

DECISION 2011 – 12 - 06
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road,
Remuera, Auckland 1050,
New Zealand

Applicant:

Rehmani Air Travel,
Shop 1, Plot 791,
Block 3, Hussainabad,
F.B. Area
Karachi,
Pakistan.
Represented by Shahid Kath, Proprietor.

Respondent:

Agency Administrator, Geneva,
International Air Transport Association, IATA,
111 Somerset Road, #14-05,
TripleOne Somerset,
Singapore.
Represented by Mr Mr Prabakaran Nadarajah, Manager, Agency Management Asia
Pacific.

The Case and Decision:

In brief, having submitted an application for IATA accreditation the Applicant was visited by an IATA inspector on a non pre-arranged basis on Saturday 17 September 2011 in order that he might verify the information detailed in the application documents. There is some difference in the time claimed for this visit with IATA advising approximately 12 noon and the Applicant believing it to be around 4.00pm. The inspector found that the 2 staff present were not qualified to issue tickets, one being the accountant and the other the office boy.

This information was reported to IATA SIN and the Applicant was advised by registered mail on 21 October 2011 that its application for accreditation was disapproved “due to no staff was available at the location during the inspection”. A refund of the application fee was arranged concurrently and mention was made of the facility whereby the Applicant could seek a review of the decision from the Travel Agency Commissioner within 30 days of the disapproval letter. The Applicant has chosen that option and has done so within the time frame specified.

The Applicant submitted that being a non-IATA location there was very little business on a Saturday hence only a skeleton staff manned the office. On appeal to IATA KHI the Applicant was advised that all staff should be available at all times and that it was local practice to make impromptu visits.

The Applicant believes that inspections should be made “on a normal working day”, that there should be at least a couple of hours notice given prior to the inspection time and that 3 of the 5 staff employed at that location were qualified to issue tickets.

Section 5 of the Application Form for Approval as an IATA Passenger Sales Agent requires the setting forth of the names and travel industry experience of managerial and other full-time staff. Resolution 818g – Passenger Sales Agency Rules – Section 2 – Qualifications for Accreditation – under paragraph 2.1.3 states as follows:-

“The applicant must have in its **employment** competent and qualified staff able to sell international air travel and correctly issue electronic travel documents (ETD) and report these to the BSP.”

It appears to me that IATA interprets paragraph 2.1.4 of Resolution 818g which states “ All material statements made in the application shall be accurate and complete” literally to mean that all staff listed as qualified to issue ETDs must be present in toto at all times. This interpretation overlooks the fact that paragraph 2.1.3 of Resolution 818g as described above refers to the Agent “employing” qualified staff **not** that such staff must be present at all times.

In running a business it would not be economic to have a full complement of staff working on “slow” days furthermore in the case of a non-IATA location not equipped with ETD issuing equipment it would be pointless. However to comply with the principle that someone conversant with ETD issuing procedures should be at the location, one such trained individual should be present during all business hours.

The purpose of the IATA inspection is to verify the information submitted by the Applicant. In my opinion such an inspection would be more effective if pre-arranged thus avoiding the events that have occurred in this and other cases. In other parts of TC 3 appointments are made as a matter of routine when Applicants or Agents are to be inspected.

Having reviewed the circumstances involved in this case it is hereby decided as follows:-

1. The Applicant is to be inspected promptly by IATA on a pre-arranged basis using the already submitted Application Form for Approval as an IATA Passenger Sales Agent as the source document for verification.
2. The appropriate fee for the process being undertaken is to be paid by the Applicant.

Decided this 6th December 2011 in Auckland:

Jorgen Foged
Travel Agency Commissioner Area 3

Note:

Either party may, if considered aggrieved by this decision, seek review by arbitration in accordance with Resolution 820e, Section 4 subparagraphs 4.1 and 4.3.