



# Procedures - Making a submission to the Commission

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## Purpose

These procedures are intended to assist interested parties wishing to make a submission to the International Air Services Commission (the Commission). 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), 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](#).

## Submission process

1. The Act provides that the Commission must invite submissions in the following circumstances:
  - before conducting a review of a determination (s22 of the Act refers);
  - before making a determination allocating available capacity, if any of the following apply (s12(1)(b) of the Act and s7 of the Regulations refer):
    - more than one application is made relating to the allocation of that capacity; or
    - 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 be reasonably capable of using that capacity.
2. The Commission may also conduct a submission process to inform itself on an application before it, as permitted by section 28 of the Act.

## Preparation of submissions

3. When the Commission receives an application in respect of which it must invite submissions, it will publish a notice on its website inviting submissions. It will also send an email notification containing similar content to interested parties who have requested to be on the Commission's notification list.
4. Submissions must be made in writing. While there is no set format for submissions, interested parties 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. Submissions should be delivered to the Commission by email to [contact@iasc.gov.au](mailto:contact@iasc.gov.au) or by post - GPO Box 630, Canberra ACT 2601.
5. 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 is published (the consultation period).
6. To guarantee consideration of a submission, the submission should be received by the Commission before the end of this period. Should a submission be received after this period, it may be given little to no weight, having regard to the commercial interests of the applicant and the status of the application.

7. 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 assess.
8. In circumstances where no submission is received by the end of the consultation period, the Commission will proceed to consider the application and make a decision as soon as practicable.

### Processes after a submission has been made

9. 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.
10. The Commission operates with as little formality as possible and in an open and transparent manner. All submissions received will be published on the Commission's website, 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.
11. 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.
12. If these requirements 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.
13. The Secretariat updates the Commission's website as soon as practicable after an application or submission is received.
14. Where the Commission issues a draft decision or a draft determination, it will be circulated to the relevant applicant(s), submitters and those on the Commission's notification list, and a public notice inviting further submissions will be published.
15. 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.
16. All submitters will be notified as soon as practicable when the final decision or final determination is issued.

### Version control

Version	Author	Date	Authorised by	Date
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