

**DECISION 2012 – 11 - 05**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

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

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**Applicant:**

Rail Corporation New South Wales t/a CountryLink,  
PO Box K349  
Haymarket 1238,  
Australia.

Represented by Mr Giles Gosman, A/Business Development Manager.

**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:**

The Agent, which is a business unit of the state railway, is unable to meet the financial statement submission date of 30 September 2012 for the IATA Annual Financial Review. The Agent advises that the NSW Minister of Transport must receive the Annual Report by 31 October 2012 and then must table the document in the State Parliament within 30 calendar days. After that time the Report may be released to 3rd parties. As a consequence the Agent contacted the writer on 1 November 2012 seeking interlocutory relief up to 31 December 2012.

IATA SYD on being questioned as to whether they were satisfied with the Agent's level of financial guarantee should an extension be granted confirmed that they were comfortable with the current amount and the period of the requested extension.

The Parties have agreed to waive their right to an oral hearing and have allowed the writer to reach a decision based on the written information submitted as provided for in sub paragraph 2.3 of Resolution 820e.

It is clear that the Agent, being a business unit of a state government owned entity, has no control over the process determined by the State Parliament for the tabling of the financial performance of the state railway.

As a consequence, having examined the factors involved in this case, it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Monday 31 December 2012.

Decided this 5th day of November 2012 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 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.

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