

**DECISION 2013 – 03 – 07B**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

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

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**Applicant:**

ACN 079 010 772 Ltd t.a. Travel.com.au,  
7 Barooka Road,  
Milton QLD 4064,  
Australia.

Represented by Ms Helen Demetriou, Executive General 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:**

As a result of the Annual Financial Review the Agent had been in dialogue with IATA SYD with a view to demonstrating that it complied with the financial criteria for Australia. In a 27 February 2013 letter the Agent provided comprehensive reasoning for its belief that it fully complied with the criteria. IATA SYD advised that it would require approximately 7 days to provide a formal response. Consequently the deadline date of 6 March 2013 for the provision of a financial security would not be met and the Agent contacted the writer seeking interlocutory relief. In so doing the Agent sought a 30 day extension.

As provided for in sub paragraph 2.3 of Resolution 820e each party has been asked if they agree to waive their right to an oral hearing and to allow the writer to reach a decision based on the written information submitted.

The Agent has responded with the statement that they do not seek an oral hearing at this preliminary stage. IATA SYD waived their right to an oral hearing and advised that with respect to the Agent's financial standing its Global Assessor needed to address the points outlined in the Agent's 27 February 2013 letter and they would therefore not object to the granting of interlocutory relief to the Agent while this review was being completed.

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

1. The Agent is granted interlocutory relief until Friday 5 April 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.