

DECISION 2013 – 01 – 14A
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Spencer Travel Pty Ltd,
601/ 64 Kippax St,
Surry Hills, NSW 2010,
Australia
Represented by Ms Penny Spencer, Managing 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:

The Agent was surprised to receive a phone call from IATA SYD on Friday 11 January 2013 seeking confirmation that the increased financial security required by that date was in place. The Agent believes that this was the first notification that an increased financial guarantee of AUD630,000 was required.

The Agent contacted the writer late on Friday seeking a delay in any IATA action to suspend it from the BSP that day. In view of the lateness of the hour and the need to gather further information that request was acceded to and the matter would be pursued again on Monday 14 January 2013.

That day the Agent contacted the AKL-based default protection insurance provider and after a number of email exchanges was told that it would take 5 working days for the Agent's application to be processed. This delay meant that the Agent would not be able to confirm to IATA that the required financial guarantee was in place that day and hence interlocutory relief in order to allow the process to be completed was required.

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 as provided for in sub paragraph 2.3 of Resolution 820e. IATA is satisfied with the Agent's current level for the interlocutory relief period.

Taking the Agent's statements in good faith and having considered the factors involved in this case it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Wednesday 23 January 2013.

Decided this 14th 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.