

DECISION 2013 – 02 - 22
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Blue Sky Travel,
Unit 1, Level 1,
PNG Toner and Ink Bldg,
Seigu Rd, Goroka EHP,
Papua New Guinea.
Represented by Mrs Keryn Hargreaves, Proprietor.

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 financial guarantee to IATA SYD by Friday 22 February 2013. On 20 February 2013 the Agent contacted the writer advising that the communication network from Goroka to the rest of the world was non-operational and as a consequence the Agent was unable to FAX its financial statements to the default insurance provider (CBL) to arrange the subject guarantee.

On 21 February 2013 the Agent confirmed that CBL had received its financial statements and that time was required for these to be examined and the adjusted default protection insurance put in place and hence interlocutory relief until Tuesday 26 February 2013 was sought.

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 advises that it is not satisfied with the Agent's current financial status however sub paragraph 1.2.2.4 (c) allows the writer to grant such relief where in his judgment there is no material financial risk to Airlines.

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

1. The Agent is granted interlocutory relief until Tuesday 26 February 2013.

Decided this 22nd 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.