



Procedures - Applications for capacity - Carriers holding existing allocations

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Purpose

These procedures are intended to assist Australian carriers holding existing capacity allocations wishing to apply for available capacity to operate scheduled air services on an international route. For avoidance of doubt, nothing in this document overrides the requirements of the *International Air Services Commission Act 1992* (the Act), the International Air Services Regulations 2018 (the Regulations) made pursuant to the Act, and the International Air Services Commission Policy Statement 2018 (the Policy Statement).

It is recommended that these procedures are read in conjunction with the Act, the Regulations and the Policy Statement. For further details, refer to the Commission's [website](#).

For a prospective new Australian operator, the Commission requires substantially more information to support an application than it would from an established operator. Further guidance for new carriers can be found in the IASC Procedures '[Applications for capacity – New Entrants](#)'.

Making an application

1. Interested parties may apply for available capacity at any time.
2. Applications for capacity must be made in writing and must be delivered to the Commission by email to contact@iasc.gov.au or by post - GPO Box 630, Canberra ACT 2601.

Application requirements

3. To assist the Commission in making an informed decision, applicants are advised to provide the following information as part of their application:
 - the route to be served;
 - amount and type of capacity requested (e.g. passenger, freight, beyond, code share);
 - proposed timing of introduction of the capacity and when the capacity is expected to be fully utilised by;
 - the duration of the determination sought;
 - the proposed timetable for the relevant International Air Transport Association (IATA) scheduling season including: frequencies, aircraft type(s) and seat configuration or freight capacity per service and total per week for all carriers (including the identity of any wholly-owned subsidiary), demonstrating the distribution of capacity by city pair;
 - for applications to utilise the capacity for wet lease operations: a copy of the proposed commercial agreement between airlines;
 - for applications to utilise the capacity for joint international air services with another carrier (including code sharing): a copy of the proposed commercial arrangement between the carriers and a statement of the anticipated public benefits associated with the arrangement; and
 - statement of claims as to why the carrier(s) proposed to operate the capacity meet the section 8 reasonable capability public benefit criterion in the Policy Statement.

4. The Commission may also require additional information to be provided by the applicant, to inform itself, as permitted by section 28 of the Act.

Invitation for other applications

5. On receipt of a valid application, and in accordance with section 12 of the Act, the Commission must publish details of the application on its website and issue a notice inviting other applications. This is usually within 2-3 business days from receipt.

6. The Commission also notifies, by email, a list of interested parties who have requested to receive updates on applications received by the Commission.

7. Parties wishing to make an application for capacity in response to an advertisement of another application, must do so within the timeframe specified by the Commission in its published notice. The Commission's standard practice is to allow a total of 10 business days within which another party may submit an application.¹

8. The Commission will not commence making a decision in relation to the application until the consultation period has concluded.

Invitation for submissions

9. Regulation 7(b) of the Regulations requires the Commission to invite submissions about an application for capacity if the Commission considers that, if the capacity were to be allocated to an Australian carrier:

- a) a restriction could be imposed on the carrier under the *Competition and Consumer Act 2010* preventing the carrier using that capacity; or
- b) the carrier may not be able to obtain an approval or licence (however described) that is necessary to use that capacity; or
- c) for any other reason, the carrier may not be reasonably capable of using that capacity.

10. The Commission may also inform itself through a submissions process on an application before it, as permitted by section 28 of the Act.

11. A further period of 10 business days will be provided within which to make a submission. As part of this process, the applicant will also have the opportunity to make a submission.

12. Generally, the initial proponent for services will have the final right of reply to applications and submissions from others. However, the Commission's guiding principle will be to ensure that all applicants have provided all information that the Commission considers relevant to its decision making.

Process after application period has closed

Criteria to be applied to application

13. The Commission is required by sections 11 and 12 of the Policy Statement to have regard to the reasonable capability criterion, set out in section 8, and it need not have regard to any other

¹ To give effect to the full 10-business-day period, the Commission will accept applications up until 11:59 pm on the 10th business day of the consultation period.

matter in circumstances where:

- available capacity is unlimited on a route under the relevant bilateral arrangement (section 11(1)); or
- there is more than one applicant, but there is sufficient available capacity to satisfy all applications (12(1)); and the Commission has not received a submission opposing the allocation or requesting or opposing the inclusion of a specific condition (12(2)).

