

DECISION 2014 – 09 - 29B
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Sablelink Pty Ltd t.a. Ambassador Travel
Suite 15, 101 Wickham Terrace
Brisbane QLD 4000
Australia
Represented by Mr. Peter Harney, Managing Director

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 to submit its financial statements to IATA by 29 September 2014 for the Annual Financial Review. On 19 September 2014 the Agent's Accountants contacted the writer advising that the audit would not be completed by the due date and seeking an extension of undefined duration.

On being questioned on why, having been given ample advance notice by IATA of the due date, the audited financial statements would not be ready, the Agent's Accountants replied on 26 September 2014 that the Agent's previous Accountant had retired and they had just taken over the accounting and auditing requirements of the Agency. It had taken some time for them to fully understand "the intricacies of travel agent accounting." They went on to state that they had no concerns regarding the Agent's financial position but its auditors needed more time to carry out the testing required for them to meet their professional obligations. The Agent had separately authorised the Accounting firm representative to act on their behalf in this matter.

Finally on 29 September 2014 advice was received to the effect that a further 21 days was requested however efforts would be made to complete the work prior to that date.

IATA has not objected to the Agent being granted the additional time requested.

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 considering this matter it is unfortunate that the newly appointed Accounting firm could not have commenced its work on behalf of the Agent at such time as would have allowed the original submission date to have been met. However under the circumstances outlined it is reasonable to allow some leeway on this occasion. One would not expect a similar situation occurring when this process is undertaken next year.

Consequently, based on the foregoing it is hereby decided as follows:-

1. The Agent is granted interlocutory relief beyond 29 September 2014 to Monday 20 October 2014.

Decided this 29th 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.