



Australian Government

International Air Services Commission

RENEWAL DETERMINATION

Determination:	[2010] IASC 114
Renewal of:	[2006] IASC 101
The Route:	Thailand
The Applicant:	Qantas Airways Ltd (ACN 009 661 901) (Qantas)
Public Register File:	IASC/APP/201013

1 The application for renewal

On 8 May 2006 the Commission issued Determination [2006] IASC 101 (the Determination) allocating 2.9 B747 equivalent units of capacity per week in each direction on the Thailand route.

1.1 Under the *International Air Services Commission Act 1992* (the Act) the Commission must start its consideration of the renewal of a determination at least 12 months before the expiry of the Determination. The Determination expires on 7 May 2011.

1.2 Qantas applied to the Commission on 10 September 2010 for a renewal of the Determination. The Commission published a notice on 14 October 2010 inviting submissions or other applications for an allocation of the capacity subject to renewal. No other applications were received.

1.3 All material supplied by the applicant is filed on the Register of Public Documents.

2 Commission's consideration

2.1 Under the Minister's Policy Statement (No. 5) of 19 May 2004, there is a rebuttable presumption in favour of the carrier seeking the renewal. The Commission notes that:

- Qantas has been fully utilising the relevant capacity;
- according to the Register of Available Capacity, there is the equivalent of 22.95 B747 weekly services available; and
- there is no evidence that Qantas has failed to service the route effectively.

2.2 In these circumstances, the Commission concludes that the renewal of Determination [2006] IASC 101 would be of benefit to the public.

2.3 The wording of the fresh determination below reflects the view of the Commission that determinations which renew original determinations should contain updated terms and conditions consistent with the Commission's current practice and current air services arrangements. Under the Act, the Commission may make changes to the terms and conditions included in the original determination where warranted by changes in circumstances since the original determination was made.

3 Determination for renewal of Determination [2006] IASC 101 allocating capacity on the Thailand route to Qantas ([2010] IASC 114)

3.1 The Commission makes a determination in favour of Qantas, allocating 2.9 B747 equivalent units of capacity per week in each direction on the Thailand route under the Australia – Thailand air services arrangements.

3.2 The determination is for five years from 13 December 2011.

3.3 The determination is subject to the following conditions:

- Qantas is required to fully utilise the capacity;
- 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;
- the capacity may be used by any wholly-owned subsidiary of Qantas to provide joint services with Qantas;
- to the extent that the capacity is used to provide joint services on the route, Qantas and any wholly-owned subsidiary of Qantas must take all reasonable steps to ensure that passengers are informed of the carrier actually operating the flight at the time of booking;
- 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 – Thailand 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 – Thailand air services arrangements.

Dated: 25 October 2010

Ian Smith
Member Presiding

Stephen Bartos
Member