



# INTERNATIONAL AIR SERVICES COMMISSION

## DETERMINATION

**DETERMINATION NO:** [2003] IASC 101  
**THE ROUTE:** THAILAND  
**THE APPLICANT:** QANTAS AIRWAYS LIMITED  
(ACN 009 661 901)  
**PUBLIC REGISTER FILE:** IASC/APP/200220

### 1 The application

1.1 On 12 December 2002, Qantas applied for an allocation of one all cargo service per week on the Thailand route under the Australia – Thailand air services arrangements. Qantas proposes to commence a second weekly service on a routing Sydney-Singapore-Bangkok-Anchorage-New York with effect from 3 February 2003.

1.2 On 18 December 2002, the Commission published a notice inviting applications for capacity on the Thailand route and submissions from interested parties about the Qantas application. No applications or submissions were received.

1.3 All material supplied by the applicant is filed on the Register of Public Documents.

### 2 Provisions of relevant air services arrangements

2.1 Under the Australia – Thailand air services arrangements, designated airlines of each Contracting Party may operate up to seven all cargo services per week with any type of aircraft between Australia and Thailand. Services may be operated via intermediate points.

2.2 According to the Register of Available Capacity there are six all cargo services available for immediate allocation.

### 3 Commission's consideration

3.1 Under paragraph 6.2 of the Minister's Policy Statement, in the absence of submissions about or opposing an application, the Commission is required only to apply the criteria in paragraph 4 of the Policy Statement. Under paragraph 4 the use of Australian entitlements by a carrier that is reasonably capable of obtaining the necessary approvals and of implementing its proposals 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 the entitlements. The Commission concludes that an allocation to Qantas of one all cargo service per week in each direction on the Thailand route would be of benefit to the public.

## **4 Determination allocating capacity on the Thailand route to Qantas ([2003] IASC 101)**

4.1 The Commission makes a determination in favour of Qantas, allocating one all cargo service per week in each direction on the Thailand route under the Australia - Thailand air services arrangements.

4.2 The determination is for five years from the date of the determination.

4.3 The determination is subject to the following conditions:

- Qantas is required to fully utilise the capacity from no later than 31 March 2003 or from such other date approved by the Commission;
- only Qantas is permitted to utilise the capacity;
- changes in relation to the ownership and control of Qantas are permitted except to the extent that any change:
  - results in the designation of the airline as an Australian carrier under the Australia - Thailand air services arrangements being withdrawn; or
  - has the effect that another Australian carrier, or a person (or group of persons) having substantial ownership or effective control of another Australian carrier, would take substantial ownership of Qantas or be in a position to exercise effective control of Qantas, without the prior consent of the Commission; and
- changes in relation to the management, status or location of operations and Head Office of Qantas are permitted except to the extent that any change would result in the airline ceasing to be an airline designated by the Australian Government for the purposes of the Australia - Thailand air services arrangements.

Dated: 17 January 2003

Ross Jones  
Chairman

Michael Lawriwsky  
Member

Stephen Lonergan  
Member