

DECISION 2013 – 03 – 07A
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Sunlover Holidays Pty Ltd,
Level 8, 30 Makerson Street,
Brisbane QLD 4000,
Australia.

Represented by Mr Michael Allely, Financial Accountant.

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 lodge a bank guarantee of AUD142,000 with IATA by 6 March 2013.

IATA made the request in February 2013, however in order to verify how these amounts were arrived at and so that an understanding of how the calculations were made for the Agent's internal audit purposes, a lengthy message exchange took place over a long period.

As soon as the Agent had confirmed the calculation it contacted its bank immediately to have them prepare an urgent bank guarantee. The bank advised that whilst the guarantee was being prepared it would not be ready in time for the 6 March 2013 deadline. The Agent states that it has more than sufficient credit for the bank guarantee and it is just a matter of the bank's legal and credit departments going through their internal processes to agree and to issue the guarantee. Faced with this situation the Agent contacted the writer seeking interlocutory relief until Friday 15 March 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 advises that it currently holds an AUD43,000 bank guarantee, is seeking AUD142,000, and does not object to the extended deadline being sought.

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

1. The Agent is granted interlocutory relief until Friday 15 March 2013.

Decided this 7th 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.