



# **International Air Services Commission Regulations 2018**

made under the

*International Air Services Commission Act 1992*

## **Compilation No. 1**

**Compilation date:** 14 October 2024

**Includes amendments:** F2024L01299

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### This compilation

This is a compilation of the *International Air Services Commission Regulations 2018* that shows the text of the law as amended and in force on 14 October 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name .....	1
3 Authority .....	1
5 Definitions .....	1
6 Operational decisions in relation to capacity .....	1
<b>Part 2—Allocation of available capacity</b>	2
7 Submissions about allocations of capacity .....	2
8 Commission’s address for receiving applications .....	2
9 When capacity not required to be fully used .....	2
<b>Part 3—Other matters</b>	3
10 Delegation of powers and functions .....	3
11 Witness allowances .....	3
<b>Part 4—Application and transitional matters</b>	5
12 Repeal of the <i>International Air Services Commission Regulations 1992</i> .....	5
13 Application of section 9 (when capacity not required to be fully used) .....	5
14 Application of section 11 (witness allowances) .....	5
<b>Endnotes</b>	6
<b>Endnote 1—About the endnotes</b>	6
<b>Endnote 2—Abbreviation key</b>	7
<b>Endnote 3—Legislation history</b>	8
<b>Endnote 4—Amendment history</b>	9



## Part 1—Preliminary

### 1 Name

This instrument is the *International Air Services Commission Regulations 2018*.

### 3 Authority

This instrument is made under the *International Air Services Commission Act 1992*.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in subsection 4(1) of the Act, including the following:

- (a) Australian carrier;
- (b) available capacity;
- (c) bilateral arrangement;
- (d) capacity;
- (e) Commission;
- (f) operational decision;
- (g) Secretary.

In this instrument:

*Act* means the *International Air Services Commission Act 1992*.

### 6 Operational decisions in relation to capacity

- (1) For the purposes of paragraph 9(2)(c) of the Act, this section prescribes a circumstance in which the Secretary may make an operational decision (the **relevant decision**) in relation to capacity.
- (2) The circumstance is that:
  - (a) the relevant decision relates to an existing operational decision about particular capacity allocated to an Australian carrier for the carriage of passengers or freight under a bilateral arrangement or a combination of bilateral arrangements; and
  - (b) the relevant decision has the effect of making a temporary and minor change to the existing operational decision by permitting the Australian carrier to meet seasonal, temporary or unusual demand by:
    - (i) using the allocated capacity in a different manner (to the extent that such use would not be inconsistent with a determination relating to the allocation of that capacity); or
    - (ii) using available capacity; and
  - (c) the bilateral arrangement (or combination) permits the use by the Australian carrier of the capacity.

## Part 2—Allocation of available capacity

### 7 Submissions about allocations of capacity

For the purposes of paragraph 12(1)(b) of the Act, the Commission is required to invite submissions about an allocation of capacity if:

- (a) more than one application is made relating to the allocation of that capacity; or
- (b) the Commission considers that, if the capacity were to be allocated to an Australian carrier:
  - (i) a restriction could be imposed on the carrier under the *Competition and Consumer Act 2010* preventing the carrier using that capacity; or
  - (ii) the carrier may not be able to obtain an approval or licence (however described) that is necessary to use that capacity; or
  - (iii) for any other reason, the carrier may not reasonably be capable of using that capacity.

### 8 Commission's address for receiving applications

For the purposes of paragraphs 14(1)(b) and 21(2)(c) of the Act, the Commission's address for receiving applications is:

- (a) for applications delivered by post—GPO Box 630, Canberra ACT 2601; and
- (b) for applications delivered by email—IASC@infrastructure.gov.au.

### 9 When capacity not required to be fully used

For the purposes of subparagraph 15(2)(c)(ii) of the Act, a determination is not required to include a condition that capacity allocated by the determination be fully used if available capacity is not restricted by the bilateral arrangement or combination of arrangements permitting the carriage to which the capacity relates.

## Part 3—Other matters

### 10 Delegation of powers and functions

For the purposes of subsection 27AB(3) of the Act, a power or function mentioned in an item of the following table may be delegated only in the circumstances mentioned in the item.

