

DECISION 2012 – 03 - 03
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Agency Administrator, Geneva,
International Air Transport Association, IATA,
111 Somerset Road, #14-05,
TripleOne Somerset,
Singapore.

Represented by Mr Nadarajah Prabakaran, Manager, Agency Management Asia Pacific.

Respondent:

Jau Tour Co Ltd.,
F5, F6, F11 Dong-A Bldg,
#88, Da-Dong, Jung-Gu
Seoul 100-180,
Republic of Korea
Represented by its Director, Ms Mi Kyung Oh.

The Case and Decision:

In brief, the Agency Administrator sought a Review of the accreditation of Jau Tour Co Ltd's Branch Location at:-

3F, #1248, Dusan 2-Dong,
Seo-Gu,
Daejeon 302-122.

The authority for this action was sub paragraph 1.3.1 of Resolution 820e which allows the Agency Administrator to seek a TAC Review where the Agent no longer fulfils the qualifying requirements for accreditation under the Passenger Sales Agency Rules.

Resolution 818g, sub paragraph 2.1.3 requires that there be staff employed at the location competent to sell international air transportation and correctly issue electronic travel documents and report these to the BSP. An inspection by an airline on 31 January 2012 discovered that the 2 people present at the location did not meet these standards and that the office had been down-sized on 31 December 2011 with the resignation of the manager and ticketing staff.

IATA notified the Agent by letter dated 15 February 2012 of the Agency Administrator's initiation of a Review by the Travel Agency Commissioner of this Branch Location's accreditation.

The Agent (Ms Oh) was contacted by the writer on 24 February 2012 and was given a description of the issue identified and given an opportunity to address the matter by replying by close of business Monday 27 February 2012. No response was received by the deadline.

On 28 February 2012 the writer sought agreement from both parties to waive their right to an oral hearing and to allow the writer to render a Decision based on the written information submitted. A response deadline of COB Wednesday 29 February 2012 was given. IATA agreed to waive this right on the 29th but nothing was heard from the Agent by the deadline.

Consequently Rules 7 and 13 of the TAC Rules of Practice and Procedure were invoked. These allow the TAC to proceed where a party fails to respond to a question having been given time to do so.

Based on the information submitted by the Agency Administrator and in the absence of any rebuttal from the Agent I must conclude that a breach of the Passenger Sales Agency Rules has occurred viz non-compliance with sub paragraph 2.1.3 of Resolution 818g, the thrust of which is described above.

Consequently, as provided for in sub paragraph 3.3.1 of Resolution 820e, it is hereby decided that this Approved Location be removed from the Agency List with immediate effect.

Decided in Auckland this 3rd day of March 2012.

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