

Final Statement

Complaint submitted by Mr Jason Vecchio against
Flight Network / Gotogate Pty Ltd

9 December 2024

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Executive summary

1. On 30 October 2023, Mr Jason Vecchio (**the notifier**) submitted a complaint to the Australian National Contact Point for Responsible Business Conduct (**the AusNCP**) under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (**the OECD Guidelines**) against Flight Network / Gotogate Pty Ltd (**the enterprise**), part of the Etraveli Group.
2. The complaint made claims under the OECD Guidelines' Consumer Interests chapter (Chapter VIII) about delayed refunds following flight cancellations and inadequate dispute resolution and redress mechanisms when seeking updates and escalation.
3. The AusNCP's **initial assessment** of the complaint concluded that the issues raised warranted further examination and offered the notifier and enterprise (**the parties**) the AusNCP's 'good offices' (dispute resolution services) to help resolve the complaint.
4. On 2 October 2024, AusNCP independent examiner Shiv Martin facilitated a conciliated discussion between the parties. Both parties engaged constructively, agreeing on a confidential monetary settlement and broad undertakings by the enterprise to improve its customer service and internal processes for dispute resolution (see **Annex A: Statement of the parties**).
5. The AusNCP welcomes resolution of the issues raised and encourages the enterprise to continue to develop its business in accordance with the OECD Guidelines.
6. The AusNCP will follow up on the enterprise's progress twelve months after this final statement is published. At that stage the enterprise will be invited to provide further information to the AusNCP about steps it has taken since this complaint to improve its customer services and consumer engagement.
7. This statement is available on the AusNCP website at www.ausncp.gov.au.

Shiv Martin

Independent Examiner

Australian National Contact Point for Responsible Business Conduct

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

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Background

8. The notifier is an individual consumer, based in Australia. The enterprise is an online seller of airline tickets, registered in Australia.
9. The notifier purchased tickets from a third-party airline through a website operated by the enterprise with an Australian domain name, flightnetwork.com.au, in February 2023. On 22 July 2023 the notifier requested a refund following flight cancellations. In line with the enterprise's terms and conditions, the enterprise submitted the notifier's refund request to the airline for assessment.
10. Subsequently, the notifier repeatedly sought updates from the enterprise regarding the status of his refund and requested the enterprise escalate his request with the airline. Having not yet received a refund and dissatisfied with the enterprise's response, on 30 October 2023 the notifier submitted a complaint to the AusNCP.
11. See Annex B for an overall timeline of key events.

AusNCP proceedings

12. On 5 December 2023 the AusNCP contacted the enterprise, which followed-up on the notifier's refund request. Discovering the airline had misplaced the original request, the enterprise resubmitted the request and the refund was processed on 24 December 2023.
13. The notifier advised the AusNCP that although receiving the refund was important, he wished to pursue the complaint as to the manner in which the enterprise had dealt with his grievance, which he considered unduly difficult, lengthy and opaque.

Initial assessment

14. An AusNCP independent examiner – Ms Shanta Martin – assessed the complaint against the six admissibility criteria in the AusNCP's complaint procedures and was satisfied the issues raised warranted further examination. For further details regarding the complaint's background and conduct of the initial assessment, see [the initial assessment statement](#) on the AusNCP website¹.

Good offices

15. On 2 October 2024, AusNCP independent examiner Shiv Martin facilitated a good offices meeting involving the notifier and representatives from the enterprise's legal counsel and customer relations department. This occurred following agreement from all parties to participate in good faith discussions to resolve the Complaint.

¹ Australian National Contact Point for Responsible Business Conduct (AusNCP), 'Initial Assessment: Complaint submitted by Mr Jason Vecchio against Flight Network / Gotogate Pty Ltd', AusNCP, Australian Government, 2024, accessed 22 October 2024.

