

**DECISION 2013 – 01 - 10**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

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

---

**Applicant:**

Tertiary Travel Service Pty Ltd,  
80 Broadway,  
Nedlands, WA,  
Australia  
Represented by Mr Allan Cooper, Manager, Finance and Administration/Company  
Secretary.

**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 was advised by IATA that it had failed Test 2 of the Australian Financial Criteria viz failure to operate a Client Travel Account and was given a deadline date of Friday 11 January 2013 to rectify that omission.

The Agent after discussion with IATA staff was advised to acquire a Client Travel Account Declaration signed by the Agent's external auditors. A template for that document was provided and was sent to the external auditing company just prior to Christmas. The auditors confirmed that completion of the declaration would not be a problem.

The Agent sought an update on the status of that matter on Tuesday 8 January 2013 and discovered that the external auditing company was closed for the Christmas/New Year holiday period and would not re-open until Monday 14 January 2013.

After seeking guidance from IATA SYD the Agent contacted the writer with the request that the deadline date be extended to Monday 14 January 2013 a date which the Agent was confident would see the necessary document completed and forwarded to IATA.

The writer sought confirmation from IATA SYD that they were satisfied with the Agent's current situation related to financial risk should interlocutory relief be granted and IATA had no objection to same. Additionally it was confirmed that a scanned version of the Client Travel Account Declaration signed by a **Director and the External Auditor**

would be acceptable.

As provided for in sub paragraph 2.3 of Resolution 820e, both 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.

Consequently, having considered the factors involved in this case, it is hereby decided as follows:-

1. Interlocutory relief is granted to the Agent up to close of business Western Australia time, Monday 14 January 2013.

Decided this 10th day of January 2013 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.