

# DECISION

<b>DECISION:</b>	<b>[2000] IASC 209</b>
<b>VARIATION OF:</b>	<b>IASC/DET/9721, IASC/DET/9731 AND IASC/DET/9819</b>
<b>THE ROUTE:</b>	<b>FRANCE (ROUTE 2)</b>
<b>THE APPLICANT:</b>	<b>QANTAS AIRWAYS LIMITED (QANTAS) (ACN 009 661 991)</b>

## 1 The application

1.1 On 15 August 2000, Qantas applied to the Commission to vary determinations IASC/DET/9721, IASC/DET/9731 and IASC/DET/9819 (the determinations) allocating capacity on the France (Route 2) route to allow Air Tahiti Nui to code share, on a free sale basis, on Qantas services on the route and to allow Qantas to code share, also on a free sale basis, on Air Tahiti Nui services on the route.

1.2 Qantas and Air Tahiti Nui propose to commence code share services as soon as approval is received.

1.3 The Commission published a notice on 18 August 2000 inviting submissions from interested parties about the Qantas application. No submissions were received.

1.4 All non-confidential material supplied by the applicant is filed on the Register of Public Documents. Any confidential material supplied by the applicant is filed on the Commission's confidential register.

## 2 Provisions of relevant air services arrangements

2.1 The Australia – France air services arrangements allow the designated airlines of Australia to enter into cooperative arrangements with any airline to operate services between Australia and French Polynesia.

## 3 Commission's assessment

3.1 When considering applications to vary determinations the Commission must determine whether the determination, as varied, would be of benefit to the public. Under paragraph 4 of the Minister's policy statement the use of Australian entitlements is of benefit to the public. For an established international carrier such as Qantas this means that there is public benefit arising from the use of capacity.

## **4 Decision [2000] IASC 209**

4.1 In accordance with section 24 of the Act, the Commission varies Determination IASC/DET/9721, IASC/DET/9731 and IASC/DET/9819 as requested by Qantas by:

*adding* the following conditions

- “the capacity may be used by Qantas to provide services jointly with Air Tahiti Nui in accordance with the code share agreement dated 12 May 2000 or, with the prior approval of the Commission, variations to that agreement or any new arrangements (whether or not it replaces the existing agreement) which relate to the French Polynesia route,

subject to the following conditions:

- Qantas must price and sell its services on the route independently;
- Qantas must not share or pool revenues; and”.
- Qantas must take all reasonable steps to ensure that passengers are informed of the carrier actually operating the flight at the time of booking;”

Dated: 5 September 2000

Ross Jones  
Chairman

Michael Lawriwsky  
Member

Stephen Lonergan  
Member