅游团和旅游团成员承担最终责任。
- 20.4 ITO应根据要求在14日内,以附件G所述格式向ADSEO或CMA提供一份关于已完成旅游的报告,并在ADSEO指定时间框架内,根据需要提供任何额外信息或针对所提交报告任何事项加以说明。

21. 灵活旅游安排

- 21.1 灵活性旅游安排为旅游可选部分,中介可向旅游团成员提供具有选择性的住宿、饮食、观光、名胜游览以及其他旅游团成员的旅游内容。

17. 导游和旅游行为

- 17.1 ITO应确保每个旅游团始终有一名导游陪同,但ADSEO准予其他安排的除外,在这种情况下,应根据具体安排对旅游团加以配备。为免生疑问,ADSEO就此所作任何批准仅适用于特定旅游活动,不可作为后续旅游团的总体许可。对于旅游高峰期的导游短缺情况,可做其他安排。旅游领队可兼做导游。对于灵活旅游安排,请注意当旅游团拆分后,所有旅游团成员仍需有人陪同。
- 17.2 ITO为每项旅游配备的导游均应:
- (a) 掌握流利的英语和汉语;
 - (b) 达到澳大利亚资格框架中规定的最低语言和导游能力要求(即针对澳大利亚教育与培训的国家级资格);以及
 - (c) 根据CMA或RET指示,已通过或有能力通过澳大利亚注册培训机构规定的中英文写作及口语一级证书能力水平考试。
- 17.3 ITO必须确保,其ADS导游应根据RET、RET指定评估师或CMO的要求,接受澳大利亚注册培训机构开展的中英文写作及口语一级证书能力水平独立评估。ITO不得将未通过中英文写作及口语一级证书能力水平考试的ADS导游,用于旅游活动。
- 17.4 ADS ITO应确保其用于ADS旅游的导游:
- (a) 确保旅游过程所花时间与特许行程安排分配和说明的时间相吻合;以及/或者
 - (b) 只按照特点出售或促销零售产品、可选游览项目以及其他可选服务,不贬低或虚假评论其他服务提供者的信誉、品行、实际环境或交易环境、其产品、服务的质量或可用性。

18. 客车/大巴接送

- 18.1 若ITO使用客车、大巴或其他机动车接送ADS旅游团,则必须在汽车仪表板上放置标牌,放置位置从车内外均可轻易看到,标牌规格至少应为300毫米×200毫米,文字高度至少20毫米,且标牌上必须标有:
- (a) ADS OTO名称;
 - (b) “ADS旅游团”字样;
 - (c) ITO企业名称;以及
 - (d) ADS旅游团的递交地点参考码和行程编号,字样高度至少30毫米。
- 18.2 若ITO使用旅游大巴或其他机动车接送ADS旅游团,则必须在车内乘客可见的位置,摆放驾驶该级车辆之驾驶执照或执照副本。若驾驶执照上无驾驶员照片,则仪表板上必须贴有其照片。驾驶执照应按CMO要求予以出示。
- 18.3 供旅游团所用客车、大巴和其他机动车辆必须适于行驶、定期维修、保养得当、安全整洁并经过适当登记和保险。

19. 购物与佣金

- 19.1 ITO或其中介不得:
- (a) 强迫旅游团成员在零售点购物;

任何相关中介的名称和详细资料;以及

(c) 包括一份完整名单。

14.5 RET应在收到行程安排后,确定是否批准该行程。

14.6 ITO应采取合理措施,确保与其签约的任何OTO在澳大利亚旅游开始前,向每位旅游团成员提供一份中英双语的特许行程安排。

14.7 澳大利亚旅游开始后,若ITO发现参加某项旅游的大部分旅游团成员没有特许行程安排,则应就此通知ADSEO,并向旅游团成员提供特许行程资料。

14.8 特许行程安排向旅游团成员提供之后,仅在下列情况下方可修改:

