



ASSOCIATION OF SOUTH AFRICAN TRAVEL AGENTS COMPLAINTS PROCEDURE FOR CONSUMERS

At the outset it is worth mentioning that over 95% of the calls of complaint that ASATA receives are against Non-Members of ASATA. This in itself speaks volumes of the value of always using an ASATA Member for all your travel requirements.

Even well-prepared, seasoned travellers sometimes encounter problems during a trip. Here are some tips to assist in resolving these problems:

To Avoid Problems

- Try to keep all correspondence in writing to dispel any disputes.
- Check your documents as soon as received to ensure that they are correct as per your instructions.
- On your journey, realise that some events, such as bad weather, are beyond the control of the travel agent, tour operator or airline.
- Purchase travel insurance. This will cover any medical expenses (non pre-existing and within the provisions of the travel company's policy wording) during your trip and to safeguard against possible cancellation and curtailment fees should flights be missed due to technical delays (within the provisions of the travel company's policy wording). Ensure that you carefully read through the terms of the policy wording.
- If the problem is with the tour company, hotel or other supplier, enlist the aid of your travel agent. Please bear in mind that the travel agent acts as an "agent" selling travel services on behalf of airlines, hotels, car rental companies, cruise lines, tour operators and other travel suppliers and cannot accept liability for actions, errors or omissions on the part of the carriers or third parties who are governed by their respective rules, regulations and conditions. The agent will however appreciate being advised of the problem to consider when future clients inquire about booking with the same company.
- Voice your dissatisfaction as soon as a situation arises which you are unhappy about.

What to do if Problems Arise

- If you have a problem, immediately register your complaint with the agency you are using and check all your documents to establish the validity of your claim.
- If your complaint has merit, write a letter to the firm that you feel is responsible, outlining the nature of the complaint as well as steps you feel should be taken to rectify the problem. Remain realistic in your request. Send a copy of the letter to your travel agent.
- If the problem is with the travel agent, make an appointment to see the travel consultant and / or the person in charge to discuss the matter. Take a copy of the letter outlining the problem with you.
- Limit your initial contact only to those parties directly involved in the matter. Ask for a response and allow the company sufficient time to investigate your complaint.
- Keep all receipts should you incur any additional charges in order to resolve the problem.

Pursuing a Complaint

When a complaint cannot be satisfied by dealing directly with the firm involved, the following avenues may be pursued:

Non-ASATA Members

ASATA is able to mediate disputes which are lodged against ASATA Members ONLY. Consumers can ascertain ASATA membership status by searching the "Find a Member" page on the ASATA website. Complaints against non-ASATA members may be lodged with the DTI's Consumer and Corporate Regulations Division (CCRD):

Tel: 0861 843 384

Fax: 012 394 2552/8

Further information and the CCRD complaint form can be found by visiting the CCRD website:

<http://www.thedti.gov.za/ccrd/complaintforms.htm>

ASATA Members

ASATA is a voluntary association to which Members subscribe. The Members Section comprises of retail travel agents and wholesalers (tour operators). ASATA also has a Partners Section to which industry suppliers such as airlines, car rental companies, hotels, banks, colleges, etc, may belong. Please note that ASATA will only respond to complaints regarding ASATA Members and not ASATA Partners. The following steps may be followed should complaints not be satisfactorily resolved between the consumer and the ASATA Member:

1. Only when all avenues with the Retail Travel Agent / Wholesaler have been exhausted (i.e. the most senior person has attended to the matter) to no avail, consumer complaints may be lodged with ASATA.
2. Only complaints pertaining to ASATA Member travel agencies or ASATA Member tour operators / wholesalers will be handled.
3. Complete the Complaint Form which can be obtained from the ASATA offices or from the ASATA website's Public Information Section. Completed forms with relevant supporting documents are to be forwarded to the ASATA offices: Association of South African Travel Agents, PO Box 3062, Parklands, 2121. Alternatively, the documentation may be emailed to general@asata.co.za or faxed to: 011 327 7827. **Please note that complaints cannot be lodged telephonically.**
4. Disputes prior to departure will be responded to by ASATA as soon as possible to avoid any inconvenience during the looming trip. Disputes after departure will be responded to within 21 working days.
5. ASATA will first request a full report from the Member involved before any final comment will be made to the complainant in order to resolve the matter in an equitable manner. ASATA Members are given 14 working days to respond to ASATA's correspondence relating to complaints. Should complaints be received PRIOR to the departure of the customers, immediate resolution will be sought. In such case, Members will be expected to respond to ASATA's correspondence urgently.

6. Members must acknowledge the receipt of the complaint from ASATA within 24 hours. Once all the information is gathered, ASATA will recommend a course of action.
7. Complaints must be lodged within **6 months** of the return date of the final journey.
8. Once your official complaint with supporting documents is received, ASATA will allocate a reference number to be used in all future correspondence.
9. Please note that in all matters of complaint, ASATA acts purely as a mediator and can only recommend a course of action. ASATA is legally constituted as a non-profit trade association, our jurisdiction and powers are limited – we do not have the legal power to close a company down, impose fines, dictate a course of action or enforce a decision. Our constitution does however provide for suspension of membership under certain circumstances when our criteria or Code of Conduct have not been satisfied.
10. It must be noted that complaints do take some time to be investigated or resolved due to the complexity of some of the issues which are brought to our attention. ASATA is also a non-profit organisation with limited staff and budget available to devote to complaints.
11. If any refunds are due, these monies are refunded to the client by either the airline, travel agent, tour operator or other principal and will not be refunded through ASATA.
12. **ASATA does not become involved with or comment on issues surrounding lost luggage, airline issues such as in-flight services, flight delays and so forth, labour issues, personal disputes and/or PR or slander issues.**
13. ASATA does not act as Debt Collector. We do not have the funds nor the staffing to pursue outstanding debts. However, we do view the handling of monies as of utmost importance and to this end, proof of transactions may be requested.
14. **ASATA does not become involved in matters that have already been taken to independent litigation or are under legal process.**
15. **ASATA does not become involved with individual cases involving visa applications.**
The issuance of a visa is at the discretion of the consulate concerned and is beyond our jurisdiction as consulates in many cases will not provide information to a third party. To this end we highly recommend that *passengers* always check their documentation on receipt from either their travel agent or the consulate, and these checks should also include the inspection of the air ticket (ensure that dates and routes are correct), insurance, visas and related vouchers, dates, terms and conditions and so forth.
16. Each case is treated in the strictest confidence and on an individual basis. If there are other complaints relating to the same issue they will not be discussed between complainants.
17. Please note that ASATA provides mediation for travel-related disputes against ASATA Members only. ASATA cannot impose penalties, assess fines or force a company to issue refunds.

We are happy to announce that the majority of our Members continue to operate within the Code of Conduct as set out by ASATA. We congratulate these Members on their continued customer-orientated professionalism in the industry.

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