

DECISION

DECISION:	IASC/DEC/9930
THE ROUTE:	FIJI
THE APPLICANT:	QANTAS AIRWAYS LIMITED (ACN 009 661 901)
PUBLIC REGISTER FILE:	IASC/APP/99037

1 The application

1.1 Qantas Airways Limited (Qantas) has applied to the Commission to revoke, pursuant to section 27AA of the *International Air Services Commission Act 1992* (the Act), Determinations IASC/DET/9715 and IASC/DET/9901 allocating capacity to Qantas on the Fiji route.

1.2 The Qantas application arises as a result of revised understandings between the Governments of Australia and Fiji whereby capacity offered by a marketing carrier no longer counts against the capacity entitlements of that airline. Qantas has been using the majority of its capacity to code share with Air Pacific. Accordingly Qantas as the marketing carrier no longer requires most of the capacity allocated to it by the Commission on the Fiji route. However, Qantas needs to retain a sufficient capacity allocation to support its weekly B767 service between Melbourne and Nadi.

1.3 Under IASC/DET/9906, Qantas has an allocation of 600 seats per week for passenger services. Qantas has applied to reduce this capacity to 229 seats per week.

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

2 Commission's consideration

2.1 If an Australian carrier asks the Commission to revoke a determination, the Commission must make a decision revoking the determination (section 27AA(3)).

2.2 If an Australian carrier applies for a variation of a determination it holds, and the only effect of the variation would be to reduce the capacity allocated to the carrier, the Commission is not required to invite submissions (section 22(1A)) and must vary the determination as requested in the application (section 24(3)).

3 Decision (IASC/DEC/9930)

3.1 In accordance with section 27AA of the Act, the Commission revokes Determinations IASC/DET/9715 and IASC/DET/9901 allocating capacity to Qantas on the Fiji route.

3.2 In accordance with section 24(3) of the Act, the Commission varies Determination IASC/DET/9906 by changing the capacity allocated to 229 seats per week on the Fiji route as requested by Qantas.

Dated: 29 November 1999

Russell Miller
Chairman

Michael Lawriwsky
Member

Stephen Lonergan
Member