(a) 由于ITO不能掌控的状况而需修改行程安排;以及

(b) 每项修改在所有状况下均公平合理,而且至少为旅游团所有成员提供了同等价值。

(c) ITO事先获得ADSEO许可。

14.9 ITO应确保自身及相关人员根据特许行程开展每项旅游,并提供该项旅游规定的所有产品与服务。

14.10 ITO确保在每个旅游团启程前,向与其签约的OTO提供一份修改后的特许行程。在旅游团从中国启程前,提请OTO注意特许行程的每项变更,确保旅游团成员了解旅游安排的任何变化。

15. 报价

15.1 ITO必须以附件F所述格式为每项旅游编制报价,并向相关OTO和ADSEO提交该报价。若同一旅游安排由多个ITO承担(即根据第20.3条将某项旅游的不同部分委派给不同ITO),则各个ITO应分别向ADSEO提供报价。ITO向ADSEO提交之报价必须与其承担的活动相关。

15.2 某项旅游报价根据第15.1条确定后,不得变更。

15.3 ITO应在收到ADSEO或RET指定之任何其他机构的电子邮件(确认旅游团签证已获批)后24小时内,根据指示回复电子邮件,提供旅游团报价。

15.4 ITO应在旅游团从中华人民共和国启程并开始赴澳旅游前,向旅游团每位成员提供一份中英双语的最终报价。

16. ADS与非ADS混合旅游

16.1 只有当所有ADS与非ADS旅游团成员属于下列情况时,ITO才能混合ADS旅游活动和非ADS旅游活动:

(a) 旅游行程安排相同;

(b) 由同一家ITO负责;

(c) ADS或非ADS旅游团成员均不会在旅游过程中开展商业相关活动、工作或学习;

(d) 根据本准则规定,在所有其他方面开展旅游;以及

(e) ITO获得ADSEO许可。

- 12.4 对于非特许ITO或根据本准则已中止特许资格的任何旅行社或任何人员或任何组织, ITO不得就ADS计划范围内的相关活动担当其中介。
- 12.5 若某ITO在担任另一ITO中介期间违反了准则, 则应针对二者(或其中一个)正式记以违规。

13. 与境外旅行社达成的安排

- 13.1 ITO只能从以下OTO接受ADS业务:
- (a) 当前未被中止的ADS特许OTO; 并且
 - (b) 其ADS服务合同包含附件C中规定的示范条款, 或者所含条款与附件C的示范条款具有相同效力, 且不产生矛盾。
- 13.2 对于ADS计划特许资格被撤销或中止的OTO, ITO应中止与它的任何业务;
- 13.3 对于非特许OTO的境外旅行社, ITO不得接受或执行其ADS业务;
- 13.4 ITO不得接受直接由OTO提供的服务报酬, 也不得接受任何其他代表OTO提供的报酬。

14. 行程

- 14.1 ITO应根据附件E所述格式制定行程, 并提供下列信息:
- (a) 递交地点参考码——由DIAC根据RET建议设置的特定代码, 清晰标于行程顶部;
 - (b) 根据本准则第21条提供的任何灵活旅游安排;
 - (c) 根据本准则第22条提供的任何自由时间旅游安排;
 - (d) 作为旅游一部分, 游客在相关人员陪同下光顾的所有购物场所和佣金挂钩购物点的企业名称、地址、联系方式;
 - (e) 若旅游包括在相关人员陪同下前往某一州或领地的任何购物场所和/或佣金挂钩购物点, 则行程应优先安排前往同一州或领地的ADSEO特许竞争性零售区域, 作为佣金挂钩购物点活动, 且至少安排相同时间;
 - (f) 针对每项佣金挂钩购物活动的声明, 并且其内容应包括“**ADS**入境游旅行社、导游、领队或**ADS**特许中国旅行社可能因您的购买行为而获得佣金或其他利益”;
 - (g) 若ITO代表任何其他ITO开展相关活动并纳入旅游安排, 则提供该ITO名称以及活动性质;
 - (h) 在澳大利亚以及中国, 针对旅游团成员的24小时联系服务; 以及
 - (i) 附件E中所述任何其他信息。
- 14.2 ITO和OTO必须在ADS旅游团成员签证申请递交至DIAC前, 对ADS旅游团的行程安排和价格做出最后决定。
- 14.3 ADS旅游团的行程安排由ITO负责确定, 且无论是否由第三方(如中介)制订, 该ITO均必须以该行程安排为准。
- 14.4 ITO应在收到ADSEO或RET指定之任何其他机构的电子邮件(确认旅游团签证已获批)后24小时内, 如下回复电子邮件:
- (a) 确认ITO将对该旅游团承担全部责任;
 - (b) 以附件E所述格式提供最终行程副本, 并说明该行程是否由ITO或其中介制订, 并提供

