

28 November 2007

BY-LAWS
CODE OF CONDUCT & ETHICS

BY-LAW 1 CODE OF CONDUCT AND ETHICS

A. Aims Of The Code

All members shall comply with this Code of Conduct to:

1. Ensure that the public receive the best possible service from all operators within the tourism industry.
2. Maintain and enhance the reputation, standing and good name of the Association and its membership.
3. Encourage initiative and enterprise in the belief that properly regulated competitive trading by and between operators within the tourism industry will best serve the public interest and the wellbeing of the tourist industry.
4. Ensure that the public interest shall predominate in all considerations of the standards of competitive trading between operators in the tourism industry.
5. Encourage the growth and development of the tourism industry consistently with the above aims.

Adherence to these principles of professional conduct and ethics signifies competence, fair dealing and high integrity.

Failure to adhere to these principles may subject a member to disciplinary action, as set forth in the Association's Constitution and By-Laws.

B. *Relations with Consumers*

1. Members shall inform their customers of all pertinent facts concerning tours, transportation, accommodation or other tourist services offered to consumers.
2. Members shall be factual and accurate when called upon to give an opinion to the consumer.
3. Members shall keep their employees informed in an accurate and timely manner of all alterations to services provided.
4. Members shall endeavour to eliminate any practices which could be damaging to consumers or to the dignity and integrity of the tourism industry.
5. Members shall consider every transaction with a customer to be confidential unless the customer authorises disclosure or such disclosure is required by law.

6. Members shall avoid misleading and doubtful superlatives in their advertising. Phrases such as “our services are free” or “it costs no more” or words of similar import should not be used unless such statements are true.
7. Members should advise their customers in writing, prior to the time initial payment is made for any booking, about cancellation policies and any service charges.

C. Relations With Other Service Providers

1. Members shall follow the best traditions of salesmanship and fair dealing by according fair, objective and impartial representation of other service providers that they may from time to time represent.
2. Members shall not attempt in any legal manner or through actions or means violate the policies of other service providers to influence the employees of other service providers for the purpose of securing preferential consideration in the assignment of space or for any other purpose.
3. In the event of a complaint or grievance to a member by a customer against another service provider, members should, as a first step, notify the service provider involved so that it may have an opportunity to resolve the matter.
4. Members should share with other members the lessons of their experience and study which will improve the professionalism, competence and services of all those who operate within the tourism industry.
5. Members should conduct their business so as to try to avoid controversies with fellow members. In the event of a controversy between members, such controversy shall be referred to the Association for mediation or arbitration, where appropriate.
6. If an opinion is sought about a competitor, members shall render it with professional integrity and courtesy.
7. Members shall not deliberately interfere or induce the cancellation of a definite sale made by another member or otherwise cause a customer to break a contractual obligation.
8. Members shall not take advantage of the former affiliation of a new employee by use of unauthorised lists or records that may accompany the employee.
9. When a written complaint is lodged against a member the member should, upon notification of the complaint, co-operate with any inquiry initiated by the Association.
10. Members should encourage and promote membership of the Association so that the entire tourism industry and the public may benefit from the training, experience and high standards of members.

D. Resolution of Consumer Disputes

1. Members shall attempt to resolve any consumer or non-member disputes about tourist services directly with consumers or non-members and tourist suppliers who may be involved. Members will assist in efforts to mediate consumer or non-member disputes and attempt to arrive at solutions that are satisfactory to all concerned.

2. Subject to any agreement between the relevant parties the Association will arrange for arbitration, in accordance with the Association's arbitration procedures of consumer disputes which cannot otherwise be resolved. Members are required to comply with binding arbitration of consumer disputes when arbitration is requested by either party and when all previous efforts to resolve the dispute in a reasonable time have not been successful.

E. Resolution of disputes between members

- a. Members shall attempt to resolve disputes between themselves in a professional manner, and in a way that has minimal impact on any visitor involved in such dispute.
- b. Should the association become involved, it will inform the member against whom the complaint is made, of all relevant information concerning the matter. A response will also be sent to the complainant requesting time to investigate his/her charges.
- c. The member against whom the complaint is made is required to fully respond to the allegation in writing within 14 days.

