

DECISION 2011 – 10 - 26
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road,
Remuera, Auckland 1050,
New Zealand

Applicant:

Railcorp trading as Countrylink,
Level 9, North Wing, 477 Pitt Street,
Sydney,
Australia

Represented by Mr Paul Murphy, Acting Manager, Financial Accounting and Control.

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA,

Represented by Mr Ian Lorigan , Country Manager Australia, New Zealand and SWPI.

The Case and Decision:

I have now examined the situation with respect to the circumstances faced by Countrylink in not being able to provide financial statements for its Annual Financial Review to IATA by the deadline date of 31 October 2011 as set in Mr Lorigan's letter of 26 September 2011 to Mr Murphy.

In the 20 October 2011 letter to me from Mr Murphy he explains that legislative requirements mandates that Railcorp's Annual Report, of which Countrylink is a business unit, must be tabled in the NSW Parliament within 1 month of its presentation to the Minister of Transport. The Report will be available by 31 October 2011 but cannot be released until it is tabled in Parliament. With those time frames in place it is not possible for Countrylink to meet IATA's 31 October 2011 deadline.

Given these circumstances I am prepared to extend the deadline date for the Agent to supply the financial statements for its Annual Financial Review to IATA to no later than 31 December 2011 subject to the Agent providing IATA with the level of financial guarantee as determined by IATA.

In order to provide sufficient time for the Agent to comply with this condition I am allowing interlocutory relief, as enshrined in Resolution 820e, until Friday 4 November 2011.

Decided this 26th October 2011 in Auckland:

Jorgen Foged
Travel Agency Commissioner Area 3