- (b) 指定破产管理人、委托接管人或破产清算人；或
 - (c) ITO以往根据某人意愿采取措施，而该人士身份发生变化。
- 11.3 ITO应在其业务或ADS计划相关业务的任何方面发生所有权或有效控制权变更后48小时内，通过电邮方式通知ADSEO。
- 11.4 业务有效控制权变更通报ADSEO后，部长将确定新控制实体是否为参与ADS计划的合适及恰当人员。ADSEO可通知新控制实体提供任何额外资料或承诺，以促进部长决策。
- 11.5 获取ITO业务或其ADS计划相关业务任何方面所有权或有效控制权的实体在下列情况下，将由部长撤销其特许资格：
- (a) 经评估不符合参与ADS计划的合适及恰当人员标准；或
 - (b) 不同意实施合适及恰当人员评估或提供合作。

12. 中介

- 12.1 ITO对其中介的所有活动负责，并确保其中介行为符合本准则要求。
- 12.2 ITO必须：
- (a) 以书面方式向ADSEO通知其以下行动打算：
 - (i) 制定一份指定中介名单；
 - (ii) 指定一个中介代为处理任何ADS业务；或
 - (iii) 修改之前已向ADSEO提交的指定中介名单。
 - (b) 向ADSEO提供一份由指定中介名单中全体中介签署的ADS声明和同意书；
 - (c) 根据第12.3条规定，不得指定以下任何中介执行ADS相关活动：
 - (i) 未经ADSEO批准纳入指定中介名单；
 - (ii) 并非特许ITO；并且
 - (iii) 根据准则已中止特许资格的ITO。
 - (d) 对于不再是ITO或根据本准则已中止或撤销特许资格的任何中介，终止与其开展的ADS计划相关安排。
 - (e) 根据要求向部长、RET、DIAC或其他有关政府部长提供，自身成为指定中介的详细背景资料与证据。
- 12.3 ITO可在下列情况下，针对特殊旅游指定非ITO中介：
- (a) 该实体持有有效的旅行社执照；
 - (b) ITO在相关州或领地，没有开展该项旅游所必须的经营活动；
 - (c) 或者：
 - (i) 在相关的州或领地，没有特许ITO开展相关的经营活动；或
 - (ii) 在相关的州或领地，没有特许ITO愿意或能够承担该项旅游的ADS业务；以及/或
 - (d) ITO事先获得ADSEO许可。

- 7.2 若某ITO重新申请但未获准继续参与ADS计划,那么在部长作出拒绝特许申请后:
- (a) 该ITO已在澳大利亚开展的旅游(部长决策时),将获准在其管理下继续开展至结束。
 - (b) 已获DIAC签证但尚未抵达澳大利亚的旅游团(部长决策时),将获准在该ITO管理下,开始并继续其旅程至结束;以及
 - (c) 若已提交旅游团成员签证申请但尚未获得DIAC批准,则该ITO在ADSEO给予许可前,不得筹备该项旅游活动。

