

DECISION

DECISION: [2000] IASC 210
VARIATION OF: IASC/DET/9622
THE ROUTE: NEW ZEALAND
THE APPLICANT: QANTAS AIRWAYS LIMITED
(QANTAS) (ACN 009 661 991)

1 The application

1.1 On 15 August 2000, Qantas applied to the Commission to vary Determination IASC/DET/9622 (the Determination) allocating capacity on the New Zealand route to allow Air Tahiti Nui to code share, on a free sale basis, on Qantas services beyond New Zealand pursuant to the Australia - New Zealand air services arrangements.

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 Commission's assessment

2.1 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.

3 Decision [2000] IASC 210

3.1 In accordance with section 24 of the Act, the Commission varies Determination IASC/DET/9622 as requested by Qantas by:

adding the following conditions

- “the capacity may be used by Qantas to provide services jointly with Air Tahiti Nui beyond New Zealand 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 New Zealand 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