

# INTERNATIONAL AIR SERVICES COMMISSION

## 2. PROCEDURES FOR SUBMITTERS

1. The *International Air Services Commission Act 1992* (the Act) provides that the Commission must invite submissions in the following circumstances:
  - before conducting a review under section 10 (section 22 of the Act);
  - before making a determination allocating available capacity (paragraph 12(1)(b) of the Act), if any of the following apply (section 7 of the *International Air Services Commission Regulations 2018* (the Regulations):
    - more than one application is made relating to the allocation of that capacity;
    - the Commission considers that, if the allocation were made to a carrier,
      - (i) a restriction could be imposed on the carrier under the *Competition and Consumer Act 2010*, preventing the carrier using the capacity; or
      - (ii) the carrier may not be able to obtain an approval or licence that is necessary to use the capacity; or
      - (iii) for any reason, the carrier may not reasonably be capable of using that capacity.
2. The purpose of this document is to provide guidance to people making a submission to the Commission. Part A provides advice on how to prepare a submission. Part B provides information relating to procedures following the lodgement of a submission. Part C provides information on how to contact the Commission to obtain further information.
3. For avoidance of doubt, nothing in this document overrides the requirements of the Act, the Regulations or the International Air Services Commission Policy Statement No.6 dated 20 March 2018 (the Policy Statement).

### A. Preparation of submissions

4. When the Commission receives an application in respect of which it must invite submissions, it will publish a notice on its website ([www.iasc.gov.au](http://www.iasc.gov.au)) inviting submissions. It will also send an email notification containing similar content to persons on the Commission's notification list. Any person may request to be included on the list.
5. To aid decision-making, any person intending to make a submission is advised to provide a 'notice of intention to make a submission' to the Commission, in writing, before a substantive submission is lodged. The 'notice of intention to make a submission' does not have to be in the form of a formal letter; an email notifying the Commission of the person's intention to make a submission is sufficient.
6. As soon as practicable after receipt of a 'notice of intention to make a submission' from a person, the Commission will notify the applicant that a submission on the application is expected.
7. The Commission will not make a decision in relation to the application for a period of 10 business days beginning on the day the notice referred to in paragraph 4 above is published

(the consultation period).<sup>1</sup> To guarantee consideration of a submission, the submission must be received by the Commission before the end of this period. If a submission is received after the end of this period, it is likely that little if any weight will be able to be given to the submission, having regard to the commercial interests of the applicant.

8. In circumstances where no submission is received before the end of the consultation period, the Commission will proceed to consider the application and make a decision as soon as practicable.
9. Submissions must be in writing. While there is no set format for submissions, submitters are advised to consider the Commission's governing legislation, which includes the Act, the Regulations and the Policy Statement, as well as the Commission's procedures, when preparing submissions. Copies of these documents can be obtained from the Commission's website ([www.iasc.gov.au](http://www.iasc.gov.au)) or the Secretariat.
10. Submissions may address any issue which the submitter considers relevant. However, submitters should bear in mind the criteria contained in the Act and Policy Statement when preparing submissions as it is these criteria that the Commission is required to address.

## **B. Processes after a submission has been made**

11. Upon receipt of a submission, the Commission will provide a copy of the submission to the applicant as soon as practicable to enable the applicant to respond to the issues contained in the submission.
12. The Commission operates with as little formality as possible and in an open and transparent manner.
13. All submissions received will be published on the Commission's website ([www.iasc.gov.au](http://www.iasc.gov.au)), including any submissions made in response to other submissions. The only exception to this practice is where the Commission is satisfied (on the basis of information provided by the submitter) that the submission contains confidential information which if made public could negatively impact the relevant party involved.
14. Where the Commission accepts that a submission contains confidential information which should not be published on the Commission's website, the submitter must also provide a non-confidential version of the submission for public release. The existence and nature of the confidential information must be referred to in the non-confidential version, such that the non-confidential version addresses all of the substantive issues which the submitter wishes to bring to the attention of the Commission.
15. If the requirements of paragraph 14 have not been complied with, the Commission may publish the submission on the Commission's website even if it accepts that the submission contains confidential information. In such a case, before publishing the submission, the Commission will inform the submitter of its intention to do so and provide the submitter with the opportunity to either amend its submission or withdraw it in its entirety.

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<sup>1</sup> The consultation period ends at 11:59 pm on the 10<sup>th</sup> working day after the day the notice is published.

16. The Secretariat updates the Commission's website ([www.iasc.gov.au](http://www.iasc.gov.au)) as soon as an application or submission is received. The Secretariat also notifies (by email) interested parties as soon as updates to the website are made.
17. Where the Commission issues a draft decision or a draft determination, it will be circulated to the applicant and submitters and a public notice inviting further submissions will be published.
18. In certain other circumstances additional submissions may be invited directly from applicants or submitters. An example is where the Commission decides to apply the additional criteria in section 9 of the Policy Statement to an application.
19. All submitters will be notified as soon as practicable when the final decision or final determination is issued.

### **C. Further information**

20. Should you require any clarification of these guidelines, or further information concerning the operation of the Commission, the contact details for the Secretariat are:

Executive Director  
International Air Services Commission  
GPO Box 630  
CANBERRA ACT 2601  
tel: (02) 6267 1100  
email: [IASC@infrastructure.gov.au](mailto:IASC@infrastructure.gov.au)

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