8. 处罚措施

- 8.1 若ADSEO认为某ITO违反了准则,就可基于自身判断针对该ITO实施处罚措施(详见附件B)。
- 8.2 若ADSEO认为某ITO出现三项单独违规记录或发生根本性违规,就必须针对该ITO实施处罚措施。
- 8.3 对于联邦确认的违反准则情况,若ADSEO认为该项违规涉及违反澳大利亚法律或与违法有关,就可向DIAC或任何其他有关政府机构提供建议。联邦可将该问题提交相关机构。

9. ITO特许中止后的要求

- 9.1 特许资格已中止的ITO应继续遵守准则,但:
- (a) 不受第9.2条和任何中止条款的约束,不得执行任何ADS相关活动;
 - (b) 不得以特许ITO自居;或
 - (c) 若已提交旅游团成员签证申请但尚未获得DIAC批准,则该ITO在ADSEO给予许可前,不得筹备该项旅游活动。
- 9.2 特许资格已中止的ITO可:
- (a) 管理并完成已在澳大利亚开展的旅游活动(部长决策时);并且
 - (b) 对于已获DIAC签证但尚未抵达澳大利亚的旅游团(部长决策时),可开始并继续其旅程至结束。

10. 记录保管

- 10.1 ITO必须:
- (a) 根据澳大利亚税法规定(如适用),妥善保管其ADS业务及业务相关活动的记录和帐簿,包括因管理每次旅游而得到的全部佣金收据;以及
 - (b) 根据要求,接受RET或代表RET的评估师或CMA/CMO对其ADS业务或ADS业务相关活动开展的独立财务审计。

11. 公司结构变更

- 11.1 若某ITO业务或其ADS计划相关业务的任何方面发生所有权或有效控制权变更,则特许资格并不自动向新所有者或有效控制权人转移和延续。新所有者或有效控制权人经部长评估符合合适及恰当人员标准后,方可维持其特许资格。
- 11.2 有效控制权的变更存在多种形式,包括:
- (a) 股权变更;

(c) 公开部长的决策依据。

6. 合规监督

6.1 由CMA执行当前准则合规性评估。

6.2 CMA可执行ADS计划内的各种合规检查。这些检查包括但不仅限于：

- (a) 随机检查；
- (b) 扩展性随机检查；
- (c) 合规检查；
- (d) 合规准备检查(适用于新旅行社)；
- (e) 状态检查；
- (f) 财务检查；
- (g) 游客满意度调查；
- (h) ITO投诉登记检查；
- (i) 财务审计；
- (j) 实际行程审查(包括对比实际行程与ITO向RET提交的特许行程)；
- (k) 神秘顾客检查；以及
- (l) 针对ITO表现和/或准则合规性各方面的任何其他检查。

6.3 ITO应充分配合RET批准的任何合规监督活动，并遵守CMA的指示。

6.4 若CMA/CMO发现违反准则情况，或者怀疑某ITO行为不符合合适及恰当人员标准：

- (a) CMA/CMO可基于自身判断，针对轻微或初次违反准则情况，书面告知ITO：
 - (i) 已违反准则以及CMA/CMO判定其违反准则的依据；
 - (ii) ITO有机会针对CMA/CMO所称违规的真实性及其判定依据的正确性与合理性加以说明，并可提供与该情况有关的额外资料。
- (b) ITO应在五(5)个工作日内书面回复CMA/CMO。
- (c) CMA/CMO应对ITO提出的解释加以考虑，并针对下列内容向ITO提供指示：
 - (i) 补救准则违规所必需的纠正措施；以及
 - (ii) 防止未来发生类似违规的任何进一步措施。
- (d) ITO可在五(5)个工作日内，针对以上指示发表意见，CMA/CMO将客观分析这些意见，并在必要时修改或撤销其指示。
- (e) CMA/CMO之后将编制合规报告，其中包括实际合规监督活动说明、准则违反情况说明、ITO提交的书面解释以及CMO提供的建议。合规报告将由CMO纳入ITO档案(由CMA保管)并向ADSEO提交该报告。

