



Australian Government

International Air Services Commission

DECISION

Decision: [2004] IASC 216
Variation of: [2000] IASC 106 and [2004] IASC 116
The Route: Hong Kong
The Applicant: Qantas Airways Limited
(ACN 009 661 901) (Qantas)
Public Register: IASC/APP/200411

1 The application

1.1 Qantas applied to the Commission on 3 December 2004 to reduce the capacity allocated by Determinations [2000] IASC 106 and [2004] IASC 116. Determination [2000] IASC 106 expires on 30 June 2005 and has been renewed by [2004] IASC 116, which was issued on 11 October 2004. Qantas has requested that the capacity allocated by each Determination be reduced from seven frequencies per week to five frequencies per week.

1.2 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 *International Air Services Commission Act 1992* (the Act) and regulation 3A of the *International Air Services Commission Amendment Regulations 2003 (No.1)*, the delegate of the Commission considers the Qantas application.

2.2 If an Australian carrier applies for a variation of a determination, the only effect of which would be to reduce capacity, the Commission is not required to invite submissions (section 22(1A) of the *International Air Services Commission Act 1992*) and must vary the determination as requested (section 24(3)).

3 Decision ([2004] IASC 216)

3.1 In accordance with section 27AA of the Act, the delegate, on behalf of the Commission, varies the allocation of capacity made to Qantas on the Hong Kong route by:

(a) removing the following from Determination [2000] IASC 106

- from paragraph 3.2 “allocating seven frequencies per week of capacity with any aircraft type in each direction between any points in Australia and Hong Kong” replacing the deletion from paragraph 3.2 with

- “allocating five frequencies per week of capacity with any aircraft type in each direction between any points in Australia and Hong Kong”

(b) removing the following from Determination [2004] IASC 116

- from paragraph 3.1 “allocating seven frequencies per week with any aircraft type in each direction between any points in Australia and Hong Kong”

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replacing the deletion from paragraph 3.1 with

- “allocating five frequencies per week with any aircraft type in each direction between any points in Australia and Hong Kong”

Dated: 13 December 2004

Michael Bird
Executive Director
Delegate of the IASC Commissioners