



## ADS Scheme Interim Compliance Requirements for the Transition Phase

### Note:

- The existing ADS Code remains in full effect. The *Interim Compliance Requirements* overlays the Code and only applies to specific clauses and requirements.
  - The only amendments to the current code requirements are for Section 4: Obligations of ADS ITOs with regards to ADS Itineraries (outline in **Table 1**).
  - Compliance focus areas (including relevant clauses of the ADS Code) are outlined in **Tables 2 & 3**.
- Suspension and revocation: In line with the ADS Code, when an ADS entity accumulates 10 ADS demerit points, its ADS status will be suspended. The suspension will not affect any ADS tours that have already been booked prior to the suspension notice. Length of the suspension depends on the nature and number of breaches. Austrade must be satisfied that relevant breaches are sufficiently rectified, and processes are in place to prevent future breaches before lifting any suspension. Similarly, revocation will be considered on a case-by-case basis depending on nature and number of breaches.

Table 1: Amendments to Section 4: Obligations of ADS ITOs with regards to ADS Itineraries

Section 4: Obligations of ADS ITOs – ADS Itineraries and ADS Itinerary changes and amendments	
Old	New
<b>Clause 4.9 (f)</b> Submit the ADS Itinerary to ADS.itinerary@austrade.gov.au at least 48 hours before the commencement of the tour in Australia.	Submit the ADS Itinerary to AccessADS platform before the tour group's arrival in Australia.
<b>Clause 4.11</b> If the change or amendment occurs before the tour commences the ADS ITO must advise the ADS OTO and provide a copy of the updated ADS Itinerary to ADS.itinerary@austrade.gov.au the ADS TG and ADS Tour Group members before the tour commences.	If the change or amendment occurs before the tour commences, the ADS ITO must advise the ADS OTO, the ADS TG and ADS Tour Group members before the tour commences.
<b>Clause 4.12</b> The ADS ITO must instruct the ADS TG to notify it immediately of any changes or amendments that occur during the tour. The ADS ITO must then advise Austrade of the changes or amendments within 24 hours. The ADS ITO should also inform the ADS OTO of the change or amendment.	The ADS ITO must instruct the ADS TG to notify it immediately of any changes or amendments that occur during the tour. The ADS ITO must advise Austrade of any changes or amendments to the original itinerary by uploading a final itinerary to AccessADS platform within 72 hours of the group's departure from Australia. The ADS ITO should also inform the ADS OTO of the change or amendment.

Table 2: ITO requirements that Austrade will focus on in the transition phase may include:

Focus areas	Compliance requirement (Monitored)	Monitor (By Austrade)	Warning and Education	Apply Penalties	Revoke Status
Business viability	<b>Section 4: Obligations of ADS ITOs (Clauses: 4.3, all requirements from subclauses (a) to (i))</b>  (No change) ADS ITOs must comply all general obligations (Fit and proper person requirements, insurance requirements, financial membership requirement, comply with all relevant laws, remain active in the scheme and attend events hosted by industry or Austrade, and accurate records keeping obligations).	Austrade to conduct annual desktop review	Breach identified - Reminder of obligation with 30 calendar days to rectify	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	Direct suspension or revocation will be considered on case-by-case basis depending on nature and prevalence of breaches
	<b>Attachment A: Fit and proper person requirements</b> (General requirements, Good standing requirements, Industry fitness requirement, financial viability and insurance requirements)  (No change)	Austrade to conduct annual desktop review (this includes requesting ITOs to provide evidence as outlined in Attachment A)	Adverse information identified or failure to provide required information within specified timeframe – Reminder of obligation with 30 calendar days to rectify	N/A	Direct suspension or revocation will be considered on case-by-case basis depending on nature and prevalence of breaches