7. 特许资格的延续和处罚

7.1 ITO每年应重新申请特许资格。

- (b) 为旅游团成员提供优质旅游体验；
 - (c) 以高度的专业和道德标准开展ADS业务以及业务相关活动，尤其在接待旅游团成员方面。
 - (d) 确保ITO及其相关人员不从事下列活动：
 - (i) 与其ADS责任或对旅游团成员所承担职责发生实际(或被理解为)利益冲突；或者
 - (ii) 可能实施或接受实际(或被理解为)不合理影响、徇私、串通或不公平做法。
 - (e) 采取合理措施确保自身及其相关人员遵守经营所在区域的相关管辖法律和法规；并
 - (f) 根据相关州领地法规，维持其旅行社执照的有效性并据以开展经营，若执照失效、中止或吊销，应立即通过电邮方式告知ADSEO。
- 4.7 若ITO雇员(包括导游和管理人员)发生任何变动，应在48小时内通过电邮方式告知ADSEO。

5. 合适及恰当人员

- 5.1 ITO(或其任何相关人员)应始终确保为本准则定义之恰当及合适人员或机构。
- 5.2 RET、TA、DIAC或其聘任评估师代表将根据本准则附件A中所述标准，评估当前ITO是否为合适及恰当人员。
- 5.3 合适及恰当人员评估将按下列方式实施：
- (a) 由RET针对本准则附件A中项目1所述一般要求开展评估；
 - (b) 由RET和/或其指定评估师针对ITO当前信誉开展评估，包括分析ITO是否符合本准则附件A中项目2所述良好信誉标准；
 - (c) 由TA、RET和/或RET指定评估师根据当前状况，开展行业适当性评估，包括分析ITO是否符合本准则附件A中项目3所述行业适当性标准；并且
 - (d) 由DIAC、RET或RET指定评估师根据当前状况，针对ITO的入境合规性开展评估，包括分析ITO是否符合本准则附件A中项目4所述入境合规性标准。
- 5.4 ITO应在ADS年度续约期间或随时根据RET、DIAC、CMA、TA、评估师或RET所指定任何其他人的要求，提交更新资料，证明仍符合合适及适当人员标准。
- 5.5 RET可针对某ITO(及其任何相关人员)是否满足本准则的合适及适当人员定义，随时向部长提供建议。该建议可以任何相关资料为依据，包括从以下方面取得的资料：
- (a) 任何人对ITO、RET或任何其他人员的投诉；
 - (b) 评估师、CMA/CMO、DIAC、TA或任何其他有关人员；
 - (c) 由评估师或CMA/CMO等RET或指定主体执行的审计或检查(包括旅游行程和财务状况审计)；
 - (d) 由联邦执行或委托执行的任何其他调查；或
 - (e) 任何其他方法。
- 5.6 部长可根据RET建议以及任何其他相关事宜：
- (a) 确定ITO或申请人是否为合适及适当人员；
 - (b) 若认为ITO或其任何相关人员并非合适及适当人员，则根据处罚措施采取措施；

行程是指提交RET审批的行程,该行程应根据准则第14条及附件E制定并简要概括具体旅游安排。

ITO是指经部长批准参与ADS计划的澳大利亚ADS入境游旅行社(ITO);可浏览RET网站www.ret.gov.au/tourism_ads查阅ITO名单。

部长是指联邦旅游部长、旅游部长的协助部长或其代表。

移民与公民事务部长是指联邦移民与公民事务部长或其代表。

OTO是指由中国国家旅游局以及澳大利亚移民和事务部长按相关法律文件(根据《1994年移民条例》制定)批准在ADS计划内经营的ADS中国出境游旅行社(OTO)。可浏览www.ret.gov.au/tourism_ads网站查阅获批准的OTO名单。

