

DECISION 2014 – 09 - 11
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Ignite Travel Group
127C Oasis Shopping Centre
Victoria Avenue
Broadbeach QLD 4218
Australia
Represented by Ms. Megan Jurisich, Chief Financial Officer

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA
Represented by Mr. Nawaz Shaikh, Manager Agency Risk Management Asia/Pacific,
IATA, Singapore.

The Case and Decision

The Agent was due to submit its audited financial statements to IATA for the annual financial review on 29 September 2014. On 9 September 2014 the Agent contacted the writer with a request for interlocutory relief beyond that date to 31 October 2014.

The reason for seeking that additional time was that that date coincides with the deadline date for the submission of similar documentation to the Australian Securities and Investments Commission who require a more extensive audit than IATA does.

IATA has not objected to the Agent's proposal with the caveat that a further extension would not be accepted. It also points to Clause 3.7 of the Financial Criteria for Australia which requires an Agent owned by a parent company to also submit the financial statements of that parent company. The lack of such documentation by the extended deadline date would be considered as non-compliance.

Both Parties have been placed on notice that, as required by sub paragraph 2.3 of Resolution 820e, it is not considered necessary to hold an oral hearing and that this decision is based solely on the written information submitted.

In considering this matter the Agent must be clear on the fact that the granting of interlocutory relief on this occasion does not signal that the same latitude will be available next year or the years to follow. The Agent should take steps to organise the

preparation of its financial statements in sufficient time to meet the IATA determined submission deadline date.

Based on the foregoing and on this occasion only it is hereby decided as follows:-

1. The Agent is granted interlocutory relief beyond 29 September 2014 to 31 October 2014.

Decided this 11th day of September 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.