Safety	<b>Section 4: Obligations of ADS ITOs (Clause 4.31)</b> (No change) ADS ITOs must ensure that motor vehicles used to transport ADS tour groups are roadworthy, registered, insured and safe; well maintained, clean and tidy.	Austrade to request bus company details from ITOs and conduct relevant assessment	Failure to provide required information – Reminder of obligation with 30 calendar days to rectify	First breach identified – ADS points deduction as specified in the Code	Direct suspension or revocation will be considered on case-by-case basis depending on nature and prevalence of breaches
	<b>Section 4: Obligations of ADS ITOs (Clause 4.9 (a))</b> (No change) ADS ITOs must provide tour services in accordance with the ADS itinerary.	Austrade to review ADS itineraries and conduct random checks, by requesting corroborating receipts for the items on the itinerary, with consideration given to reasonable itineraries changes	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
Visitor experience	<b>Section 4: Obligations of ADS ITOs (Clause 4.9 (f))</b> Refer to amendments in <b>Table 1</b>	Austrade to review ADS itineraries and conduct random checks	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 4: Obligations of ADS ITOs (Clause 4.11)</b> Refer to amendments in <b>Table 1</b>	Austrade to review ADS itineraries and conduct random checks	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 4: Obligations of ADS ITOs (Clause 4.12)</b> Refer to amendments in <b>Table 1</b>	Austrade to review ADS itineraries and conduct random checks	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 4: Obligations of ADS ITOs (Clause 4.14)</b> (No change) ADS ITOs must ensure that the ADS tour group is taken to at least one prepaid tour inclusion for every two days of the tour.	Austrade to review ADS itineraries and conduct random checks by requesting corroborating receipts for the items on the itinerary	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 4: Obligations of ADS ITOs (Clause 4.15)</b> (No change) ADS ITO must not charge for services and attractions that are free or already included in the tour package.	Austrade to investigate upon receipt of a complaint	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
Immigration Compliance	<b>Section 4: Obligations of ADS ITOs (Clause 4.18)</b> (No change) Submission of absconder report to Austrade within 48 hours.	Austrade to monitor absconder reports	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 4: Obligations of ADS ITOs (Clauses 4.23,4.24,4.25, 4.26,4.28,4.29 and 4.30)</b> (No change) ADS ITOs must take reasonable steps to ensure Immigration Compliance.	Austrade to investigate upon advice from Home Affairs	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	Direct suspension or revocation will be considered on case-by-case basis depending on nature and prevalence of breaches
Communication & Training	<b>Section 4: Obligations of ADS ITOs (Clause 4.3 (g))</b> (No change) ADS ITO must attend Austrade hosted training forum annually.	Austrade to maintain attendance records	First Non-attendance without reasonable explanation - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>ITO deed of participation</b> (No change) ADS ITO must remain contactable and maintain up-to-date contact information (to receive ongoing communication).	Austrade to monitor response to Austrade communications via email and phone	N/A	No response following 10 Austrade attempts over 30 calendar days - suspension of ADS approved status until contact is re-established	

**Table 3: Tour Guide requirements that Austrade will focus on in the transition phase may include:**

Focus Area	Compliance requirements (Monitored)	Monitor (By Austrade)	Warning and Education	Apply Penalties	Revocation
Compliance with law & regulations	<b>Attachment B: ADS TGs approval requirements (Clauses 1.1 c) i))</b> (No change) ADS TGs must be eligible to work in Australia.	Austrade to confirm work rights at the time of application and conduct ongoing random VEVO checks			No longer eligible to work in Australia
	<b>Section 5: Obligations of ADS TGs (Clauses 5.16 – 5.20)</b> (No change) ADS TGs must take reasonable steps to ensure Immigration Compliance.	Austrade to investigate upon advice from Home Affairs or a relevant ADS approved ITO	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	Direct suspension or revocation will be considered on case-by-case basis depending on nature and prevalence of breaches
	<b>Section 5: Obligations of ADS TGs (Clause 5.3 (a))</b> (No change) ADS TG must comply with all relevant laws and regulations of Australian jurisdictions.	Austrade to conduct random desktop review	Warning and education will be considered on case-by-case basis depending on nature and prevalence of breaches	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	Direct suspension or revocation will be considered on case-by-case basis depending on nature and prevalence of breaches
Visitor experience	<b>Section 5: Obligations of ADS TGs (Clauses 5.8 (a) &amp; (b))</b> (No change) ADS TG must conduct the tour in accordance with the ADS itinerary.	Austrade to investigate upon receipt of a complaint	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 5: Obligations of ADS TGs (Clause 5.14)</b> (No change) ADS TG must not charge for services or entrance to venues which are free or have already been charged.	Austrade to investigate upon receipt of a complaint	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
	<b>Section 5: Obligations of ADS TGs (Clause 5.15)</b> (No change) ADS TG must comply with obligations in relation to shopping activities.	Austrade to investigate upon receipt of a complaint	First breach identified - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	
Training	<b>Section 5: Obligations of ADS TGs (Clause 5.3 (e))</b> (No change) ADS TG must participate in any ADS TG training or workshops as directed by Austrade.	Austrade to maintain attendance records	First Non-attendance - Reminder of obligation	2 <sup>nd</sup> breach identified – ADS points deduction as specified in the Code	