16. The meeting's purpose was to arrive at an agreed resolution to the notifier's concerns regarding delays in processing the refund for cancelled flights, inadequate communication by the enterprise and recommendations to improve the enterprise's systems.
17. During the meeting, the notifier outlined his concerns about the lack of communication and transparency during the refund process and suggested areas for improvement in the enterprise's customer service and refund processing practices.
18. The enterprise acknowledged the challenges experienced by the notifier and expressed its ongoing commitment to improving its customer service and internal complaints handling mechanisms.
19. Both parties engaged constructively during the meeting and discussed the following matters:
 - 19.1. customer service improvements
 - 19.2. transparency in communication
 - 19.3. recommended enhancements to the enterprise's complaints handling processes, and
 - 19.4. a confidential monetary settlement.
20. As a result of this meeting the parties reached an agreement in resolution of this complaint, which is included below at **Annex A**.

Conclusions

21. As the AusNCP independent examiner responsible for good offices and this final statement, I make the following observations and recommendations:

Observations

22. I acknowledge the constructive participation of both parties in the good offices process.

Recommendations on the implementation of the OECD Guidelines

23. I recommend the enterprise continue its efforts to improve its customer communication and complaints handling processes (dispute resolution and redress mechanisms) in accordance with the expectations in the OECD Guidelines' Consumer Interests chapter. Specifically, I recommend that the enterprise seeks to 'provide consumers with access to fair, easy to use, timely and effective non-judicial dispute resolution and redress mechanisms, without unnecessary cost or burden'.² In making this recommendation, I acknowledge the challenges that may be presented when refunds are sought from third-party businesses whose responses the enterprise cannot control. In such

² As set out in Chapter 'VIII – Consumer Interests' of: Organisation for Economic Cooperation and Development (OECD), *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, OECD Publishing, 2023, p 43, doi:10.1787/81f92357-en.

cases I recommend that the enterprise is transparent with its customers on the limits of its ability to ensure that refund requests will be considered and processed in a timely manner.

24. I recommend the AusNCP follow up on this complaint twelve months after the publication of this final statement and consider whether improvements have been made to the enterprise's customer communication and complaints handling processes since the receipt of this complaint that align with the expectations of the OECD Guidelines' Consumer Interests chapter.

Shiv Martin

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Annexes

Annex A: Statement of the parties

Mr Jason Vecchio ('the notifier') and representatives from Flight Network and Gotogate Pty Ltd (part of the Etraveli Group, hereafter referred to as 'the enterprise') have reached an agreement to resolve the notifier's complaint against the enterprise made on 30 October 2023 to the Australian National Contact Point on Responsible Business Conduct (the AusNCP) under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the OECD Guidelines).

The agreement was reached through constructive engagement by both parties in a dialogue ('good offices') facilitated by the AusNCP.

The dialogue sought a mutually agreed resolution to the notifier's concerns about refund delays for cancelled flights and inadequate communication by the enterprise. The dialogue acknowledged the challenges experienced by the notifier and identified areas for improvement in the enterprise's customer service, complaints handling and refund processing practices.

Consistent with the OECD Guidelines and the AusNCP's complaint procedures, the exact terms of the parties' agreement are confidential. However, agreed outcomes include that the enterprise:

1. recognised the delays and gaps in communication regarding refund processing in the notifier's case and is committed to improving customer service response times and transparency in communications.
2. acknowledged the frustration caused to the notifier due to the extended refund process and will provide monetary settlement as ex gratia compensation.
3. noted that although it relies on airlines to confirm refund eligibility, it is committed to ensuring customers have an efficient and clear dispute resolution process.
4. agreed to implement internal measures to ensure timely follow-ups with airlines in relation to refunds, where required, and the escalation of unresolved consumer complaint cases to the appropriate internal teams for prompt responses.

The notifier thanks the enterprise for its good faith engagement and the above commitments.