14. While sections 11 and 12 of the Policy Statement prescribe that the Commission need not have regard to any other matter in these circumstances, the Commission may still decide to seek information or advice from other sources and government agencies, including but not limited to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department) and/or the Civil Aviation Safety Authority (CASA), and have regard to the advice provided. For example, it may do so to confirm that the proposed operations are not contrary to any restrictions on capacity contained in a bilateral arrangement(s), or in circumstances where the carrier is proposing to operate a new aircraft type that is still undergoing certification.

15. The criteria in section 9 will be applied, in addition to section 8, in the following situations:

- where there is more than one applicant and the amount of available capacity is less than the total amount applied for; or
- where a submission is received opposing the application(s); or
- where the Commission considers that an application raises competition concerns, including where there is only one applicant – for example, where a carrier is seeking to use the capacity in joint international air services with another airline; or
- in all other cases (including two or more applicants and insufficient capacity), where the Commission proposes to make a determination allocating capacity under section 7 of the Act and where sections 11 and 12 of Policy Statement do not apply; or
- in any other circumstance where the Commission considers it to be relevant.

Competing applications

16. If one or more competing applications are received in response to the Commission's notice, the Commission is required to invite submissions from interested parties about the applications as per regulation 7(a) of the Regulations. A further period of 10 business days will be provided within which to make a submission. As part of this process, each applicant will also have the opportunity to make a submission about the application of the other(s).

17. Further details on how to make a submission are provided through the ['Procedures for making a submission to the Commission'](#) available on the Commission's website.

18. The Commission may ask any or all applicants for additional information, particularly to address the criteria in section 9 of the Policy Statement. Applicants are given the opportunity to respond to submissions by other applicants and/or submitters. Generally, the initial proponent for services will have the final right of reply to applications and submissions from others. However, the Commission will endeavour to ensure that all applicants have provided all information that the Commission considers relevant to its decision making.

19. Should the total amount of capacity sought by the competing application(s) be greater than the amount of capacity available for allocation, the Commission would normally require all applicants to address in their submissions the additional public benefit criteria set out in section 9 of the Policy Statement.

Draft determination

20. The Commission may decide to issue a draft determination to give applicants and submitters an opportunity to comment before a final determination is issued. This is likely to occur where there are competing and/or opposing submissions, and possibly where conditions to be attached to a determination may not be anticipated by the applicant.

21. Draft determinations include the Commission's reasons for reaching its decision and terms and conditions proposed to be included in the determination. Applicants and submitters will be informed of the draft determination by published notice and by email. The notifications will indicate the timeframe for comments on the draft determination and this will generally be 10 business days.

22. In other circumstances, the Commission will move directly to a final determination.

Pre-determination conference about draft determination

23. The Commission may conduct a pre-determination conference at which any applicant or submitter may address the Commission on matters arising from a draft determination. Applicants or submitters seeking a conference should indicate this promptly in response to the issue of the draft determination.

24. Conferences are intended as an opportunity to address the Commission on information submitted to the Commission which the applicant or submitter believes may not have been fully addressed by the Commission in the draft determination. As conferences are not intended as a forum for the introduction of new information, new information may only be introduced with the consent of the Commission.

25. Legal counsel or other advisers may attend to assist parties, but may not represent them without the Commission's prior consent, which will only be granted in exceptional circumstances.

Hearings

26. The Commission may hold a hearing for the purpose of considering any matter before it. Hearings are formal processes and will only rarely be employed by the Commission. Sections 30-38 of the Act detail arrangements for hearings.

Final determination

27. Upon making a final determination, the Commission will circulate it promptly to applicants and submitters, and to others on the Commission's notification list. The determination will be published on the Commission's website.

Information handling

28. The Commission understands that there may be information provided by applicants that they do not wish to be made public.

29. The Commission accepts that information that is of a commercially-sensitive nature should be treated confidentially. The Commission will not normally publish such information on its website, provided a suitable case for confidential treatment is made. This might include, for example, detailed business plans or joint service agreements between airlines.

30. The Commission requires applicants and submitters to provide a non-confidential version of the application and/or submission for public release. The existence and nature of the confidential information must be referred to in the non-confidential version.

31. The Commission reserves the right to reject claims for confidentiality of information, or to not take the information into account in its deliberations. The Commission might do either of these things if it disagrees with the applicant or submitter that the information is confidential, or where relying on such information in the Commission's deliberations would be unfair to other affected parties, which would not have the opportunity to respond to it.

Version control

Version	Author	Date	Authorised by	Date
1.0	IASC Secretariat	August 2025	Ms Genevieve Butler Ms Jane McKeon	06/08/2025