



4 July 2012

Mr Christopher Samuel  
Senior Analyst  
International Air Services Commission  
GPO Box 630  
Canberra ACT 2601  
Email: Christopher.Samuel@infrastructure.gov.au

Dear Mr Samuel

**Qantas Airways Limited (Qantas) – South African Airways (SAA) Codeshare Arrangements – Application for New Determination and Code Share Condition**

We refer to email communications between the Commission's lawyers (the Australian Government Solicitor) and Qantas' lawyers (Minter Ellison) dated 11 May 2012 and 16 May 2012 and our agreement to withdraw Qantas' application for Judicial Review in relation to Qantas' application for authorisation to code share with SAA on the Australia – South Africa route.

As you know, Qantas holds the following Determinations under section 8 of the *International Air Services Commission Act 1992* (the Act):

- Determination [2008] IASC 109;
- Determination [2008] IASC 105;
- Determination [2009] IASC 126;
- Determination [2010] IASC 115; and
- Determination [2012] IASC 103.

The above Determinations allocate Qantas a total of 7 frequencies per week in each direction between Australia and South Africa.

Qantas is applying for a new Determination under section 7 of the Act allocating it 7 frequencies per week (the same number that it currently holds in total under the above Determinations) in each direction between Australia and South Africa. This new Determination is intended to replace the above Determinations.

Qantas is also requesting that the new Determination include a condition under section 15(1)(e) of the Act to allow SAA to code share on Qantas-operated flights between Australia and South Africa until 31 March 2016.

If Qantas is allocated the capacity that it seeks under the new Determination, it will seek revocation under section 27AA of the Act of the above Determinations which currently allocate capacity to it on this route, and will request that the commencement date of the new allocation be the date of the revocation of the existing Determinations.

Attached is our submission in support of the above applications. Because our submission contains some commercially sensitive information, Qantas has provided the Commission with Public and Confidential versions. Confidential information is highlighted in yellow in the Confidential version.

**Qantas Airways Limited**

ABN 16 009 661 901

Level 8 241 O'Riordan Street Mascot New South Wales 2020 Australia  
Telephone 61 (2) 9691 3456 Facsimile 61 (2) 9691 4950

If you require any further information to assist the Commission in assessing this application, please do not hesitate to contact me or Sarah Udy (Head of Legal – Projects & Competition) on 02 9691 5667.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brett Johnson', with a long horizontal flourish extending to the right.

Brett Johnson  
General Counsel

Copy: Sue McIntosh  
Sue.McIntosh@infrastructure.gov.au