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AERONAUTICAL INFORMATION SERVICE,
AIRSERVICES AUSTRALIA, GPO BOX 367,
CANBERRA ACT 2601

For **DISTRIBUTION** queries, contact:
Email: aim_editorial@airservicesaustralia.com

For **CONTENT** queries regarding this AIC, contact:
Email: oar@casa.gov.au

GUIDANCE ON THE TREATMENT OF RESTRICTED AND DANGER AREAS WITHIN AUSTRALIAN-ADMINISTERED AIRSPACE OUTSIDE OF AUSTRALIAN TERRITORY

1. INTRODUCTION

- 1.1 This AIC cancels and replaces AIC H35/22, with changes throughout the document.
- 1.2 This AIC provides advice on an extension of the arrangements originally put in place under a direction issued by the Director of Aviation Safety (DAS) of the Civil Aviation Safety Authority (CASA) of Australia. It also explains the concept of a "Relevant Approval" in the context of NOTAM activating certain temporary restricted areas (TRA). Finally, it provides an update on how restricted areas outside of Australian Territory will be managed in the future.

2. BACKGROUND

- 2.1 Australian-administered airspace includes the airspace above Australian Territory and airspace allocated by the International Civil Aviation Organization (ICAO), and it can be broadly recognised as the Brisbane and Melbourne Flight Information Regions.
- 2.2 The airspace which is Australian-administered but not above Australian Territory is considered international airspace.
- 2.3 The Chicago Convention does not permit any member State to enforce flight restrictions on foreign registered aircraft in international airspace. However, international airspace of defined dimensions is used by Australia to conduct activities that may present a hazard to the flight of aircraft at specified times. This includes military air operations and offshore extraction of fossil fuels. Enroute airspace volumes managed by Airservices Australia may also span international airspace.

3. DIRECTION TO AUSTRALIAN-REGISTERED AIRCRAFT ([CASA 08/23](#))

- 3.1 On 29 April 2021 the DAS issued a direction instrument ([CASA 26/21](#), no longer in force) in the interests of safety that imposed requirements on operators and pilots in command of Australian aircraft and foreign registered aircraft operated under an Australian Air Operators Certificate (AOC) or a Civil Aviation Safety Regulation (CASR) Part 141 certificate.
- 3.2 The direction required such operators and pilots in command to comply with the requirements of declared restricted areas in Australian-administered areas outside Australian territory.
- 3.3 Aircraft not subject to the direction were **strongly recommended** to treat restricted areas within Australian-administered airspace but outside of Australian Territory as if they were restricted areas.
- 3.4 [CASA 26/21](#) was repealed at the end of 30 November 2022; however, due to delays to the making of amendments to the *Airspace Regulations 2007* (the AsR), the DAS has issued another direction instrument ([CASA 08/23](#)) to maintain an appropriate level of aviation safety in the relevant airspace.
- 3.5 [CASA 08/23](#) imposes requirements on operators of Australian-registered aircraft only. **It has no application to foreign registered aircraft**, including those operated under an Australian AOC or CASR Part 141 certificate.
- 3.6 Australian-registered aircraft must continue to comply with the requirements of declared restricted areas in Australian-administered areas outside Australian territory.
- 3.7 Foreign registered aircraft are **strongly recommended** to comply with the requirements of declared restricted areas within international airspace as if they were restricted areas.

Note: Where a declared restricted area spans both Australian territorial and international airspace, foreign registered aircraft must comply with the requirements of the area while operating within Australian territory.

- 3.8 Declaration instruments made in reliance on [CASA 08/23](#) are published on the [CASA website](#).

4. RELEVANT APPROVAL

- 4.1 NOTAM that are issued to activate a temporary restricted area that spans international airspace will include the phrase "[Relevant Approval](#)".

- 4.2 A Relevant Approval is:
- a) For an Australian registered aircraft — approval from the controlling authority, where such is a declared condition of entry under regulation 7 of the *Airspace Regulations 2007*;
 - b) For a foreign registered aircraft — not applicable.

5. ARRANGEMENTS FROM 1 DECEMBER 2022

- 5.1 Amendments to the AsR to formalise the management of international airspace are now expected to be made by 30 November 2023.
- 5.2 Since 1 December 2022, the arrangements that were first implemented in [CASA 26/21](#) for Australian-registered aircraft only have been embedded in the instrument that declares and determines prohibited, restricted and danger areas (the PRD instrument). At the time of writing the current PRD instrument is [CASA OAR 168/22](#); it incorporates **recommendations** for foreign registered aircraft considering operating in relevant areas.

6. FUTURE CHANGES

- 6.1 CASA, the Australian Defence Force and Airservices Australia are continuing to work together to review existing danger and restricted areas that are either partially or fully outside Australian Territory.
- 6.2 CASA established *Project AS21/01* (Establishment of offshore danger areas, military exercise areas and military training areas) to address the issue of limited regulatory options available to advise airspace users of risk in offshore airspace.
- 6.3 It is expected that the temporary arrangements described above for Australian-administered airspace outside Australian territory will cease no later than the end of 28 November 2024, by which time regulation amendments will have been promulgated removing the need for supplementary instruments other than formal PRD airspace declarations. Extant areas will have been re-established under those amended regulations and related declarations.

7. CANCELLATION

- 7.1 This AIC remains current until reviewed or cancelled

8. DISTRIBUTION

- 8.1 Airservices Australia website only.