



INTERNATIONAL AIR SERVICES COMMISSION

DECISION

DECISION: [2002] IASC 207
VARIATION OF: [2002] IASC 104
THE ROUTE: JAPAN
THE APPLICANT: QANTAS AIRWAYS LIMITED
(QANTAS) (ACN 009 661 991)

1 The application

1.1 On 4 February 2002, Qantas applied to the Commission for an allocation of 4.4 weekly units of B767-200 capacity on the Japan route. In Determination [2002] IASC 104, the Commission allocated four units of capacity to Qantas being then substantially all the Japan capacity available for allocation. On 8 February, Qantas wrote to the Commission seeking the expeditious consideration of its application for the remaining 0.4 units sought. On 20 February Qantas advised that it would have no objection to Determination [2002] IASC 104 being varied, rather than have a new determination issued for the 0.4 units.

1.2 The original application was made on the basis that the Commission would in due course revoke determinations held by Ansett International Limited (Administrators appointed) and capacity would thus become available for reallocation.

1.3 Qantas proposes to add the 0.4 units to a total of eight weekly units already allocated by the Commission to enable it to operate an additional daily B767-300 service between Australia and Tokyo.

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

2 Provisions of relevant air services arrangements

2.1 The proposal is consistent with rights available to Australia's designated airlines under the Australia – Japan air services arrangements.

3 Commission's assessment

3.1 The Commission decided in Decision [2002] IASC 206 to revoke Ansett International's determinations IASC/DET/9805 and [2001] IASC 114. This makes available for immediate reallocation 18.4 B767-200 units of weekly capacity, as well as 0.2 units of weekly capacity remaining unallocated.

3.2 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.

3.3 The Commission will vary Determination [2002] IASC 104 as requested.

4 Decision [2002] IASC 207

4.1 In accordance with section 24 of the Act, as requested by Qantas, the Commission varies Determination [2002] IASC 104 by *replacing* paragraph 10.1 of the Determination with:

“10.1 The Commission makes an interim determination in favour of Qantas, allocating 4.4 B767-200 equivalent units of capacity per week in each direction on the Japan route under the Australia - Japan air services arrangements.”

Dated: 19 March 2002

Ross Jones
Chairman

Stephen Lonergan
Member

Michael Lawriwsky
Member