

DECISION 2014 – 11 - 03
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Champion Travel
110 Hutt Street
Adelaide SA 5000
Australia

Represented by Mr. Malcolm Simpson, Chief Executive Officer and Director

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 on 30 September 2014 for the Annual Financial Review. The Agent failed to do so and was issued with 2 Instances of Irregularity. On 30 October 2014 the Agent contacted this Office stating that due to circumstances which were elaborated on in the message it would not be able to meet the 31 October 2014 deadline and hence faced the issuance of another 2 Instances of Irregularity which would see the removal of its ticketing authority.

In its explanation the Agent stated it had supplied information and reports to its Auditor on 25 October 2014 expecting that the audit would be completed for submission on 31 October 2014. The Auditor had been ill that week and has only just started auditing the reports. Due to commitments to other clients the Auditor cannot visit the Agent's premises to conduct a physical audit until 6 November 2014. Based on that time frame he will be able to qualify the accounts and submit all reports to IATA by 21 November 2014 and hence interlocutory relief is requested until that date.

The Agent advised that in its 20 years of accreditation it had not ever missed a financial statement submission date or failed to settle its BSP billings. The illness of the Agency's Accountant and the tardy action of suppliers in providing required documentation had led to the failure to meet the 30 September 2014 deadline. The Auditor is applying additional resource to the completion of the statements and is aiming to have the required documentation lodged with IATA in advance of the 21 November 2014 date requested.

As required by sub paragraph 2.3 of Resolution 820e both Parties have been placed on notice that in the judgement of the writer an oral hearing is not necessary and that a decision will be based on the written information submitted.

In considering this matter it is clear that the Agent has been faced with an unfortunate set of circumstances which one would not expect to recur and the request for interlocutory relief is reasonable. The Agent's Auditor is adding resource to the work required and is hoping to shorten the period of interlocutory relief requested.

IATA has not objected to the granting of interlocutory relief for the period sought hence, based on the foregoing, it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Friday 21 November 2014 for the purpose of submitting its audited financial statements to IATA.

Decided this 3rd day of November 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.