



**Australian Government**  

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**International Air Services Commission**

**[2014] IASC R02 (7 April 2014) Pionair Australia Pty Ltd (Pionair)**

The following Interim Determinations allocate freight capacity in favour of Pionair:

- [2013] IASC 129 dated 29 July 2013 allocating 18 tonnes of freight capacity per week on the Papua New Guinea (PNG) route; and
- [2013] IASC 128 dated 19 August 2013 allocating one all-cargo service per week with capacity up to 28 tonnes on the Australia-France Route 3 (New Caledonia route).

Both interim 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.

On 17 December 2013, Pionair wrote to the Commission requesting an extension of the date for utilisation of the capacity on both routes to 24 March 2014. In its letter Pionair explained the reasons for seeking an extension and the Commission was satisfied that the causes of the delay were beyond Pionair's control and granted the extension (Resolution [2013] IASC R02).

On 26 March 2014, the Commission wrote to Pionair requesting an update on whether Pionair had complied with the condition. The letter pointed out that if Pionair had not commenced services by 24 March 2014, or had not applied for an extension before that date, it would be in a breach of a condition of its determinations.

Pionair responded to the Commission on 31 March 2014, requesting a further extension for utilisation of capacity on both routes to 14 June 2014. On 4 April 2014, Pionair clarified that its intention was to seek an extension of utilisation of capacity by 14 July 2014, not 14 June, and explained the reasons for such request. In its letter of 31 March, marked 'not for public record', 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 ([2014] 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 14 July 2014, or from such other date approved by the Commission.