



Australian Government

International Air Services Commission

RENEWAL DETERMINATION

Determination: [2011] IASC 115
Renewal of: [2007] IASC 120
The Route: Solomon Islands
The Applicant: Pacific Blue Australia Airlines (Aust) Pty Ltd
(ACN 097 892 389) (Pacific Blue)
Public Register File: IASC/APP/201124

1 The application for renewal

1.1 On 10 December 2007, the Commission issued Determination [2007] IASC 120 (the Determination) allocating 360 sets per week on the Australia – Solomon Islands route to Pacific Blue, in accordance with the Australia – Solomon Islands air services arrangements.

1.2 Under the *International Air Services Commission Act 1992* (the Act), the Commission must start its consideration of the renewal of a determination at least 12 months before the expiry of the Determination. The Determination expires on 9 December 2012.

1.3 Pacific Blue applied to the Commission on 7 October 2011 for a renewal of the Determination. The Commission published a notice on 20 October 2011 inviting other applications for an allocation of the capacity subject to renewal. No other applications were received.

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

2 Delegate's consideration

2.1 In accordance with section 27AB of the Act and regulation 3A of the *International Air Services Commission Amendment Regulations 2003 (No.1)*, the delegate of the Commission considers the Pacific Blue application.

2.2 Under the Minister's Policy Statement (No. 5) of 19 May 2004, there is a rebuttable presumption in favour of the carrier seeking the renewal. The delegate notes that:

- Pacific Blue has serviced the route effectively; and
- there are no other applicants seeking capacity on the route.

2.3 In these circumstances, the delegate concludes that the renewal of Determination [2007] IASC 120 would be of benefit to the public.

3 Determination for renewal of Determination [2007] IASC 120 allocating capacity on the Solomon Islands route to Pacific Blue ([2011] IASC 115)

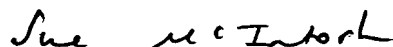
3.1 The delegate, on behalf of the Commission, makes a determination in favour of Pacific Blue, allocating 360 seats per week on the Australia – Solomon Islands route, in accordance with the Australia – Solomon Islands air services arrangements.

3.2 The determination is for five years from 10 December 2012.

3.3 The determination is subject to the following conditions:

- Pacific Blue Australia is required to fully utilise the capacity;
- only Pacific Blue is permitted to utilise the capacity;
- Pacific Blue Australia is not permitted to utilise the capacity to provide services jointly with another Australian carrier or any other person without the approval of the Commission;
- changes in relation to the ownership and control of Pacific Blue Australia are permitted except to the extent that any change:
 - results in the designation of the airline as an Australian carrier under the Australia – Solomon Islands 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 Pacific Blue Australia or be in a position to exercise effective control of Pacific Blue Australia, without the prior consent of the Commission; and
- changes in relation to the management, status or location of operations and head office of Pacific Blue Australia 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 – Solomon Islands air services arrangements.

Dated: 19 December 2011



Sue McIntosh
Executive Director
Delegate of the IASC Commissioners