Annex B: Schedule of events

Submission	Date
• Notifier submitted complaint to AusNCP.	30 October 2023
• AusNCP acknowledged receipt and sought further information.	1 November 2023
• Notifier provided information.	1 November 2023
• AusNCP sought information from notifier.	13 November 2023
• AusNCP notified Governance and Advisory Board (AusNCP Board).	13 November 2023
• AusNCP notified OECD to create OECD 'specific instance' database entry for complaint.	14 November 2023
• Complaint listed on AusNCP website, enterprise not named.	14 November 2023
• AusNCP sought information from notifier.	17 November 2023
• Notifier provided information.	18 November 2023
• AusNCP notified Canada National Contact Point (NCP).	20 November 2023
• AusNCP notified enterprise (through initial channels).	22 November 2023
• Enterprise provided updated contact details.	2 December 2023
• AusNCP notified enterprise (through requested channel) about AusNCP complaint and commencement of initial assessment process.	5 December 2023
Initial Assessment	
• Enterprise acknowledged receipt of AusNCP complaint, provided information, noted it had sought update from the third-party airline, and offered to answer further questions.	15 December 2023
• AusNCP sought information from enterprise.	19 December 2023
• Notifier informed AusNCP that original refund he sought had on 24 December 2023 been processed.	2 January 2024
• AusNCP sought confirmation that notifier wished to continue AusNCP complaint.	3 January 2024
• Enterprise provided information.	12 January 2024
• Notifier confirmed desire to continue AusNCP complaint during meeting with AusNCP Independent examiner.	1 February 2024
• AusNCP updated Canada NCP.	5 February 2024
• AusNCP sought information from enterprise.	15 March 2024
• Enterprise provided information.	22 March 2024
• AusNCP sought information from notifier.	25 March 2024
• AusNCP notified Sweden NCP, given location of enterprise's parent group.	26 March 2024
• AusNCP sought AusNCP Board comments on draft initial assessment statement (hereafter, 'initial assessment').	16 April 2024
• AusNCP sought Sweden NCP and Canada NCP comments on draft initial assessment.	22 April 2024
• AusNCP sought parties' comments on draft initial assessment, noted complaint was accepted for further examination and offered AusNCP's 'good offices'.	6 June 2024 (enterprise)

- 7 June 2024
(notifier)
- Notifier commented on draft initial assessment and accepted good offices offer. 20 June 2024
- AusNCP received enterprise's comments on draft initial assessment. 24 July 2024
- AusNCP shared parties' initial assessment comments with each other. 6 August 2024
- Notifier provided information. 19 August 2024
- Embargoed initial assessment provided to enterprise and notifier. 28 August 2024
- AusNCP independent examiner met with enterprise to discuss process of potential good offices. 29 August 2024
- Enterprise accepted good offices offer. 29 August 2024
- Embargoed initial assessment provided to AusNCP Board. 30 August 2024
- Embargoed initial assessment provided to Sweden NCP. 10 September 2024
- AusNCP provided parties' further information about good offices and introduced new independent examiner to facilitate good offices. 10 September 2024
- Initial assessment published on AusNCP website. 11 September 2024

Good Offices

- Independent examiner held preparatory meeting with notifier. 19 September 2024
- Independent examiner held preparatory meeting with enterprise. 19 September 2024
- Independent examiner held good offices meeting with the parties. 2 October 2024
- AusNCP notified OECD to update specific instance database entry. 2 October 2024
- Independent examiner noted to parties that good offices had produced an agreement and informed them about corresponding final statement process. 3 October 2024

Final Statement

- AusNCP sought parties' initial comments on draft final statement. 15 October 2024
- AusNCP sought AusNCP Board comment on draft final statement. 22 October 2024
- AusNCP sought Sweden NCP and Canada NCP comments on draft final statement. 30 October 2024
- AusNCP sought parties' further comments on draft final statement. 14 November 2024
- Embargoed final statement provided to parties. 25 November 2024
- Embargoed final statement provided to AusNCP Board. 25 November 2024
- Embargoed final statement provided to Sweden NCP and Canada NCP. 25 November 2024
- Final statement published on AusNCP website and reported to the OECD. 9 December 2024

Annex C: Publications

Australian National Contact Point for Responsible Business Conduct (AusNCP), '[Initial Assessment: Complaint submitted by Mr Jason Vecchio against Flight Network / Gotogate Pty Ltd](#)', AusNCP, Australian Government, 2024, accessed 22 October 2024.

