

VII. Aviation and Space Law

International Air Services—Policy Implementation

In the course of explaining an International Air Services Amendment Bill in the House of Representatives, the Parliamentary Secretary to the Minister for Transport, Mr O'Keefe, described briefly the process of introduction of Australia's current international air services policy, as follows (House of Representatives, *Debates*, 16 November 1994, p 3562):

February 1992—Policy Reforms

Mr President, on 26 February 1992, the Prime Minister announced as part of the "One Nation" Statement the most comprehensive program of international aviation reforms ever to be undertaken in this country. Included in this were the decisions to allow more than one Australian carrier to operate air services into and out of Australia (the so called "multiple designation" policy) and to allow Qantas access to domestic markets.

This removed the longstanding distinctions between international and domestic aviation in Australia and allowed the benefits of domestic deregulation to flow through to international operations. A little more than two years down the track, these announced reforms have come to fruition with across the board gains for our consumer, trade and inbound tourism interests...

Impact on Australia's approach to bilateral negotiations

In going down this path, the Government also needed to negotiate more expansive route and capacity entitlements required to support new entrants on prime routes and to maintain the growth momentum of Qantas. The move to multiple designation has therefore had the important and intended consequence of requiring Australia to further liberalise its approach to bilateral aviation negotiations. This has been true particularly in the rapidly growing markets of south-east Asia and north Asia where major increases in capacity have been achieved.

Since the beginning of 1992, the Government has conducted an extensive program of bilateral air services negotiations with more than 30 countries. As a result of this, multiple designation provisions exist in the great majority of Australia's air services agreements, and in almost all major Asian markets. Importantly, the route rights and capacity entitlements required by the airlines to give effect to their expansion plans are in place...

Australia—United States Aviation Dispute—Settlement

The *Aust YBIL* 1994, vol 15, p 487, contains a full description of the aviation dispute between Australia and the United States about carrier capacity in the Northern Pacific, particularly between Australia and Japan. The settlement reached late in 1993 was incorporated into the two bilateral aviation agreements between the two countries by an Exchange of Notes on 22 February 1994.

Smoking on International Services—Multilateral Agreement

As mentioned in *Aust YBIL* 1994, vol 15, p 503, agreement was reached between Australia and three other countries on banning smoking on international flights across the Pacific. This was put into treaty form in an Agreement to Ban Smoking on International Passenger Flights, signed for Australia, Canada and the United States on 1 November 1994. The following are comments on the Agreement made by the Australian Ambassador in Washington, Dr Russell, as reported in the *Canberra Times* on 3 November 1994:

Australia joined an international agreement with the United States and Canada yesterday to ban smoking on all flights between the three countries.

The Australian Ambassador to the US, Don Russell, said he was very happy to see Australia joining the pact.

“Australia is committed to ban smoking progressively on all international flights,” he said.

The ban will take effect in 120 days.

It has been drawn up in consultation with major airlines in Australia, the US and Canada.

In 1992, the International Civil Aviation Organisation resolved to introduce smoking bans on all international flights. “I hope the three-nation initiative will set an example for other countries and airlines to move quickly on implementing the ICAO resolution,” Dr Russell said.

New Zealand is expected to join the agreement early next year.

“We are hoping before long that Europe will cooperate and take part,” he said.

The three-nation agreement is designed to ensure Australia’s competitors are not given an unfair edge.

“If Australia banned smoking totally on all international flights other countries’ airlines would get a commercial advantage,” he said. “It is important to get reciprocity and do it in cooperation with other countries.”