

DECISION 2015-09-01
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Transair International Travel Pty Ltd.
Suite 2, 43 Railway Road
Blackburn VIC 3130
Australia
Represented by Mr L. Milner, 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 to IATA for the Annual Financial Review on 23 September 2015. On 27 August 2015 the Agent's outside Auditors contacted the writer with the request that the submission date be extended to 30 October 2015.

The reason given for this request was that the Agency employee charged with inputting financial data into the Galileo system was significantly behind in that activity for a number of personal and health reasons. The pressure to get the work up to date in time had created major anxiety and duress, which had put the employee at risk of further ill health. The Auditor was working closely with the Agency to ensure that it was up to date as soon as possible, however, did not envisage that the work could be completed by 23 September 2015 and, hence, sought interlocutory relief until 30 October 2015.

On being requested to do so by the writer a Director of the Agent confirmed the situation described by the Auditing company.

The writer sought advice of any objection to the granting of said relief from IATA SIN and the following response was received:

" 1. Even Last year the Agent requested and was allowed an extension. Email is attached.

2. The pre-notification of the start of the Annual Financial Review and information on the deadline date was already sent to the Agent on 21st July 2015 and that should be sufficient heads up (apart from the knowledge of the normal schedule of the financial review)

Based on the above we would like to highlight that IATA would not be in a position to accept an extension request again next year, as the issues with preparing their financial statements in a timely fashion should not be allowed to reoccur.

However, we have analyzed the last 12 months sales of the Agent and their current financial security with IATA (expiring in December 2015) is adequate (subject to change once their financial review is completed) and therefore we do not have an objection in accepting the Commissioner's recommendation to extend the deadline for submission till **30th October 2015.**"

The writer was reminded of a decision rendered to the same Agent for different reasons last year and endorses the comments made by IATA.

The Agent has complied with the 30 day time frame allowed in sub paragraph 1.2.2.1 of Resolution 820e and both Parties were placed on notice, as required by sub paragraph 2.3 of the same Resolution, that in the judgement of the writer an oral hearing was not necessary and that a decision would be based on the written information submitted.

Based on the forgoing therefore it is hereby decided as follows:

1. The Agent is granted interlocutory relief beyond 23 September 2015 to 30 October 2015 for the purpose of submitting its audited financial statements to IATA for the Annual Financial Review.

Decided this 1st day of September 2015 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.