



## Australian Government

### International Air Services Commission

#### DECISION

<b>Decision:</b>	<b>[2014] IASC 208</b>
<b>Variation of:</b>	<b>[2011] IASC 127</b>
<b>The Route:</b>	<b>Indonesia</b>
<b>The Applicant:</b>	<b>Qantas Airways Ltd (ACN 009 661 901) (Qantas)</b>
<b>Public Register File:</b>	<b>IASC/APP/201337</b>

The Commission's delegate varies Determination [2011] IASC 127 to change its expiry date to the date when the variation to Determination [2013] IASC 115 comes into effect.

#### 1 The applications

1.1 On 4 November 2013, the Commission received applications from Qantas seeking variations to all but one of its determinations on the Indonesia route to effectively consolidate its capacity allocations on the route.

1.2 Qantas holds 10 determinations on the Indonesia route which allocate a total of:

- 14,468 seats of capacity per week for services between Australia and Indonesia; and
- 2,148 seats with 12 frequencies per week, seven of which may serve Denpasar, for services beyond Indonesia.

1.3 Additionally, Qantas holds Determination [2013] IASC 135 which allocates unlimited passenger capacity on the route between points in Australia, except Sydney, Melbourne, Brisbane and Perth, and points in Indonesia, valid for 10 years.

1.4 Qantas has requested a variation to Determination [2013] IASC 115 to increase the allocation for services between Australia and Indonesia to a total of 14,468 seats per week, and for services beyond Indonesia, to 2,148 seats and 12 frequencies, seven of which may serve Denpasar.

1.5 Qantas further seeks to vary the following determinations to amend their expiry dates to the date when the variation to Determination [2013] IASC 115 takes effect, should that variation be granted by the Commission:

- [2009] IASC 104
- [2009] IASC 108
- [2009] IASC 114
- [2010] IASC 117
- [2011] IASC 104
- [2011] IASC 109
- [2011] IASC 127
- [2013] IASC 105
- [2013] IASC 114.

1.6 The Commission considers Qantas has effectively applied for a variation of each of the 10 determinations. In light of this, the Commission will make a decision for each of the 10 determinations which Qantas seeks to vary.

1.7 The effect of these variations, if approved, would be to consolidate Qantas' 10 determinations of limited capacity on the Indonesia route into one determination.

1.8 The Commission published a notice on 4 November 2013, in accordance with section 22 of *International Air Services Commission Act 1992* (the Act), inviting submissions about the proposed variations. No submissions were received.

1.9 All material supplied by the applicant is available on the Commission's website ([www.iasc.gov.au](http://www.iasc.gov.au)).

## 2 Delegate's consideration

2.1 An Australian carrier may, at any time, apply under section 21 of the Act to have a determination varied. Under subsection 10(2) of the Act, the Commission must conduct a review of a determination if an Australian carrier applies for variation of a determination under section 21. However, before conducting a review under section 10, the Commission must, by notice, invite submissions about the review of the determination as required under section 22.

2.2 In accordance with section 27AB of the Act and regulation 3A of the *International Air Services Commission Regulations 1992*, the delegate of the Commission may consider the Qantas applications. (For purposes of this determination, references to the Commission include the delegate of the Commission).

2.3 In relation to Determination [2011] IASC 127, the variation sought by Qantas would do no more than bring forward the expiry date of the determination. In light of this, the decision in relation to [2011] IASC 127 will be made in accordance with section 24(1) of the Act.

2.4 Subsection 24(1) of the Act provides that the Commission must, having conducted a review to decide an application to vary a determination, make a decision: (a) confirming the determination; or (b) varying the determination in a way that gives effect to the variation requested.

2.5 The delegate considers that Qantas' request to consolidate its multiple determinations is consistent with the Commission's view that consolidating multiple determinations on a particular route would simplify and make capacity allocations more transparent. Bringing forward the expiry date of [2011] IASC 127 is part of Qantas' attempt to consolidate its multiple determinations on the Indonesia route. In light of this, the Commission's delegate will make a decision giving effect to the variation requested.

### **3 Decision varying Determination [2011] IASC 127 allocating capacity on the Indonesia route to Qantas ([2014] IASC 208)**

3.1 In accordance with section 24 of the Act, the delegate, on behalf of the Commission, makes a decision varying Determination [2011] IASC 127 to amend the expiry date of this determination to the date when the variation to Determination [2013] IASC 115 takes effect.

Dated: 3 February 2014



Marlene Tucker  
Executive Director  
Delegate of the IASC Commissioners