

DECISION 2013 – 04 – 16
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

RCL Cruises Ltd,
Level 2, 80 Arthur Street,
North Sydney NSW 2060,
Australia
Represented by Ms Karen Davies, Air/Sea and Piers Operations 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:

The Agent sought interlocutory relief on 15 April 2013 due to the fact that it would not be able to submit its financial statements for the Annual Financial Review by 30 April 2013 and sought an extension until 31 May 2013. This position is based on advice from its UK-based Auditors that due to the audit covering several countries and subject to satisfactory resolution of outstanding items the audit is expected to be completed by 15 May 2013.

IATA SYD considers that the Agent's interlocutory relief period request is excessive and would envisage 15 May 2013 as being the ultimate deadline date. The Agent has a financial guarantee in place.

As provided for in sub paragraph 2.3 of Resolution 820e both parties have agreed to waive their right to an oral hearing and to allow the writer to reach a decision based on the written information submitted.

This is a straightforward case where the Agent's Auditors **estimate** that the audited financial statements for the global entity will be completed by 15 May 2013. This I take to mean that they will be delivered to the Agent's Surrey Head Office on that day. Allowing for the possibility of a delay to that delivery date and time for the financial statements to reach the Agent's SYD office, but also bearing in mind IATA SYD's position, it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Friday 24 May 2013.

Decided this 16th day of April 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.