

**DECISION 2013 – 11 – 27**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

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

---

**Applicant:**

Seareef Enterprises Pty Ltd t.a Vacation World,  
71a Regents Park Road,  
Joondalup, WA 6027  
Australia.  
Represented by Ms. Jennie Rimmer, Director.

**Respondent:**

Agency Administrator, Geneva  
International Air Transport Association, IATA,  
Represented by Ms. Nadya Widjaja, Manager, Agency Management Asia/Pacific  
IATA, Singapore.

**The Case and Decision:**

Following the Annual Financial Review the Agent was required to submit a financial guarantee of AUD 492,000 by 29 November 2013. Such an amount was not available from the Agent's default insurance provider so an approach has been made to a foreign bank however their processes are rather slow and that bank estimates that the completed guarantee documentation should be available this week. However the Agent is anxious that as the document will be mailed from SYD to WA for sign-off this will not allow sufficient time for the guarantee to be with IATA by this coming Friday and hence the Agent has sought interlocutory relief for a further week.

The Agent has submitted its request for a review within the time frame detailed in sub paragraph 1.2.2.1 of Resolution 820e and both Parties have agreed to waive their rights to an oral hearing and have allowed the writer to reach a decision based on the written information submitted as provided for in sub paragraph 2.3 of the same Resolution. IATA has advised that their only concern is the potential exposure for airlines that the current financial security would not cover. It appears though, subject to the Agent's bona fide, a couple of days extension is unlikely to result in untoward exposure. IATA would defer to the writer's discretion whether or not to grant interlocutory relief for a short period and would leave the decision to the writer.

Based on the information provided the writer has applied sub paragraph 1.2.2.4 (c) of Resolution 820e to this situation and finds the Agent's request reasonable under the circumstance where the Agent has made a concerted effort to comply with IATA's request hence it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Friday 6 December 2013.

Decided this 27<sup>th</sup> day of November 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.