

DECISION 2013 – 02 – 01
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Group Travel pl t.a. New Zealand Travel Centre,
Level 10, 26 Wharf St,
Brisbane QLD 4000,
Australia.
Represented by Mr Ron Hanna, 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 received advice from IATA SYD on 24 December 2012 that after the Annual Financial Review it was required to provide a financial guarantee of AUD1000 by 31 January 2013. The Agency was closed at that time for the Festive Season holidays. After re-opening, on 18 January 2013 the Agent contacted IATA believing that the requirement was in error. This action was initiated by the fact that the Agent's last year's accounts were misinterpreted by IATA with them reading the Agency's profit as its turnover.

The Agent states that it has yet to be advised why, when it did not operate a trust account for the previous financial statements, that this is now a requirement. The Agent goes on to advise that the format for the bank guarantee was not received until 2 days ago. The Agent seeks interlocutory relief for a period of 7 days to arrange for the establishment of the bank guarantee.

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 has confirmed that it finds the Agent's current financial guarantee status acceptable for the period of relief sought.

Having considered the factors involved in this case I must observe that the Agent should have been aware of the need for the operation of a Client Travel Account had he viewed the Australian Financial Criteria displayed in the Travel Agent's Handbook.

However under the circumstances and in light of the minimal amount of guarantee required it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Thursday 7 February 2013.

Decided this 1st day of February 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.

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