

DECISION 2012 – 10 - 25
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Navigator Travel Management Pty Ltd,
T1, 701 Swanston St,
Carlton, Victoria,
Australia.
Represented by Ms Liliana Giandinoto, General Manager.

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA,
Represented by Mr Matteo Zanarini, Passenger Services Manager Australia and SWPI,
Sydney, Australia.

The Case and Decision:

The Agent contacted the writer on 24 October 2012 seeking a 7 day period of interlocutory relief beyond 31 October 2012 in order to submit their financial statements to IATA for the Annual Financial Review . An extension had already been granted to 31 October 2012 however the Agent states that due to a mid office system upgrade in the last quarter of the 2011 - 2012 financial year they are experiencing difficulties with the General Ledger mapping and the reconciliation of their accounts in order for their financials to be balanced, finalised and sent to the auditor.

IATA has confirmed that it is satisfied with the Agent's level of financial guarantee and both Parties have agreed to waive their right to an oral hearing and have allowed the writer to reach a decision based on the written information submitted as provided for in sub paragraph 2.3 of Resolution 820e.

Having examined the factors involved in this case it appears that had the Agent commenced work on its financial statements at an earlier date the current situation would not have arisen. Notification of the due date for the submission of financial statements for the Annual Financial Review applicable to all Agents in Australia has been posted on BSPLink in July, August and September 2012 as well as a reminder circular dated 12 September 2012 stating the 1 October 2012 deadline for financial statement submission. This period of notice is ample time for the required documentation to be prepared and submitted. It is the Agent's responsibility to understand the parameters under which it operates as an IATA Accredited Agent and the consequences of ignorance can be severe.

However as IATA is prepared to accept a short period of interlocutory relief it is hereby decided as follows:-

1. Interlocutory relief to allow the Agent to submit its overdue financial statements is granted until Wednesday 7 November 2012.
2. Any request by the Agent for an extension beyond that date will not be entertained.

Decided this 25th day of October 2012 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

Notes:

1. As per Resolution 820e, Section 4, any Party has the right, if it considers itself aggrieved by this Decision, to seek review by Arbitration in accordance with the provisions of Resolution 824, Section 14.
2. The Parties are advised that effective from 1 June 2012, according to Subparagraph 2.10 of Resolution 820e, any of them may request an interpretation of this Decision, or for a correction of any error in computation, any clerical or typographical error, or any omission in this Decision. Such request must be made within 15 days of receipt of the electronic version of this Decision.

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