

DECISION 2014 – 12 - 23
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Trans Orbit Pty Ltd
Level 3, 143 York Street
Sydney NSW 2000
Australia
Represented by Mr. Makoto Higano, Director

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. One day before the deadline date the Agent's Auditors contacted this Office with the request that it be granted a 2 week extension due to "unforeseen incidents which have occurred in the Sydney CBD in recent days". The writer has taken this to refer to the tragic hostage taking incident in Martin Place which has caused widespread grief. The Auditor stated that this incident had significantly disrupted its work schedule and caused significant delays in meeting its lodgment deadline.

The Auditor was briefed to have the Agent contact the writer directly as he could not deal with third Parties and this contact eventuated ultimately.

On being approached on its position with respect to the granting of interlocutory relief for the period sought by the Agent IATA stated that it could accept same as long as no further extension was 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 the writer has empathy with the situation faced by the Agent's Auditor's staff and hence it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Wednesday 31 December 2014.

Decided this 23rd 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.