



Australian Government
International Air Services Commission

RENEWAL DETERMINATION

Determination: [2026] IASC 109
Renewal of: [2021] IASC 105
The Route: Vietnam
The Applicant: Qantas Airways Limited
(ABN 16 009 661 901)
Public Register File: IASC/APP/202613

The Commission makes a fresh determination allocating to Qantas Airways Limited 7 frequencies of capacity per week in each direction on the Vietnam route, subject to certain conditions. The capacity may be used by either Qantas Airways Limited or its wholly-owned subsidiary, Jetstar Airways Pty Limited. The determination is valid for five years from 21 March 2027.

1. The application

1.1 On 22 July 2021, the International Air Services Commission (the Commission) issued renewal Determination [2021] IASC 105 (the Determination) allocating to Qantas Airways Limited (Qantas) 7 frequencies of capacity per week in each direction on the Vietnam route.

1.2 The Determination is subject to certain conditions including permission for the capacity to be utilised by Qantas or its wholly-owned subsidiary, Jetstar Airways Pty Limited (Jetstar).

1.3 Section 17 of the *International Air Services Commission Act 1992* (the Act) requires the Commission to start its consideration of the renewal of a determination at least 12 months before the expiry of the original determination. The Determination is due to expire on 20 March 2027. In view of this, the Commission sent, on 27 March 2026, a letter to Qantas inviting it to apply for renewal if it wished to renew the Determination.

1.4 On 29 April 2026, Qantas applied to the Commission for a renewal of the Determination for a further 5-year period from 21 March 2027 and requested the retention of all existing conditions.

1.5 In accordance with sections 12 and 17 of the Act, the Commission published, on 30 April 2026, a notice on its website and subsequently sent a notification by email to stakeholders inviting other applications for capacity on the route. No other applications were received.

1.6 All non-confidential material supplied by the applicant is available on the Commission's website (www.iasc.gov.au).

2. Air services arrangements

2.1 Paragraph 7(2)(aa) of the Act provides that the Commission must not allocate available capacity contrary to any restrictions on capacity contained in a bilateral arrangement(s).

2.2 According to the Register of Available Capacity, there are 77 frequencies per week available for allocation to Australian designated airlines to operate passenger services to/from Brisbane, Melbourne, Perth, Sydney and Western Sydney and Vietnam.

2.3 Under the Australia-Vietnam air services arrangements, Australian designated airlines may enter into arrangements with other airlines, including airlines of third countries, to undertake services through code share, blocked space or other joint venture arrangements.

3. Commission's consideration

3.1 Section 8 of the Act provides that the Commission may, at any time while a determination is in force, make a fresh determination allocating the capacity to which the original determination relates. Subsection 8(2) provides in part that the fresh determination must make the same allocation of capacity as the original determination unless the Commission is satisfied that the allocation is no longer of benefit to the public. In assessing the benefit to the public of an allocation of capacity, the Commission must apply the criteria set out for that purpose in the policy statement made by the Minister under section 11 of the Act.

3.2 Pursuant to section 11 of the Act, the Minister issued the International Air Services Commission Policy Statement 2018 (the Policy Statement) which came into effect on 28 March 2018. The Policy Statement sets out the criteria which the Commission is required to apply in assessing the benefit to the public of allocations of capacity.

3.3 Section 14 of the Policy Statement applies where the Commission is proposing to make a fresh determination under section 8 of the Act, and is considering whether the allocation of capacity in the original determination is no longer of benefit to the public for the purpose of section 8(2)(a)(i) of the Act.

3.4 Section 14(2) of the Policy Statement provides that, without limiting the matters to which the Commission may have regard, an allocation is generally no longer of benefit to the public if:

- the carrier has failed to service the route effectively (s 14(2)(a)); and
- there are other applications for some or all of the capacity (s 14(2)(b)); and
- the Commission is satisfied that a different allocation of capacity would be of greater benefit to the public, having regard to the criteria set out in sections 8 and 9 of the Policy Statement (s 14(2)(c)).

3.5 In considering whether to reallocate capacity, there is also a presumption in favour of renewal of the allocation to the incumbent carrier. The presumption may, however, be rebutted where the Commission finds the allocation is generally no longer of benefit to the public.

3.6 In assessing the current Qantas application for renewal, the Commission considered whether the carrier has failed to service the route effectively.