Circumstances in which certain powers and functions may be delegated		
Item	Power or function	Circumstances
1	To make a determination, under section 7 of the Act, allocating available capacity	No more than one application has been made for the allocation of that capacity, and either: (a) no submissions are received opposing the allocation of capacity by that determination; or (b) the Commission considers that, if submissions were invited, no submissions would be received opposing the allocation of capacity by that determination
2	To make a fresh determination, under section 8 of the Act, allocating the capacity to which the original determination relates	Either: (a) no submissions are received opposing the allocation of capacity by that determination; or (b) the Commission considers that, if submissions were invited, no submissions would be received opposing the allocation of capacity by that determination
3	If an Australian carrier applies, under section 21 of the Act, for a variation of a determination to allocate capacity: (a) to conduct a review, under subsection 10(2) of the Act, of a determination that allocates capacity; and (b) to vary the determination as requested in the application	Either: (a) no submissions are received opposing the allocation of capacity by that determination; or (b) the Commission considers that, if submissions were invited, no submissions would be received opposing the allocation of capacity by that determination

### 11 Witness allowances

- (1) For the purposes of section 38 of the Act, an allowance mentioned in an item in the following table is payable to a person summoned to appear as a witness at a hearing before the Commission for the purpose, and in the amount, set out in relation to the item.

## Section 11

Allowances for appearing before the Commission as a witness			
Item	Allowance	Purpose of allowance	Amount of allowance
1	Loss of earnings allowance	To compensate a witness for loss of earnings due to the appearance (including wages, salary and fees)	An amount the Commission considers reasonable to compensate that witness for the loss of earnings, including, for an expert witness, compensation for time reasonably spent preparing evidence
2	Transport allowance	To compensate a witness for the cost of travel between the witness' usual place of residence and the place of the hearing	An amount the Commission considers reasonable to compensate that witness for the cost of travel, including an amount paid by reimbursement of expenses incurred by the witness
3	Accommodation and meal allowance	To compensate a witness for the cost of accommodation and meals, if the witness is reasonably required to be absent from the witness' usual place of residence overnight for the purposes of the appearance	An amount the Commission considers reasonable to compensate that witness for the cost of accommodation and meals, including an amount paid by reimbursement of expenses incurred by the witness

- (2) Applications may be made to the Administrative Review Tribunal for review of decisions by the Commission under subsection (1) in relation to the payment of allowances.
- (3) The Commission must give a witness written notice of a decision under subsection (1) in relation to the payment of an allowance to the witness, including a statement to the effect that, subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal for review of the decision.



## Part 4—Application and transitional matters

### 12 Repeal of the *International Air Services Commission Regulations 1992*

Despite the repeal of the *International Air Services Commission Regulations 1992* by this instrument:

- (a) an operational decision made in circumstances prescribed by those Regulations that was in force immediately before the day this section commences continues in force (subject to the Act) on and after the day this section commences; and
- (b) a delegation that was in force under section 27AB of the Act immediately before the day this section commences continues in force (subject to the Act) on and after the day this section commences.

Note 1: For paragraph (a), see regulation 2A of the *International Air Services Commission Regulations 1992* (repealed) and section 6 of this instrument.

Note 2: For paragraph (b), see regulation 3A of the *International Air Services Commission Regulations 1992* (repealed) and section 10 of this instrument.

Note 3: This instrument commenced on 1 October 2018.

### 13 Application of section 9 (when capacity not required to be fully used)

Section 9 applies in relation to a determination made before, on or after the day this instrument commences.

Note: This instrument commenced on 1 October 2018.

### 14 Application of section 11 (witness allowances)

Section 11 applies in relation to the attendance of a person as a witness before the Commission at a hearing on or after the day this instrument commences, whether the hearing started before, on or after that day.

Note: This instrument commenced on 1 October 2018.

## Endnotes

### Endnote 1—About the endnotes

---

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
International Air Services Commission Regulations 2018	19 Sept 2018 (F2018L01320)	1 Oct 2018 (s 2(1) item 1)	
Administrative Review Tribunal Legislation Consequential Amendments (2024 Measures No. 1) Regulations 2024	11 Oct 2024 (F2024L01299)	Sch 10 (items 136–138): 14 Oct 2024 (s 2(1) item 1)	—

## Endnote 4—Amendment history

**Endnote 4—Amendment history**

Provision affected	How affected
<b>Part 1</b>	
s 2.....	rep LA s 48D
s 4.....	rep LA s 48C
<b>Part 3</b>	
s 11.....	am F2024L01299
Schedule 1.....	rep LA s 48C