



# INTERNATIONAL AIR SERVICES COMMISSION

## DECISION

**DECISION:** [2003] IASC 206  
**VARIATION OF:** IASC/DET/9914, [2000] IASC 112,  
[2000] IASC 115, [2001] IASC 102,  
[2001] IASC 122 & [2002] IASC 128  
**THE ROUTE:** SINGAPORE  
**THE APPLICANT:** QANTAS AIRWAYS LIMITED  
(ACN 009 661 991) (QANTAS)  
**PUBLIC REGISTER:** IASC/APP/200309

### 1 The application

1.1 On 23 May 2003 Qantas applied to vary Determinations IASC/DET/9914, [2000] IASC 112, [2000] IASC 115, [2001] IASC 102, [2001] IASC 122 and [2002] IASC 128 (the Determinations) which allocate allocating capacity on the Singapore route. Qantas sought to code share on Australian Airlines services for cargo sales only.

1.2 The Commission published a notice on 30 May 2003 inviting submissions from interested parties about the application for joint cargo services. No submissions were received.

1.3 On 11 June 2003, in an application relating to the Indonesia route, Qantas clarified its request for the Singapore route stating that it was intended that authority for code sharing should be extended to passenger sales. This letter was placed on the Commission's Public Register which is distributed to interested parties. On 17 June 2003 the Commission published a notice calling for submissions about the Indonesia application for joint passenger and cargo services. No submissions were received about either the Singapore case or the Indonesia case.

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

### 2 Provisions of relevant air services arrangements

2.1 Australia's air services arrangements with Singapore permit multiple designation of Australian carriers and the designated airlines may perform any of their agreed services with code sharing, blocked space and any other cooperative arrangements, with any airline.

### 3 Commission's assessment

3.1 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.

3.2 While Qantas proposes to code share on Australian Airlines' services for cargo sales only it has requested approval to code share for passenger services as well. In its application Qantas submitted that authorisation for the Qantas code to be placed on Australian Airlines' services and vice versa, for cargo and passenger services, or both, should be capable of routine authorisation within the capacity allocation whenever a determination allows for the use of capacity by Qantas and Australian Airlines.

3.3 The Commission has previously considered this issue in Decision [2003] IASC 205 on the Malaysia route. In that case the Commission concluded that there would be no lessening of public benefit from authorising Qantas and Australian Airlines to code share on the Malaysia route. The Commission does not differ from that view in this case.

3.4 Qantas has not provided the Commission with a code share agreement between Qantas and AAL. In this case the Commission does not require the code share agreement as the approval is limited to sales by a parent airline on a wholly owned subsidiary and vice versa.

3.5 The Commission will vary the determinations as requested.

#### **4 Decision [2003] IASC 206**

4.1 In accordance with section 24 of the Act, the Commission varies Determinations IASC/DET/9914, [2000] IASC 112, [2000] IASC 115, [2001] IASC 102, [2001] IASC 122 & [2002] IASC 128 which allocate capacity on the Singapore route, as requested by Qantas, by:

*removing* the following conditions from each of the determinations:

- Qantas 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;

*adding* the following conditions to each of the determinations:

- the capacity may be used by Australian Airlines to provide joint services with Qantas and vice versa between Australia and Singapore;
- to the extent that the capacity is used by Qantas to provide joint passenger services with Australian Airlines or vice versa, Qantas and Australian Airlines must take all reasonable steps to ensure that passengers are informed of the carrier actually operating the flight at the time of booking.

Dated: 10 July 2003

Ross Jones  
Chairman

Stephen Lonergan  
Member

Michael Lawriwsky  
Member