

DECISION 2014 – 09 - 28A
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

SETRAVEL
19 Lansdowne Street
East Melbourne VIC 3002
Australia
Represented by Mr. Dragan Jevtic, Manager

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA
Represented by Mr. Rodney D'Cruz, Manager Agency Management Asia/Pacific,
IATA, Singapore.

The Case and Decision

The Agent was due to submit its financial statements to IATA for the Annual Financial Review by 29 September 2014. On 25 September 2014 the Agent contacted the writer with a request for interlocutory relief beyond that date to 24 October 2014.

In its explanation the Agent advised that the documentation was currently with their external auditors who had completed the accounting preparation. However the audit team would not be able to complete the actual audit by the required deadline but believed that they could do so by 10 October 2014. In order to allow a time buffer the Agent sought a date of 24 October 2014 as the submission deadline date.

In advising that it did not have an objection to an extended deadline date IATA stated that it considered 15 October 2014 to be a more reasonable date.

As provided for in sub paragraph 2.3 of Resolution 820e, the writer does not consider that an oral hearing is necessary and is basing his decision on the written information submitted.

In examining this case it is not apparent whether the delay in compliance was as a result of the Agent not having the required documentation with its Auditors in sufficient time or whether the Auditor could not schedule its work programme to meet the submission date. Additionally the writer concurs with IATA's position that if the Auditor was able to select 10 October 2014 as the submission date then to allow a further 3 business days as a buffer seems reasonable.

Based on the foregoing therefore it is hereby decided as follows:-

1. The Agent is granted interlocutory relief beyond 29 September 2014 to 15 October 2014.

Decided this 28th 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.