

DECISION 2013 – 04 - 29
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

AIMIA Proprietary Loyalty Pty Ltd,
Level 2, 33 Saunders St,
Pyrmont NSW 2009,
Australia.

Represented by Ms Elaine Ruello, Financial Controller and Company Secretary.

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, which is part of a global loyalty marketing entity, was due to have its financial statements with IATA SYD by the deadline date of 30 April 2013 for assessment under the Annual Financial Review. On advice from IATA SYD the Agent contacted the writer on 26 April 2013 to explain that the financial statements were close to finalisation however due to staff turnover, which has had a knock-on effect on the time line for gaining regional and corporate sign off in Canada, a period of interlocutory relief until 31 May 2013 was requested.

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 provided. IATA SYD advises that the Agent currently has no financial security in place.

While the Agent has had ample notice of the time line for the submission of its financial statements it is accepted that unforeseen circumstances can occur where several layers of management authorisations in a sizable organisation are involved.

Consequently it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Friday 31 May 2013.

Decided this 29th 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.