

DECISION 2013 – 03 - 04
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Territory Discoveries,
Sitzler Bldg, 671 North Stuart Highway,
Alice Springs NT,
Australia.

Represented by Ms Marianne Macadie, Director, Finance and Budgets.

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:

This Agent submitted further documentation in connection with the Annual Financial Review within the specified time advised by IATA SYD but it was sent to an incorrect e-mail address thus delaying the review process.

The Agent states that as a state government owned organisation it does not fit easily into the Financial Criteria. The documents now submitted to IATA are intended to evidence the fact that the Agent is fully supported by the Northern Territories State Government which is responsible for, and will ensure that, all liabilities are paid.

As a consequence of the delay IATA has advised the Agent on 1 March 2013 that it would be suspended from the BSP unless interlocutory relief was sought from and granted by the writer. The Agent promptly took that action and sought such relief until 30 April 2013.

IATA SYD advises that it does not currently hold any financial security for this Agent "however the guarantor is the NT State Government". IATA SYD feels that the period requested is excessive and considers that the matter can be concluded in 15 to 30 days.

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.

Having considered the factors involved in this case it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Sunday 31 March 2013.

Decided this 4th day of March 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.