报价单是指简要列出潜在旅游团成员应付旅行费用的价格单。

RET是指澳大利亚联邦资源、能源和旅游部或其后继机构,负责管理ADS计划并针对ADS计划相关决策向部长提供建议。

处罚措施是指本准则附件B中所述程序,RET和部长将据此处理合规与违规事宜,并根据准则采取强制措施。

TA是指澳大利亚旅游局,负责ADS计划中行业适当性组成部分以及OTO培训。

旅游是指ITO根据ADS计划按特许行程提供的旅游。

旅游团是指参加旅行的一组旅游团成员。

旅游团成员是指参加旅游团的中国公民。

4. 参与ADS计划的现行要求

4.1 ITO经部长批准后方可参与ADS计划,并且该批准尚未中止或撤销。

4.2 ITO应在发现以下情况后,立即通知ADSEO:

- (a) 批准申请书所提供资料为虚假或误导性资料,或已变为虚假或误导性资料;
- (b) 批准申请书中遗漏了相关资料;或者
- (c) 情况发生变化,可能影响到ITO的批准。

4.3 ITO应始终确保自身及其相关人员和中介遵守ADS证明和本准则。

4.4 ITO应根据RET要求:

- (a) 提供与其相关人员安排的全部内容;
- (b) 遵守部长或RET针对相关人员给予的合理指示;以及
- (c) 确保ITO的每个相关人员在执行任何ADS计划相关活动前,签署《ADS声明与同意书》(可从网站www.ret.gov.au/tourism_ads获取)并交还ADSEO。

4.5 ITO始终对其ADS业务以及业务相关活动的各个方面负全责,包括其相关人员不符合本准则的任何行为。为免生疑问,ITO相关人员不遵守本准则将视为ITO自身不遵守本准则。ITO应采取所有合理措施,确保相关人员遵守本准则。

4.6 ITO必须始终:

- (a) 采取所有合理措施,确保ADS计划的完整性;

ADS计划是指澳大利亚政府和中华人民共和国政府于1999年4月22日以换文方式达成的中国公民自费旅游目的地国家(ADS)计划。

ADSEO是指RET任命的ADS执行官,由其作为ADS计划执行的中心联络人。ADSEO将负责行政事务,包括申请查询、计划咨询等。ADSEO将根据要求向部长汇报。

中介是指通过与ITO签署协议为ITO提供ADS业务的实体。

申请人是指申请成为ITO的澳大利亚持牌旅行社。

特许是指部长批准申请人以ITO身份参与ADS计划。

特许行程是指由RET批准的最终行程。

评估师是指由RET任命的任何人或机构,负责评估提出特许申请的ITO或其相关人员各方面是否“合适及恰当”。

就ITO而言,相关人员是指:

- (a) 代表ITO执行ADS相关活动的ITO负责人、高级主管、雇员、中介或分包商。这些活动包括ITO日常经营管理、ITO业务相关活动或者旅游的组织 and/或执行;或
- (b) 已经或打算与ITO开展商业或其他合作的有关人员,并需针对合作支付佣金(向ITO或该人员支付)或授权该人员指导ITO的部分和全部ADS相关活动,包括佣金挂钩购物点,或
- (c) 已经或打算开展任何活动、事项,以便在ADS计划或ITO入境旅游业务方面,与ITO产生财务、风险或其他关系的任何人。

澳大利亚注册培训机构是指经注册可根据《澳大利亚质量培训框架》规定,开展本准则相关培训和/或导游能力(如语言能力)评估并签发全国认可资格的机构。澳大利亚注册培训机构名单参见www.ntis.gov.au。

准则是指本准则,即《ADS业务标准和道德准则》,包括所有附件。

佣金是指ITO及其相关人员和/或佣金挂钩购物点基于旅游团成员活动所获任何经济或其他方面好处或利益。佣金不包括前往某商业点途中,由该商业点以合理适度标准提供、供旅行过程中消费的茶点。

