



Speech by

**JULIE ATTWOOD**

**Member for MOUNT OMMANEY**

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Hansard 7 October 2003

### **TOURISM SERVICES BILL**

**Mrs ATTWOOD** (Mount Ommaney—ALP) (6.42 p.m.): There have been many concerns raised by tourism industry associations, retailers and some tourists about the tourism services provided by some inbound tour operators and tour guides operating in Queensland in recent years. It has been revealed that four main types of undesirable and unfair trading practices have been undertaken, including controlled shopping, misrepresentations, overcharging for goods and services, and unconscionable conduct. The unfair trading practices described above are driven by the desire to capture and direct a greater share of the tourist's shopping budget. The need to do this might flow from the sale of the tour package at cost or less than cost. The initial losses incurred must then be recouped by limiting tour participants to shops and restaurants that pay commissions to inbound tour operators and associated tour guides.

Inbound tourists' concerns and consultation with the tourism industry have revealed that tourists from both the dominant and the emerging Asian economies are most vulnerable to these practices. Language differences, cultural influences and limited travel experience make tourists from some countries heavily reliant on their inbound tour operator and tour guides while in Queensland. These unconscionable practices lead to reduced holiday enjoyment for tourists who pay highly inflated prices in controlled shopping situations and also result in loss of business to honest retailers because of misrepresentations made about them or their refusal to pay excessive commissions. This practice can have long-term repercussions. Other impacts include fewer repeat visits by tourists, lower rates of recommendation to other potential tourists and lack of tourist confidence in Queensland as a travel destination. Queensland's image as a tourism destination may be tarnished by such conduct and this could create an impediment to growth in our great tourism industry in Queensland.

Only last Sunday—that is, 5 October—I had the honour of attending the Taiwanese Friendship Association of Queensland, the TFAQ, celebration of the 90th anniversary of the founding of the Republic of China. Also present were the Minister for Natural Resources, Stephen Robertson, and the member for Algeester, Karen Struthers. TFAQ members regularly travel to and from Taiwan and I am reliably informed that members tend to use travel operators from their own community to ensure that they have an enjoyable experience and are not caught up in the shenanigans of dubious travel operators. The government made a commitment prior to the 1998 state election to address problems in the inbound tour industry by introducing licensing of inbound tour operators.

This bill addresses the undesirable and unfair practices outlined above and provides protection for domestic and overseas consumers by regulating the conduct of inbound tour operators and tour guides. The bill will achieve this by requiring inbound tour operators to be registered before they can conduct business in Queensland while providing an exemption to those inbound tour operators who also sell travel packages to the domestic market and whose overseas sales account for less than 20 per cent of the total number of travel packages sold during a 12-month period; ensuring only suitable persons are registered as inbound tour operators; requiring inbound tour operators, whether they are registered or not, to adhere to a code of conduct which will contain minimum business conduct standards to complement the draft tourism export code of conduct, a voluntary industry based code; and prohibiting unconscionable conduct by inbound tour operators, whether they are registered or not,

and tour guides when providing services to tourists. The bill is considered to be a reasonable and appropriate way of achieving the objectives. This is because existing laws have failed to curb exploitation of tourists and have not been adequate to protect the interests of those tourism based businesses who do not participate in undesirable and unfair trading practices.

Prosecuting the sales assistant is not good enough if we are to secure the good reputation of the Queensland tourism industry. It is appropriate that an executive officer or partner who is in a position to influence the conduct of the corporation or partnership or who is responsible for a contravention should be accountable for such a contravention. This is especially relevant to the inbound tourism industry, because many of the people who use the services of an inbound tour operator have little or no knowledge of English or of how tourism businesses operate in Australia. The proposed legislation is generally supported and in some cases has received strong support from ethnic communities and tourism industry stakeholders. A number of stakeholders have suggested that tour guides should be subject to even further regulation. However, the government is mindful of the need to minimise red tape and will monitor the effect of the proposed legislation in the first instance.

Several stakeholders noted that the success of the draft legislation is largely dependent upon industry education and effective enforcement of the legislation. A compliance strategy and communication strategy are being developed to ensure that inbound tour operators and tour guides are aware of their responsibilities. I commend the bill to the House.