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

1. INTRODUCTION

- 1.1 This AIC provides advice on a Direction by the Director of Aviation Safety (DAS) of the Civil Aviation Safety Authority (CASA) of Australia, and notification of planned changes to how restricted areas outside of Australian Territory will be used 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 (such as Australia) to enforce flight restrictions on foreign registered aircraft in such international airspace. However, international airspace, of defined dimensions, is used by Australia for military air operations, within which activities dangerous to the flight of other aircraft may exist at specified times.

3. DIRECTION TO AUSTRALIAN AIRCRAFT AND FOREIGN REGISTERED AIRCRAFT

- 3.1 In the interest of safety, and to eliminate any doubt, on 29 April 2021, the DAS made a Direction through *CASA Instrument 26/21* which is available at www.legislation.gov.au.
- 3.2 The Direction requires operators and pilots in command of Australian aircraft to comply with the requirements of declared restricted areas and danger areas in Australian-administered areas outside Australian Territory. The Direction also applies to foreign registered aircraft operated under an Australian Air Operators Certificate (AOC) or a *Civil Aviation Safety Regulation Part 141* certificate.
- 3.3 Aircraft which are not subject to the Direction referred to in *para 3.2* are instructed to take such precautions and make such contacts, as a reasonable pilot in the same circumstances would take before flight through an area within which activities dangerous to the flight of aircraft may exist.
- 3.4 Furthermore, aircraft which are not subject to the above Direction referred to in *para 3.2*, are **strongly recommended** to treat restricted areas within Australian-administered airspace but outside of Australian Territory as if they were danger areas. While aircraft may enter such areas, out of prudence and caution they **SHOULD NOT** enter such areas within which activities dangerous to the flight of aircraft may exist at specified times.
- 3.5 If an operator and/or a pilot in command of an aircraft referred to in *para 3.3 and 3.4* refuses to follow this strong recommendation, they should be aware that, apart from the potential danger to safe navigation:
- a) an airways clearance may not be available due to the application of aircraft separation standards or because of the non-availability of an Air Traffic Control service; and
 - b) onwards airways clearance through restricted areas over Australian Territory is unlikely to be provided unless under a pre-existing arrangement with the Controlling Authority for the restricted area. Significant re-routing may result at the Australian Territory boundary.
- 3.6 It is expected that although the legal arrangements have been modified, actual aviation practices will not alter as the Direction seeks to preserve the same operational level of aviation safety in the relevant airspace as previously existed.

4. FUTURE CHANGES

- 4.1 CASA, the Australian Defence Force and Airservices Australia are working together to review the existing restricted areas which are either partially or fully outside of Australian Territory.
- 4.2 CASA has 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.
- 4.3 It is expected that the use of restricted areas outside of Australian Territory will be ceased no later than the end of 30 November 2022, by which time alternative arrangements will be in place.

5. CANCELLATION

- 5.1 This AIC self-cancels on 01 December 2022.

6. DISTRIBUTION

- 6.1 Airservices Australia website only.