



Australian Government
International Air Services Commission

DECISION

The Route: Thailand
The Applicant: Qantas Airways Limited
(ABN 16 009 661 901)
Decision: [2025] IASC 213
Variation Of: [2021] IASC 110
Public Register File: IASC/APP/202516

The Commission varies Determination [2021] IASC 110 to permit the use of the capacity on the Thailand route for code sharing between Jetstar Airways Pty Limited and InterGlobe Aviation Limited (IndiGo). The permission is valid for the duration of the Determination commencing from the date of issue of this decision.

1 The application

1.1 On 16 July 2025, Qantas Airways Limited (Qantas) applied to the International Air Services Commission (the Commission) seeking to vary Determination [2021] IASC 110 (the Determination) to permit InterGlobe Aviation Limited (IndiGo) to code share on Jetstar Airways Pty Limited (Jetstar) operated air services, on a free sale basis.

1.2 Qantas' application is for IndiGo to offer code share services on all services operated by Jetstar on the Thailand route. Qantas provided the Commission with a copy of Jetstar's code share agreement with IndiGo, on a confidential basis.

1.3 In its application, Qantas submits that the proposed code share arrangement will provide a convenient option for IndiGo customers connecting over Asia to Australia and New Zealand, and that customers will benefit from an expanded network of travel options as well as a seamless travel experience with single ticket itineraries and through-checked baggage.

1.4 As part of its application, Qantas also applied to the Commission to vary several other determinations allocating capacity on the Indonesia, Singapore and New Zealand routes, to permit IndiGo to code share, as marketing carrier, on Jetstar operated services. These aspects of the application will be dealt with separately by the Commission.

1.5 In accordance with section 22 of the *International Air Services Commission Act 1992* (the Act), the Commission published, on 17 July 2025, a notice inviting submissions about the application for variation. No submissions 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 Under paragraph 7(2) (aa) of the Act, the Commission must not make a variation to an existing allocation of capacity contrary to any restrictions contained in a bilateral arrangement(s).

2.2 Under the Australia-Thailand air services arrangements, Australian designated airline may enter into code share arrangements, as a non-operating airline, with any third country airlines. There are currently seven services per week available for third party code share arrangements. In addition to the seven weekly frequencies available for allocation, any designated airlines (of Australia or Thailand) are entitled to utilise any unused passenger capacity allocated to that airline for third country code sharing. It is understood that one unused B747 equivalent service per week in each direction is translated as one third country code share frequency per week in each direction. In such cases, one code share service is counted against the designated airline under its own entitlement as one frequency of capacity.

2.3 Any Australian designated airline may enter into code share arrangements, as the operating airline, with any airline(s) of a third country on any number of frequencies within its capacity entitlements.

3 The Commission's consideration

3.1 Qantas' application seeks to vary the Determination to include a condition of a kind referred to in paragraph 15(2)(e) of the Act. In view of this, the application is a transfer application as so defined in subsection 4(1) of the Act. The Commission has assessed the application in accordance with section 25 of the Act.

3.2 Subsection 25(1) of the Act provides that the Commission must make a decision varying the determination in a way that gives effect to the variation requested, subject to subsection 25(2). Subsection 25(2) states that the Commission must not make a decision varying the determination in a way that varies, or has the effect of varying an allocation of capacity if the Commission is satisfied that the allocation, as so varied, would not be of benefit to the public.

3.3 Under section 26 of the Act, in assessing the benefit to the public of a variation of an allocation of capacity, the Commission is required to apply the criteria set out in any policy statement issued by the Minister under section 11 of the Act.

3.4 Under section 11 of the Act, the Minister made 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.

3.5 Section 18 of the Policy Statement specifically deals with 'transfer applications' such as this one. It provides that, in assessing whether the variation requested would not be of benefit to the public for the purpose of subsection 25(2) of the Act, the Commission is to have regard to the 'reasonable capability criterion' set out in section 8 of the Policy

Statement and may have regard to any of the additional criteria set out in section 9 that the Commission considers to be relevant. The Commission is also to have regard to the matters specified in paragraph 18(2)(b) of the Policy Statement to the extent that they are relevant to the variation under consideration.

3.6 ‘Reasonable capability criterion’ is defined in section 8 of the Policy Statement to mean the extent to which Australian carriers are reasonably capable of: a) obtaining the necessary approvals to operate on and service the route, and b) using the capacity allocated under the Determination. The ‘additional criteria’ to which the Commission may have regard are set out in section 9 of the Policy Statement.