佣金挂钩购物点是指ITO、OTO、领队、导游或其相关人员因旅游团光顾而向其收取或合理期望收取佣金的购物店铺。

竞争性零售区域是指通过一系列相互竞争的零售店向外国游客提供各类购物机会的区域;非陪同购物的竞争性零售区域指导名单参见附件I。

合规监督局(CMA)是指经RET任命负责接受并调查ADS计划相关投诉和/或开展各类审计或调查,从而评估ADS计划中ITO表现的机构。

合规监督官员(CMO)是指代表CMA开展调查或审计的CMA官员。

DIAC是指负责向移民与公民事务部长提供ADS计划中移民相关建议的联邦移民与公民事务部或其后继机构。

脱逃者是指违反其签证条件、临时脱离特许旅游路线但随后返回旅游团,并按要求离开澳大利亚的ADS签证持有人。

合适及恰当人员是指经评估符合本准则附件A所述标准的人员。

行业协会是指在澳大利亚运作的专业旅游行业协会和/或出口协会。

本版本的准则在**2010年**首轮申请中经部长批准后生效，申请人名单参见**RET**网站。本准则生效后将取代之前所有版本的准则。

1. 目标

- 1.1 本准则规定了ITO经部长批准后参与ADS所应承担的责任。
- 1.2 本准则旨在对ITO的行为设立最低标准，确保他们为旅游团成员提供优质旅游体验，并共同维护ADS计划的完整性。
- 1.3 本准则属响应性文件，澳大利亚政府可随时修订，确保ADS计划持续为ADS游客带来优质的旅游体验。准则若需修订，ITO将会提前28天收到书面通知。
- 1.4 澳大利亚政府通过RET负责本准则的贯彻实施。
- 1.5 ITO经许可后方可参与ADS计划，并且只能与ADS特许OTO开展业务。特许ITO名单参见RET网站www.ret.gov.au/tourism_ads；特许OTO名单参见根据《1994年移民条例》制定的法律文件，也可浏览RET网站www.ret.gov.au/tourism_ads查阅该名单。

2. 联系方式

- 2.1 若ITO根据本准则规定，需向RET提供相关信息，除非本准则或RET另有规定，否则应以下列方式向ADSEO提供所有信息：
 - 电邮：ads@ret.gov.au
 - 电话：1800 048 155 (澳大利亚境内)以及+61 2 6213 7020 (澳大利亚境外)
 - 传真：+61 2 6213 7070
 - 邮址：GPO Box 1564
CANBERRA ACT 2601
- 2.2 ADS计划的入境事宜由DIAC负责。为了便于管理，针对ITO设置了一名中心联络人。因此所有入境相关要求可送至位于RET的ADSEO，由DIAC处理。

3. 定义

以下定义适用本准则：

潜逃者是指违反其签证条件、不遵守特许旅游路线、永久离开旅游团且未与旅游团一同离开澳大利亚的ADS签证持有人。

ADS是指中国公民旅游目的地国家。

ADS声明和同意书是指RET网站www.ret.gov.au/tourism_ads提供的声明和同意书。

ADS证书是指由RET和ITO签订并可证明ITO同意受本准则约束的证书。可向RET获取ADS证书。

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这些准则以英文和中文简体字制订。解释时若有出入,以英文为准。

《ADS业务标准和道德准则》所提及的附件可从www.ret.gov.au/tourism_ads下载。

欲知详情

有关ADS申请程序或ADS计划方面的资料,请浏览资源、能源和旅游部(RET)网站www.ret.gov.au/tourism_ads。

此外,亦可联系:

ADS Executive Officer
Tourism Division
Department of Resources, Energy and Tourism
GPO BOX 1564
CANBERRA ACT 2601

电话: 1800 048 155
传真: (02) 6213 7070
电邮: ads@ret.gov.au

ADS

业务标准
和道德准则

1.0版