OECD, '[Individual & Flight Network / Gotogate Pty Ltd](#)', OECD Database of specific instances, n.d., accessed 20 November 2024.

Annex D: Institutional arrangements

1. The Australian Government is committed to promoting the use of the *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* (OECD Guidelines) and implementing them effectively and consistently. Through business cooperation and support, the OECD Guidelines can positively influence business conduct and ultimately economic, environmental and social progress.
2. The OECD Guidelines are recommendations on responsible business conduct addressed by governments, including Australia, to multinational enterprises. They provide voluntary principles and standards for responsible business conduct consistent with applicable laws and internationally recognised standards. Companies operating in Australia and Australian companies operating overseas are expected to act in accordance with the principles set out in the OECD Guidelines and to perform to the standards they recommend. In countries where domestic laws and regulations conflict with the principles and standards of the OECD Guidelines, enterprises should seek ways to honour such principles and standards to the fullest extent that does not place them in violation of domestic law.
3. Importantly, while Australia is an adhering country to the OECD Guidelines and the OECD Guidelines have been endorsed within the OECD international forum, they are not a substitute for, nor do they override, Australian or international law. They represent standards of behaviour that supplement Australian law and therefore do not create conflicting legal requirements.
4. The OECD Guidelines can be seen as:
 - A useful aid to business in developing their own code of conduct. They are not aimed at replacing or preventing companies from developing their own codes.
 - Complementary to other business, national and international initiatives on corporate responsibility, including domestic and international law in specific areas such as human rights and bribery. For example, the human rights chapter in the OECD Guidelines as well as other key concepts align with the [United Nations Guiding Principles on Business and Human Rights](#).
 - Providing an informal structure for resolving issues that may arise in relation to implementation of the OECD Guidelines in complaints.

Annex E: Governance

1. Governments adhering to the OECD Guidelines have flexibility in organising their National Contact Points for Responsible Business Conduct (NCPs). NCPs are expected to meet core effectiveness criteria, by operating in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the OECD Guidelines. NCPs are also expected to seek the active support of social partners, other stakeholders and relevant government agencies.
2. Accordingly, the OECD Guidelines stipulate that:
 - NCPs will be composed, organised and sufficiently resourced to provide an effective basis for dealing with the broad range of issues covered by the OECD Guidelines, have access to expertise on all relevant aspects of the NCP mandate, and operate in an impartial manner and maintain an adequate level of accountability to the adhering government.
 - NCPs can use different forms of organisation to meet the effectiveness criteria and maintain stakeholder confidence.
 - Governments are encouraged to include representatives of the business community, worker organisations, civil society and other non-governmental organisations in advisory or oversight bodies to assist the NCP in its tasks and contribute to the effectiveness of the OECD Guidelines.
3. The [AusNCP Governance and Advisory Board](#) (AusNCP Board) includes representatives from Australian Government agencies, business, civil society and unions. The AusNCP Board provides independent expert advice and assistance to the AusNCP and the independent examiners on complaints handling. Board members use their networks, events and publications to promote responsible business conduct standards under the OECD Guidelines and the AusNCP services. The AusNCP Board is consulted on all AusNCP statements.
4. The AusNCP Board helps to ensure that the AusNCP meets the effectiveness criteria of the OECD Guidelines. AusNCP Board Members may be called on to conduct procedural reviews of AusNCP complaints and may be consulted on various operational and administrative matters as needed.
5. From September 2019, all new cases are managed by independent examiners, who are supported by the AusNCP secretariat and the AusNCP Board.