3.7 The Commission notes that it has received no submissions opposing the variation sought in Qantas’ transfer application.

3.8 The Commission notes that Jetstar is an established Australian international carrier that currently operates up to 25 services per week on the Thailand route¹, and therefore finds that the airline is reasonably capable of obtaining the necessary regulatory approvals and of using the capacity allocated under the Determination.

3.9 The Determination sought to be varied allocates to Qantas 35.6 B747 equivalent units and 26 third country code share frequencies of passenger capacity per week in each direction on the Thailand route. The Determination includes conditions permitting Jetstar to utilise the capacity.

3.10 IndiGo plans to code share, as marketing carrier, on all Jetstar operated services between the following points in Australia and Thailand, on a free sale basis:

- Melbourne-Bangkok (vv);
- Brisbane-Bangkok(vv);
- Perth-Bangkok (vv);
- Melbourne-Phuket (vv);
- Perth-Phuket (vv); and
- Sydney-Phuket (vv).

3.11 The Commission considers that the proposed arrangement between Jetstar and IndiGo will provide additional options and choice for consumers and tourists travelling between India and Australia over Thailand, marketed through IndiGo’s distribution channels.

3.12 The Commission considers that there is unlikely to be any lessening of public benefit through authorising the code sharing arrangement in relation to the Thailand route and such authorisation would not limit the ability of other carriers to apply for or utilise the capacity on the route.

¹ See Thailand entry: [Northern Summer 2025 Timetable Summary](#)

3.13 The Commission finds that the matters specified in paragraph 18(2)(b) of the Policy Statement are not relevant to the variation under consideration. The Commission does not have information to suggest that Qantas' transfer application involves speculative activity. Jetstar is an established international carrier that currently holds multiple determinations and other regulatory approvals enabling the carrier to operate scheduled international air services on various routes, including the Australia-Thailand route.

3.14 Having considered the criteria set out in section 18 of the Policy Statement, the Commission is satisfied that the allocation, as proposed to be varied permitting IndiGo to code share, as marketing carrier, on flights operated by Jetstar on the Australia-Thailand route, would be of benefit to the public. Therefore, in accordance with section 25 of the Act, the Commission must make a decision varying the Determination in a way that gives effect to the variation requested in the transfer application.

3.15 Subsection 15(1) of the Act empowers the Commission to include such terms and conditions in a determination as it thinks fit. Paragraph 15(2)(e) requires the inclusion of a condition stating the extent to which the carrier may use capacity allocated under a determination in joint services with another carrier.

3.16 The Commission has decided to add conditions permitting the use of the capacity for the provision of code share services between Jetstar and IndiGo on the Thailand route. As required by section 23 of the Policy Statement, the Commission has included a condition requiring the airlines to take all reasonable steps to ensure that passengers are informed of the carrier that is actually operating the flights.

3.17 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 Decision varying Determination [2021] IASC 110 which allocates capacity to Qantas Airways Limited on the Thailand route ([2025] IASC 213)

4.1 In accordance with section 25 of the Act, the Commission varies Determination [2021] IASC 110 which allocates capacity to Qantas Airways Limited on the Thailand route, by:

adding the following conditions to the Determination:

- The capacity may be used by Jetstar Airways Pty Limited to provide code share services with InterGlobe Aviation Limited in accordance with the code share agreement between Jetstar Airways Pty Ltd and InterGlobe Aviation Limited, made effective on 23 May 2025, and the air services arrangements between Australia and Thailand.

- Qantas Airways Limited must apply to the Commission for approval of any proposed variations to the code share agreement between Jetstar Airways Pty Limited and InterGlobe Aviation Limited which would change the relevant commercial aspects of the structure of the agreement from a free sale code share arrangement to a blocked space, or if the airlines propose to add third country routes on which the airlines will code share where Australian capacity will be used for services on that route.
- To the extent that the capacity is used to provide code share services on the route, the airlines must take all reasonable steps to ensure that passengers are informed, at the time of booking, of the carrier operating the flight. Nothing in this Determination exempts the airlines from complying with Australian Consumer Law.
- This decision comes into effect from the date of issue and is valid for the duration of Determination [2021] IASC 110.

Dated: 14 August 2025



GENEVIEVE BUTLER
Chairperson



JANE MCKEON
Commissioner