

# DETERMINATION

**DETERMINATION:** [2000] IASC 116  
**THE ROUTE:** INDIA  
**THE APPLICANT:** QANTAS AIRWAYS LIMITED  
(QANTAS) (ACN 009 661 901)  
**PUBLIC REGISTER:** IASC/APP/200017

## 1 The application

1.1 On 15 August 2000, Qantas wrote to the Commission seeking an allocation of 193 seats of capacity per week in each direction on the India route. The Commission has previously made two Determinations, IASC/DET/9604 and IASC/DET/9801, allocating a total of 1,603 seats to Qantas on the India route.

1.2 Qantas currently operates daily B767-300 services on the route and plans, from December 2000, to substitute a B747-300 service for one of these services.

1.3 The Commission published a notice on 18 August 2000, inviting other applications for all or any part of the capacity and submissions from interested parties about the Qantas application. No other applications or submissions were received.

## 2 Provisions of relevant air services arrangements

2.1 Under the Australia – India air services arrangements Australia’s current passenger capacity entitlement is 2100 seats per week in each direction. As no other Australian airlines have been allocated capacity on the India route there are 497 seats available for immediate allocation.

## 3 Commission's assessment

3.1 Allocations of capacity are made by the Commission in accordance with the *International Air Services Commission Act 1992* (the Act), and the Minister’s Policy Statement (No 3 of 23 April 1997, as amended on 9 March 1999) which was issued under section 11 of Act.

3.2 Under the Policy Statement, the relevant criteria to be applied in deciding whether or not to allocate capacity, given that there is only one applicant and no submission opposing the allocation, is whether Qantas is reasonably capable of obtaining the necessary approvals and whether it is reasonably capable of implementing its proposals.

3.3 Qantas is an established international carrier, which has the technical and financial resources to implement its proposal. The Commission concludes that Qantas is reasonably capable of obtaining the necessary approvals and implementing its proposal and that the allocation to Qantas of 193 seats per week in each direction on the India would be of benefit to the public.

#### **4 Determination allocating capacity on the India route to Qantas ([2000] IASC 116)**

4.1 The Commission makes a determination in favour of Qantas, allocating 193 seats per week in each direction on the India route in accordance with the Australia – India air services arrangements.

4.2 The allocated capacity may be operated on all sectors of the India route in accordance with the Australia – India air services arrangements.

4.3 The determination is for five years from the date of the determination.

4.4 The determination is subject to the following conditions:

- Qantas is required to fully utilise the capacity from 1 January 2001;
- only Qantas is permitted to utilise the capacity;
- Qantas is not permitted to utilise the capacity to provide services jointly with another Australian carrier or any other person without the approval of the Commission;
- changes in relation to the ownership and control of Qantas are permitted except to the extent that any change:
  - results in the designation of the airline as an Australian carrier under the Australia - India air services arrangements being withdrawn; or
  - has the effect that another Australian carrier, or a person (or group of persons) having substantial ownership or effective control of another Australian carrier, would take substantial ownership of Qantas or be in a position to exercise effective control of Qantas, without the prior consent of the Commission; and

- changes in relation to the management, status or location of operations and Head Office of Qantas are permitted except to the extent that any change would result in the airline ceasing to be an airline designated by the Australian Government for the purposes of the Australia - India air services arrangements.

Dated: 5 September 2000

Ross Jones  
Chairman

Michael Lawriwsky  
Member

Stephen Lonergan  
Member