

DECISION 2019 - 10 - 11
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

X-trali Aviation Ltd. (the “Agent”)
IATA Numeric Code 42-3 3277
Dhaka, Bangladesh.

Respondent:

Agency Administrator, International Air Transport Association (“IATA”)
Singapore.

The Case and Decision:

IATA sought a review of the Agent under the Prejudiced Collection of Funds provisions of the Passenger Sales Agency Rules. The issue was the fact that the Agent had issued tickets well in excess of the level of financial security held by IATA over a 3 hour period without having made any advance payments to IATA or the Airline involved. As a consequence IATA suspended the Agent's ticketing authority.

In its response to the question put to it the Agent explained that it had ticketed 196 passengers as a group departure. The Agent had settled a substantial amount with IATA locally and the Airline leaving an unpaid amount, which was well within the amount of financial security held by IATA (evidence for same was provided).

With that prevailing situation IATA advised that it was satisfied with the Agent's action and was prepared to reactivate the Agent's ticketing authority and to close the review should that meet the writer's acceptance.

IATA has complied with the terms of Resolution 820e.

Based on the foregoing therefore, it is hereby decided as follows:

1. the Agent's ticketing authority is to be reinstated without delay.

Decided this 11th day of October 2019 in Auckland.

The following sub paragraph of Resolution 820e is brought to the attention of the Parties:

"2.10 - within 15 days after the receipt of the decision, a party, with notice to the other parties, may request that the Commissioner gives an interpretation of the decision or correct in the decision any error in computation, any clerical or typographical error, or any error or omission of a similar nature. If the Commissioner considers that the request is justified, he shall make the interpretation or correction within 15 days of receipt of the request. The interpretation or correction shall form part of the decision."

In this particular case the 15-day time frame expires on 26th October 2019.

If after having pursued this process a Party still considers itself aggrieved by this Decision the Party has the right to seek review by arbitration as detailed in Resolution 824, Section 14.

Finally, I seek your authority for this Decision to be posted on the private pages of the Travel Agency Commissioner website which can only be accessed by the 3 TACs and the 12 members of the Passenger Agency Programme Global Joint Council. In the absence of advice to the contrary by 27th October 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3