3.7 The Commission does not have information that suggests that Qantas has failed to service the route effectively. In its application, Qantas stated that its wholly-owned subsidiary, Jetstar Airways Pty Limited (Jetstar), continues to operate up to daily flights between Australia and Ho Chi Minh City using capacity allocated under the Determination. The Commission also notes that in the Northern Summer 2026 IATA scheduling season, Qantas' wholly-owned subsidiary Jetstar utilises the allocated capacity to operate up to 7 services per week from Melbourne/Sydney to Ho Chi Minh City (vv).¹

3.8 The Commission has also considered the 'reasonable capability criterion' in section 8 of the Policy Statement, i.e. the extent to which all Australian carriers that are, or would be, permitted to use the capacity allocated under a determination are reasonably capable of: (a) obtaining any licences, permits or other approvals required to operate on and service the route to which the determination relates; and (b) using the capacity allocated under the determination and did not find it necessary to apply the additional criteria in section 9.

3.9 Qantas and its wholly-owned subsidiary, Jetstar, are established carriers that currently operates scheduled international services between Australia and several international points, including on the Vietnam route. The Commission therefore finds that the carrier is reasonably capable of obtaining the necessary regulatory approvals to operate and service the Vietnam route and of using the capacity allocated under the Determination.

3.10 There is no other information before the Commission that it considers to be relevant or material to its assessment of Qantas' application. Based on its findings above, the Commission is not satisfied that the allocation of capacity in the original determination is no longer of benefit to the public for the purposes of section 8(2)(a)(i) of the Act. Therefore, the Commission is required to make the same allocation of capacity as the original determination (see section 8(2)(a) of the Act).

3.11 The Commission will continue to monitor the utilisation of capacity by Qantas on this route.

3.12 Under section 19 of the Act, the Commission "must include the same terms and conditions as the original determination to which it relates" (subsection 19(1)(c)), but "may make such changes (if any) to the terms and conditions included in the original determination (including adding or deleting terms and conditions) as it is satisfied that

¹ [Northern Summer 2026 IATA scheduling season, Vietnam route – Jetstar entry](#)

are warranted because of changes in circumstances since the original determination was made” (subsection 19(3)).

3.13 The Commission has decided to issue this determination subject to the conditions set out in item 4 below.

3.14 Nothing in this decision should be taken as indicating either approval or disapproval by the Australian Competition and Consumer Commission (ACCC). This decision is made without prejudicing, in any way, possible future consideration of code share operations by the ACCC.

4. Determination allocating capacity on the Vietnam route to Qantas Airways Limited ([2026] IASC 109)

4.1 In accordance with section 7 of the Act, the Commission makes a fresh determination in favour of Qantas Airways Limited, allocating 7 frequencies per week in each direction on the Vietnam route, in accordance with the Australia – Vietnam air services arrangements.

4.2 The determination is valid for five years from 21 March 2027.

4.3 The determination is subject to the following conditions:

- a) Qantas Airways Limited is required to fully utilise the capacity from the date the determination comes into effect or from such other date approved by the Commission.
- b) The capacity may be used by:
 - Qantas Airways Limited,
 - Jetstar Airways Pty Limited, as long as it remains a wholly-owned subsidiary of Qantas; or
 - such other wholly-owned subsidiary of Qantas that the Commission approves in writing, as long as it remains a wholly-owned subsidiary of Qantas.
- c) Neither Qantas Airways Limited nor its wholly-subsiary that is permitted to utilise the capacity is authorised to provide code share or joint services with any other carrier or any other person unless approved by the Commission.
- d) Subject to the preceding condition, the capacity may be used by Qantas Airways Limited to provide joint services with any wholly owned subsidiary of the Qantas Group and by any wholly owned subsidiary of the Qantas Group to provide joint services with Qantas Airways Limited.
- e) To the extent that the capacity is used to provide joint services on the route, the airlines must take all reasonable steps to ensure that passengers are informed of

the carrier actually operating the flight at the time of the booking. Nothing in this determination exempts the airlines from complying with Australian Consumer Law.

- f) Changes in relation to the ownership and control of Qantas Airways Limited are permitted except to the extent that any change:
- results in the designation of the airline(s) as an Australian carrier under the Australia – Vietnam air services arrangements being withdrawn; or
 - has the effect that another Australian carrier, or a person (or group of persons) having substantial ownership or effective control of another Australian carrier, would take substantial ownership of Qantas Airways Limited (or the wholly-owned subsidiary) or be in a position to exercise effective control of Qantas Airways Limited (or the wholly-owned subsidiary), without the prior consent of the Commission.

Dated: 3 June 2026



GENEVIEVE BUTLER
Chairperson



JANE MCKEON
Commissioner