



Australian Government

International Air Services Commission

[2013] IASC R02 (18 December 2013) Pionair Australia Pty Ltd (Pionair)

Interim Determination [2013] IASC 129 of 29 July 2013 allocates in favour of Pionair 18 tonnes of freight capacity per week on the Papua New Guinea (PNG) route.

Interim Determination [2013] IASC 128 of 19 August 2013 allocates to Pionair one all-cargo service per week with capacity up to 28 tonnes on the Australia-France Route 3 (New Caledonia route).

Both interim determinations (determinations) include a condition requiring Pionair to utilise the capacity on each of the routes from no later than 31 December 2013, or from such other date approved by the Commission.

In its determinations, the Commission stated that should Pionair not be able to fully utilise the capacity by 31 December 2013, it would expect Pionair to hand back the capacity unless it could satisfy the Commission that the causes of any delay were beyond its control.

On 11 December 2013, the Commission wrote to Pionair requesting advice on progress in obtaining the necessary regulatory approvals to operate the airline's proposed services. The letter pointed out that if Pionair had not commenced services by 31 December 2013, or had not applied for an extension before that date, it would be in a breach of a condition of its determinations.

In its letter dated 17 December 2013, marked 'not for public record', Pionair requested the Commission to extend the date for utilisation of capacity on both routes to 24 March 2014. In its letter, Pionair explained the reasons for seeking an extension and the Commission is satisfied that the causes of the delay are beyond Pionair's control.

In view of the above, the Commission resolves ([2013] IASC R02) to grant an extension of time for the utilisation of capacity by Pionair on the PNG and New Caledonia routes.

Pionair must fully utilise the capacity allocated on the PNG and New Caledonia routes, pursuant to Interim Determination [2013] IASC 129 and Interim Determination [2013] IASC 128, from no later than 24 March 2014, or from such other date approved by the Commission.