



## DECISION

<b>DECISION:</b>	<b>[2002] IASC 205</b>
<b>VARIATION OF:</b>	<b>IASC/DET/9713, IASC/DET/9914, [2000] IASC 112, [2000] IASC 115, [2001] IASC 102, AND [2001] IASC 122</b>
<b>THE ROUTE:</b>	<b>SINGAPORE</b>
<b>THE APPLICANT:</b>	<b>QANTAS AIRWAYS LIMITED (ACN 009 661 991) (QANTAS)</b>
<b>PUBLIC REGISTER:</b>	<b>IASC/APP/200204</b>

### 1 The application

1.1 On 6 February 2002, Qantas applied to the Commission to vary determinations IASC/DET/9713, IASC/DET/9914, [2000] IASC 112, [2000] IASC 115, [2001] IASC 102, and [2001] IASC 122 (the Determinations) to permit Gulf Air to code share on Qantas services between Singapore and Australia from 31 March 2002.

1.2 In February 2002, Gulf Air announced that it was terminating services to Australia and proposed to code share on three Qantas services per week between Sydney and Singapore from 31 March 2002.

1.3 The Commission published a notice on 12 February 2002 inviting submissions from interested parties about the 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 – Singapore air services arrangements permit code sharing, including the provision of capacity and services to another airline by a designated airline.

### 3 Commission's assessment

3.1 When considering applications to vary determinations the Commission must determine whether the determinations, 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.

3.2 Pursuant to s.15(2)(e) of the Act, a carrier cannot use allocated capacity by providing services jointly with any another carrier without the prior approval of the Commission.

3.3 The Commission will vary the determinations as requested.

## **4 Decision [2002] IASC 205**

4.1 In accordance with section 24 of the Act, the Commission varies Determinations IASC/DET/9713, IASC/DET/9914, [2000] IASC 112, [2000] IASC 115, [2001] IASC 102, and [2001] IASC 122, as requested by Qantas, by:

*adding* the following conditions:

- “the capacity may be used by Qantas to provide services jointly with Gulf Air in accordance with:
  - the finalised code share agreement, signed by Qantas and Gulf Air, being approved by the Commission, with such additional conditions (if any) as the Commission may require, prior to code share services commencing; or
  - or any subsequent code share agreement between Qantas and Gulf Air for operations on the Australia-Singapore route with the prior approval of the Commission; and
- under any code share agreement with Gulf Air:
  - Qantas must price and sell its services on the route independently of Gulf Air;
  - Qantas must not share or pool revenues on the route with Gulf Air;”

Dated: 19 March 2002

Ross Jones  
Chairman

Stephen Lonergan  
Member

Michael Lawriwsky  
Member