



Australian Government

International Air Services Commission

DECISION

Decision: [2008] IASC 219
Variation of: [2005] IASC 120
The Route: New Zealand
The Applicant: Asian Express Airlines (ACN 073 412 272)
Public Register: IASC/APP/200829

1 The application

1.1 On 3 November 2008, Asian Express Airlines applied for a variation to Determination [2005] IASC 120 to amend the company name to Tasman Cargo Airlines. The airline advised that there was no other change to any facet or operation of the current business. The entity is trading under its new name and the applicant therefore requested approval of the name change immediately. The airline has concurrently sought approvals from other regulatory authorities related to the name change.

1.2 The Commission published a notice on 6 November 2008, inviting submissions about the application. No submissions were received. All material supplied by the applicant is filed on the Register of Public Documents.

2 Provisions of relevant air services arrangements

2.1 Under the Australia – New Zealand air services arrangements, there is no provision preventing a designated airline of Australia from changing its name.

3 Delegate's consideration

3.1 In accordance with section 27AB of the Act and regulation 3A of the *International Air Services Commission Amendment Regulations 2003 (No.1)*, the delegate of the Commission considers the Asian Express Airlines' application.

3.2 When considering applications to vary determinations, the delegate of the Commission must decide whether the determinations, as varied, would be of benefit to the public. Under paragraph 4 of the Minister's policy statement, the use of entitlements by an Australian carrier that is reasonably capable of obtaining the necessary approvals and of implementing its proposals is of benefit to the public. The delegate is satisfied that Asian Air Express Airlines, as an established operator on the New Zealand route, will have no difficulty in securing the necessary approvals associated with its change of name. As far as the relevant determination itself is concerned, the name change is not of material significance, given that all other aspects of the company remain unchanged. However, as a matter of clarification, the delegate, on behalf of the Commission, will vary the determination as requested by Asian Express Airlines.

4 Decision [2008] IASC 219

4.1 In accordance with section 24 of the Act, the delegate of the Commission varies Determination [2005] IASC 120 by replacing all references to “Asian Express Airlines” in that determination with “Tasman Cargo Airlines”.

Dated: 18 November 2008

Michael Bird
Executive Director
Delegate of the IASC Commissioners