

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

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

Applicant:

RAC Travel Services Ltd,
832 Wellington St,
West Perth WA 6005,
Australia.

Represented by Ms Rebecca Shiers, Financial Controller-Travel, Finance and Distribution.

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 was required to submit a financial guarantee by 15 April 2013. The Agent had been in discussion with IATA SYD about aspects of the assessment of their financial statements and was waiting for a response to its questions. In the interim they assumed that the 15 April 2013 deadline was on hold. A phone call from IATA SYD on 15 April 2013, questioning the status of the submission of the financial guarantee, made the Agent realise that the deadline was fixed and as a consequence contacted the writer seeking interlocutory relief.

After an exchange of messages it has been established that it would take up to some 2 weeks to produce and submit the subject bank guarantee.

As provided for in sub paragraph 2.3 of Resolution 820e the 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.

The misunderstanding by the Agent has brought about the current situation. However under the circumstances it is considered reasonable to provide the Agent with sufficient time to comply with the requirement and hence it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Tuesday 30 April 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.