

**DECISION 2013 – 01 - 17**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

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

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**Applicant:**

Majestic Travel Pty Ltd,  
405 Elizabeth St, Surry Hills NSW 2010,  
Australia  
Represented by Ms Betty Poulos, Finance 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:**

As a result of the Annual Financial Review the Agent was required to provide a form of financial guarantee to the amount of AUD341,000 by Friday 18 January 2013. Due to the Festive Season holiday break the Agent's bank, WBC started processing the bank guarantee application on 8 January 2013 which was estimated to take 10 working days to complete and would cost AUD9025 for a 12 month period.

In light of the significant cost, on Monday 14 January 2013, the Agent sought a reassessment of the need for a guarantee from IATA SYD and at the same time requested WBC to pause its work on the Agent's application. IATA SYD on 16 January 2013 confirmed that the AUD341,000 guarantee was required.

During the period of the reassessment the Agent approached a number of other banks to determine their cost of providing the subject cover. Another bank has quoted AUD3410 to provide the amount of cover requested and will need 6 days to complete and deliver the applicable documentation to the Agent. Work has commenced on this process and the Agent should receive the guarantee by Wednesday 23 January 2013 which would allow for receipt by IATA SYD on Friday 25 January 2013. Hence the Agent is seeking interlocutory relief to that date.

As required by 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. IATA SYD has also indicated that they do not object to the granting of the interlocutory relief period in order for the Agent to acquire the subject guarantee.

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

1. The Agent is granted interlocutory relief until Friday 25 January 2013.

Decided this 17th 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.