

DECISION 2014 – 12 - 22
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Roberts Ltd.
28 Havelock Street
Smithton 7330, Tasmania
Australia
Represented by Ms. Annique Woods, Commercial Controller

Respondent:

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

The Case and Decision

The Agent was due to submit its financial statements for the annual financial review on 17 December 2014. That day the Agent contacted the writer with a request for interlocutory relief until 28 February 2015.

In its justification for seeking an extension the Agent stated that Ruralco Holdings Limited (Agent's owner) is a publicly listed company, an Australian agribusiness with more than forty specialist businesses operating across its network.

RHL are required to lodge Audited Financial Statements with the ASX and therefore require very detailed work and analysis of the statements prior to release.

Roberts Limited is also a parent company and therefore requires considerable time and efforts to prepare Audited Financial Statements for the group.

Their auditor's primary focus is to deliver the financial statements of RHL. Roberts Limited is the second priority and with limited resources from both its external auditor and internal finance team, it is only practicable to have these completed in Feb 2015.

Roberts Limited is part of a closed group and a party to a Deed of Cross Guarantee. For the FY14 year, net current assets exceed net current liabilities and there is no issue of going concern.

On seeking IATA's position on the granting of relief IATA advised that it could not accept an extension beyond 16 January 2015 without the submission of a short-term financial security. Such security must be for AUD 10,000 and be valid until 30 April 2015 in order to allow the extension sought by the Agent and to give IATA's Global Assessor time to complete its work.

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 noted that the Agent was given advance notice of the Annual Financial Review and deadline date on 10 October 2014. One would not expect to receive a request for interlocutory relief each time the Annual Financial Review is undertaken.

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

1. The Agent is granted interlocutory relief until 28 February 2015 subject to submitting a financial security of AUD 10,000 valid until 30 April 2015.

Decided this 22nd day of December 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.