



# INTERNATIONAL AIR SERVICES COMMISSION

## DECISION

**DECISION:** [2001] IASC 216  
**VARIATION OF:** IASC/DET/9622  
**THE ROUTE:** NEW ZEALAND  
**THE APPLICANT:** QANTAS AIRWAYS LIMITED  
(QANTAS) (ACN 009 661 991)  
**PUBLIC REGISTER:** IASC/APP/200112

### 1 The application

1.1 On 4 April 2001, Qantas applied to the Commission to vary Determination IASC/DET/9622 allocating capacity on the New Zealand route to allow Air Tahiti Nui to code share, on a free sale basis, on Qantas services between Australia and Auckland.

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 20 April 2001 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 [2001] IASC 216

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

*adding* the the following conditions:

- “the capacity may be used jointly with Air Tahiti Nui on Qantas services between Auckland and Australia 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: 21 May 2001

Ross Jones  
Chairman

Michael Lawriwsky  
Member

Stephen Lonergan  
Member