

DECISION 2018 - 11 - 26
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Touch Me Travel and Tours Sdn. Bhd. (“the Agent”)
IATA Code 20-3 1324
Kuala Lumpur, Malaysia.

Respondent:

Agency Administrator, International Air Transport Association (“IATA”)
Singapore.

The Case and Decision:

The Agent's accreditation was terminated due to its failure to submit a Change of Location form and associated documents within the time frame set by IATA. The Agent attempted to contact this Office but used an incorrect email address. When there was no response over a period the Agent discovered its error and made successful contact on 15 November 2018. In its request for a review the Agent explained that it had a completely new management team who were unaware of IATA's requirements and the staff member responsible for IATA communication oversight had "left in a hurry" leaving no one with any knowledge of IATA procedures in particular the posting of information on the IATA portal. All IATA messages were received at this staff member's email address to which nobody else had access.

The Agency's Deputy CEO was most apologetic for its non-compliance and undertook to be more careful and attentive with regard to IATA matters.

In its summary of events IATA expressed its concern that with the company restructure it had no idea who it was dealing with. It would hold any further comment until the Agent provided it with the latest full company SSM profile.

In considering this matter it is noted that there are no BSP outstanding. The circumstances faced by the new management team were difficult with the sudden departure of the person responsible for IATA matters and there being no orderly handover. However, more time and effort could have gone into establishing the Agency's IATA related responsibilities with regard to the staff changes, ignorance of

the Passenger Sales Agency Rules should not be an excuse. It is now incumbent on the Agent to supply IATA with all the necessary information to allow IATA to determine if the Agent continues to meet the accreditation criteria. On this occasion the writer is prepared to rule in the Agent's favour.

The Parties were placed on notice that in the writer's judgement an oral hearing was not necessary and that this decision would be based on the written information submitted.

Therefore based on the foregoing it is hereby decided as follows:

1. the Agent's accreditation is to be reinstated subject to IATA approving the changes undergone by it and the Agent paying all fees and charges associated therewith.

This Decision is effective as of today.

Decided this 26th day of November 2018 in Auckland.

The following sub paragraph of Resolution 820e is brought to the attention of the Parties:

"2.10 - within 15 days after the receipt of the decision, a party, with notice to the other parties, may request that the Commissioner gives an interpretation of the decision or correct in the decision any error in computation, any clerical or typographical error, or any error or omission of a similar nature. If the Commissioner considers that the request is justified, he shall make the interpretation or correction within 15 days of receipt of the request. The interpretation or correction shall form part of the decision."

In this particular case the 15-day time frame expires on **11 Dec. 2018**.

If after having pursued this process a Party still considers itself aggrieved by this Decision the Party has the right to seek review by arbitration as detailed in Resolution 824, Section 14.

Finally, I seek your authority for this Decision to be posted on the private pages of the Travel Agency Commissioner website which can only be accessed by the 3 TACs and the 12 members of the Passenger Agency Programme Global Joint Council. In the absence of advice to the contrary by 12 Dec. 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3