

DECISION 2013 – 01 - 18
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Shenel Holding Group Pty Ltd t.a. Destination Travel Centre,
40 The Gateway,
Broadmeadows VIC 3047,
Australia
Represented by Ms Ozlem Duger, 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 received advice from IATA SYD on 18 December 2012 that a financial guarantee was required to be in place by 18 January 2013. The Agent chose to acquire Default Protection Insurance from CBL in AKL and contacted that company on 7 January 2013 following its re-opening after the Festive Season holidays. The following day the Agent received an application form which required the signature of a Company Director.

On 10 January 2013 the Agent sent an email to IATA SYD advising them that the Director was currently overseas and would not return until early February 2013 hence an extension to the deadline date would be needed and was this in order. Having had no response the Agent phoned IATA SYD on the morning of 17 January 2013 to be told that an email reply had just been dispatched which confirmed the need for the financial guarantee to be in place by Friday 18 January 2013. The Agent was alerted to the ability for it to make an appeal to this office for interlocutory relief which was done same day. The delay in the IATA response was not considered to be helpful.

IATA suggested that the Company Director could be contacted to effect the required signing action but this option is apparently not possible hence the need for the granting of interlocutory relief remains. The Agent has requested that said relief should be for the period up to Thursday 14 February 2013 which would allow time for the insurance application to be processed following the return of the Director on 7 February 2013.

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. IATA SYD has confirmed that they are satisfied with the Agent's current financial guarantee status for the period of interlocutory relief requested.

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

1. The Agent is granted interlocutory relief to Thursday 14 February 2013.

Decided this 18th 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.