

## Complaint about the standard of accommodation on a European tour

<b>Issue</b>	Correspondence from [REDACTED] about the standard of accommodation on a European Tour, supplied by [REDACTED] (the trader). [REDACTED] is dissatisfied with the standard of accommodation and tours provided by the trader and is seeking a partial refund of \$5,000.
<b>Analysis</b>	NSW Fair Trading provided initial intervention on 27 March 2017. Fair Trading reviewed the matter in March 2018 and made additional contact with the trader about the request for a partial refund. The trader offered a five per cent discount voucher which is valid until 2019. Fair Trading informed [REDACTED] of the trader's response and the options to pursue the matter further, including making an application to the NSW Civil and Administrative Tribunal (the Tribunal).

### Recommendations and Actions

- 1 Sign the attached letter to [REDACTED] advising his matter was handled according to established complaint handling procedures, and his options to pursue the matter further.

Commissioner's approval: Approval in TRIM

Date: 16.04.2018

### Key reasons

#### [REDACTED] lodged two identical complaints which Fair Trading provided intervention assistance on both

[REDACTED] has lodged two complaints with Fair Trading under two different names, [REDACTED] and [REDACTED]. Fair Trading provided intervention assistance on both. Fair Trading's review of these matters determined that it handled them in accordance with its established complaint handling procedures.

#### Additional contact was made with the trader which offered redress

Fair Trading reviewed the matter in March 2018, upon [REDACTED] request to escalate it to the Commissioner. On the basis that [REDACTED] had advised Fair Trading that the trader had not explained the difference between the accommodation standards in Australia and Europe and that he paid for 4-star accommodation and was provided with 3-star accommodation, an officer made additional contact with the trader about the standard of accommodation.

The trader declined the request of a partial refund and advised Fair Trading that the offer of a five per cent discount voucher is still available to [REDACTED], should he wish to book another holiday. Fair Trading contacted [REDACTED] and informed him of the trader's response and the options available to him, including making an application to the Tribunal, seeking independent legal advice, or contacting LawAccess NSW.

### Context

#### Background

On 9 March 2017 [REDACTED] lodged a complaint with Fair Trading about the quality of a European Tour provided by [REDACTED].

#### Reference

FTMIN18/204

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A Fair Trading officer contacted the trader on 20 March 2017, to raise [REDACTED] concerns. The trader advised [REDACTED] had previously lodged a complaint with the Australian Federation of Travel Agents (AFTA) and the matter was dismissed. The trader stated [REDACTED] made the booking through a travel agent and needs to take the matter up with the agent.

The officer contacted [REDACTED] on 27 March 2017 and informed him of the trader's response, and his options to lodge an application with the Tribunal or to seek independent legal advice should he wish to pursue the matter further.

[REDACTED] lodged another complaint with Fair Trading on 3 April 2017 about the trader under a different name. Again, a Fair Trading officer contacted the trader, which offered [REDACTED] a five per cent discount voucher on his next trip. The officer contacted [REDACTED] by email on 28 April 2017 and informed him of the trader's response and about the options available to pursue the matter further.

[REDACTED] lodged customer feedback with Fair Trading on 18 April 2017. Fair Trading's attempts to contact [REDACTED] about the feedback were unsuccessful.

[REDACTED] requested to escalate the matter to the Commissioner for Fair Trading on 21 March 2018.

### Approval

Prepared by: Kay McCormick, Senior Customer Service Officer, 9895 0634		
Endorsed by: Chelsie Sines, A/Manager Business Support, 9895 0209		
Position	Signature	Date
Commissioner		

### Timeline *(must be completed if correspondence originated from Minister's office)*

Action	Date(s)	Working days from date received in MO
Date on letter		N/A
Date on MP's letter		N/A
Referral from another Minister <i>(delete if not applicable)</i>		(Specify which Minister)
Received in MO		0
Received in DFSI	3/04/2018	0
Date(s) of contact with customer <i>(business unit to complete)</i>	3/04/2018 – Fair Trading (FT) contacted [REDACTED] to discuss the request to have the matter escalated to the Commissioner. [REDACTED] was advised of the role of FT and the complaint handling process and that further contact would be made with the trader.	0
	6/04/2018 – Fair Trading contact [REDACTED] and advised of the trader's response. [REDACTED] was advised of options to pursue the matter further	2

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	6/04/2018 – Email correspondence was sent to [REDACTED] with the trader's response and information and Links to the tribunal.	2
Date(s) of contact with other party, e.g. trader, employer, solicitor, etc – please specify ( <i>business unit to complete if applicable</i> )	4/04/2018 – Fair Trading contacted the trader to raise the concerns of [REDACTED] about the quality and representations made about the accommodation. The trader declined [REDACTED] request for a partial refund and noted the offer of a 5% discount voucher is still available.	0
Finalised in DFSI ( <i>MS use only</i> )		

Date final sign-off required to meet 15 working day policy:

Meets aim of correspondence service standard (< 15 working days): Y or N

If no, are there reasons why the standard should not apply?

Include details of contact **following** receipt from the MO above and in the letter. For multiple dates, specify who was contacted both above and in the letter. Do not include contact **prior** to receipt from the MO (i.e. responding to previous correspondence on the same matter).