



Australian Government

International Air Services Commission

DECISION

Decision: [2023] IASC 207
Variation of: [2017] IASC 117
[2023] IASC 109

The Route: Vanuatu
The Applicant: Virgin Australia International Airlines Pty Ltd
(ABN 63 125 580 823) (Virgin Australia)

Public Register: IASC/APP/202336

1 The application

1.1 On 12 April 2023, as part of its utilisation report, Virgin Australia applied to the International Air Services Commission (the Commission) to reduce its capacity allocation on the Vanuatu route by 20 seats.

1.2 On 5 May 2023, Virgin Australia informed the Commission that the airline wanted to vary Determination [2017] IASC 117, as varied, and its subsequent renewal, Determination [2023] IASC 109, which allocate 720 seats of passenger capacity on the Vanuatu route.

1.3 The request is to reduce the capacity allocation by 20 seats, leaving 700 seats of capacity allocated under the Determination.

2 Commission's consideration

2.1 In accordance with section 27AB of the *International Air Services Commission Act 1992* (the Act), the delegate of the Commission may consider the application by Virgin Australia.

2.2 Under section 21 of the Act, an Australian carrier to whom a determination allocating capacity is issued, may at any time request that the Commission varies the determination.

2.3 Subsection 22(1A) of the Act does not require public notification of a request for variation that has the effect of reducing the capacity allocation. In light of this, Virgin Australia's request for reduction of its capacity allocation on the Vanuatu route was not subjected to public consultation or notification.

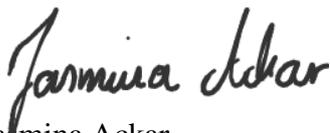
2.4 Subsection 24(3) of the Act provides, in part, that the Commission must vary the determination as requested if the only effect of the variation would be to reduce the capacity allocated to the carrier.

3 Decision varying Determinations [2017] IASC 117 and [2023] IASC 109 which allocate capacity to Virgin Australia International Airlines Pty Ltd on the Vanuatu route ([2023] IASC 207)

3.1 In accordance with section 24 of the Act, the Commission's Delegate varies Determinations [2017] IASC 117 and [2023] IASC 109, reducing the capacity allocated by 20 seats, leaving 700 seats per week allocated under the determinations.

3.2 The decision is effective from the date this instrument is made.

Dated: 22 May 2023

A handwritten signature in black ink that reads "Jasmina Ackar". The signature is written in a cursive, flowing style.

Jasmina Ackar
Director
Delegate of the IASC Commissioners