

DECISION 2012 – 07 -23
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Trafalgar Travel (Aust) Pty Ltd.,
PO Box 564,
Bondi Junction,
Sydney NSW 1355,
Australia
Represented by Mr James O'Donnell, Finance Director.

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA,
Represented by Mr Matteo Zanarini, Passenger Services Manager Australia and SWPI,
Sydney, Australia.

The Case and Decision:

In brief, on 22 June 2012 IATA sent the Agent a letter to advise that following the annual review of the Agent's financial standing the assessment had rendered an unsatisfactory outcome and that a financial guarantee to the amount of AUD1,000,000 had to be in place by 23 Jul 2012.

The Agent sought agreement from IATA to allow it to submit its Group consolidated accounts in the hope that these would meet the Australian Financial Criteria and thus remove the financial guarantee requirement.

Having sought advice IATA SYD informed the Agent today that such group accounts could be submitted for review but that it would be critical for the Agent's auditor to declare that each subsidiary properly maintains a client trust account. The absence of such a declaration would result in a negative outcome.

The Agent sought interlocutory relief for a period of 30 days in order to allow for the submission of Group accounts and their assessment by IATA.

Both parties have agreed to waive their right to a formal hearing and have allowed me to reach a decision based on the written information provided.

Taking into consideration the circumstances involved in this review and in light of the time line involved it is hereby decided as follows:-

1. Interlocutory relief, as provided for in Resolution 820e sub paragraph 1.2.2.4 is hereby granted until Friday 24 August 2012.

Decided in Auckland this 23rd day of July 2012.

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 effective from 1 June 2012, 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.