

DECISION 2014 – 08 – 18
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

AS Link International Ltd
Suite 903, 276 Pitt Street
Sydney 2000 NSW
Australia
Represented by Mr. Ricky Ho, General Manager

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA
Represented by Mrs. O.H. Tham, Manager Agency Management Asia/Pacific,
IATA, Singapore.

The Case and Decision:

Originally the Applicant sought a review of IATA's decision to disapprove its application for accreditation. This was followed by a lengthy exchange of messages between IATA and the Applicant and a second site inspection was undertaken. At its conclusion IATA still had concerns and supported the Applicant's request that the writer determine whether or not the criteria for accreditation specified in section 2 of Resolution 818g had been met. IATA advised that it had concerns with respect to "Staff" and "Premises".

In connection with "Staff" IATA has the following concerns:-

"5. With respect to Mr. Ho being a General Manager for another agency. We understand the agency as being Advance Olympic Travel 023-4642. Our records show that he has used in the past e-mails from ricky@tickets-plus.com.au acting as a General Manager for Advance Olympic Travel 023-4642 and used e-mail ricky.ho@onwardcpa.com.au addressing himself as the accountant of the same agency. Mr. Ho does not appear on record as a Director or General Manager of Advance Olympic Travel 023-4642.

6. Mr. Ho states that he will have to "... dismiss the current 3 employees including myself from the business". His application never confirmed that there were a total of 4 employees. Only Mr. Ho and then after the second site inspection he provided one

additional staff members details and qualification stating that the staff would start as part time."

With regard to IATA's comment that Mr. Ho has been the General Manager of another Agency up to January 2014, this is not relevant.

Later in the process an organisation chart showed 3 additional named staff operating from its office in China together with a named person shown under "Operation" and a further named person shown under "Office Administration". On being questioned as to which entity remunerated this group the Applicant advised that they worked for AS Link International Ltd, the Applicant's company.

In the Application Form the only staff listed is Mr. Ho. Subsequently a Mr. Liu, based in China, and a Ms. Wang, a part time employee based in Sydney, were identified as belonging to AS Link International Ltd. Finally, as described above, an organisation chart named a further 5 staff as employees of the Applicant company.

This gradual extraction of information has not allowed a clear assessment to be made of the Applicant's ability to meet the requirements of sub paragraph 2.1.3 of Resolution 818g and is an omission of the requirement detailed in the Application Form that it "must be complete in all respects before processing can begin" and Section 5 of the Form requires a list of Owners, Managers and all full-time employees to be attached.

With regard to the premises issue IATA states the following:-

"2. We have, and continue to have ongoing concerns with the location and whether it is appropriate in order to ensure that the applicant is fully equipped to act as an IATA Accredited Passenger Sales Agent. Mr. Ho states that he may take up the entire floor when the IATA application is approved. This is new news. It was our understanding that he was going to continue to sub-lease the premises, and that a new tenant was going to occupy the rest of the suite. Furthermore, the entire suite is for lease and this was not brought to our attention at any time.

3. Mr. Ho in his statement then goes on to (state) that they may move, if the floor space cannot be let and advises of a new address. This alludes to the fact that a new address and location has been identified. Once again this was not reported."

The fact that the current lessor of the floor partially occupied by the Applicant has placed the space on the market makes the continuing occupation of this location by the Applicant doubtful. There is no guarantee that a new leaseholder will allow the partial use of its area by another entity.

Both Parties have been placed on notice, as required by sub paragraph 2.3 of Resolution 820e, that the writer does not consider that an oral hearing is necessary and that the written submissions of the Parties will be the basis for the decision.

This case has taken a long time to reach this stage as piece by piece further information has come to light. The fact that the Application Form was submitted in March 2014 and decided on by IATA in May 2014 is not unusual; some Applicants have a longer waiting period.

Based on the foregoing the writer has concluded that the Application Form was incomplete and consequently a true evaluation of the accreditation-worthiness of AS Link International Ltd was not possible. The Company has more staff, and hence cost base, than reported and its tenure at the current location is in doubt.

The Applicant may decide to seek accreditation once a stable platform for same has been established.

Consequently it is hereby decided as follows:-

1. The Applicant's application for IATA accreditation is disapproved.

Decided this 18th day of August 2014 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 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.