Should the Association consider this response satisfactory, this correspondence will then be forwarded to the complainant with a covering letter.

- d. The Association will endeavour to arbitrate any unresolved matters concerning the dispute.
- e. Should the Association be satisfied that the complaint is proven, and of such a serious nature as to warrant further action, then the member shall be liable to suspension from the Association as per the provision of clause G.

F. Conduct of Members

1. Members of the Association whether current members or applicants for membership shall, by signing either an application of membership or application for renewal, be deemed to be accepting the Code of Conduct and Ethics as defined in the By-Laws.
2. Failure by a member to abide by the abovementioned Code of Conduct and Ethics shall render a member liable to suspension from the Association.

G. Enforcement of Code of Conduct and Ethics

1. Disciplinary powers over members shall be deemed to fall within the powers conferred on the Executive Committee in accordance with Clause 10.8 of the Association's Constitution as being part of the day-to-day conduct of the affairs of the Association.
2. Appeal against disciplinary action shall be submitted to the next General Meeting for consideration if so requested by the applicant. The decision of the General meeting shall be final.

BY-LAW 2 Criteria for Membership

1. Individuals, organisations, sole traders, partnerships and companies applying for membership shall satisfy the Association in the following areas:

- a) The registration of its business name.
- b) The holding of adequate Public Liability insurance.
- c) The holding of the necessary permits and licences to operate.

The Association reserves the right to check the validity of licences or permits.

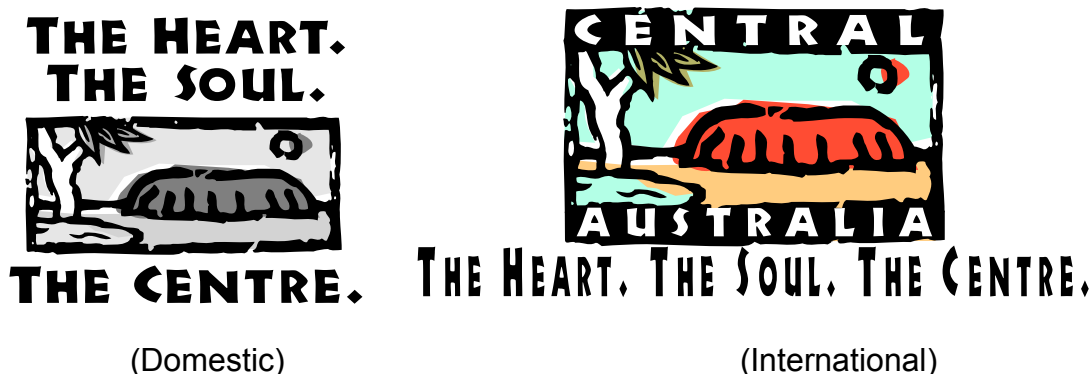
2. Individuals, organisations, sole traders, partnerships and companies applying for renewal of membership are, by signing the renewal form, certifying that they are holding the necessary licences, permits and adequate Public Liability insurance.
3. The Executive Committee reserves the right to exclude Clause 1 above as a prerequisite for acceptance of membership for those applications not normally identified as being directly associated with the tourist industry.

BY-LAW 3 Advertising and Promotion of Products

1. As a general rule only members shall be permitted to advertise in the Association's publications and visitor information bays and booths.
2. Application to advertise shall be in writing and shall be subject to acceptance or rejection by the Executive Committee.
3. Members wishing to display brochures or other forms of advertising shall submit them to the Association's office for this purpose.

BY-LAW 4 Association Logos

The official logo of the Association shall be thus:-



BY-LAW 5 Confidentiality of Executive Committee Minutes

Minutes of meetings of the Executive Committee shall remain confidential and be available only to elected or appointed members of that committee

BY-LAW 6 Removal of an Executive Committee Member

The Executive Committee shall be empowered to remove from that committee a person who becomes bankrupt, either by their own declaration or that of the courts, or who is convicted of a criminal offence.