



## Australian Government

### International Air Services Commission

#### DECISION

<b>Decision:</b>	[2013] IASC 227
<b>Revocation of:</b>	[2013] IASC 104
<b>Variation of:</b>	[2011] IASC 128
<b>The Route:</b>	Japan
<b>The Applicant:</b>	Qantas Airways Limited (Qantas) ACN 009 661 901
<b>Public Register:</b>	IASC/APP/201339

#### 1 The application

1.1 Qantas applied to the Commission on 6 November 2013:

- to revoke Determination [2013] IASC 104, which allocates 6.1 units of capacity on the Japan route; and
- to vary Determination [2011] IASC 128 (as varied by Decision [2012] IASC 220), which allocates 43.4 units of capacity on the Japan route, to reduce the allocation of capacity to seven units per week.

#### 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 Regulations 1992, the delegate of the Commission may consider the application by Qantas. (For purposes of this instrument, all references to the Commission include the delegate of the Commission).

2.2 Under subsection 27AA(1) of the Act, an Australian carrier, to whom a determination allocating capacity is issued, may at any time request the Commission to revoke the determination.

2.3 Upon receipt of an application to revoke a determination, the Commission must make a decision revoking the determination pursuant to subsection 27AA(3).

2.4 Under subsection 21(1) an Australian carrier to whom a determination allocates capacity may, at any time, apply to the Commission for the determination to be varied. Pursuant to subsection 22(1A), the Commission is not required to notify the public and invite submissions about the review of the determination if the only effect of the variation would be to reduce the capacity allocated to the carrier. Under subsection 24(3), the Commission must vary the determination as requested if the only effect of the variation would be to reduce the capacity allocated to the carrier.

### 3 Decision [2013] IASC 227

3.1 In accordance with section 27AA of the Act, the delegate, on behalf of the Commission, revokes Determination [2013] IASC 104 with effect from the date this instrument is made.

3.2 Further, in accordance with subsection 24(3) of the Act, the Commission's delegate varies Determination [2011] IASC 128 (as varied by Decision [2012] IASC 220) to reduce the allocation of capacity in favour of Qantas to seven B767-200 equivalent units of capacity per week in each direction between Australia and Japan under the Australia-Japan air services arrangements.

Dated: 7 November 2013



Marlene Tucker  
Executive Director  
Delegate of the IASC Commissioners