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CIRCULAR (AIC)**

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# GUIDANCE ON THE INTRODUCTION OF MILITARY OPERATING AREAS AND TRANSITIONAL ARRANGEMENTS

## 1. INTRODUCTION

- 1.1 This AIC cancels and replaces AIC H41/23 with corrections to paragraphs 1.1, 1.2, 4.1, 4.2, and 7.7.
- 1.2 This AIC provides advice of:
  - interim legal arrangements, embedded in the instrument that declares Prohibited, Restricted and Danger Areas (the PRD instrument), in place until the end of 27 November 2024. *Note: The PRD instrument until the end of 29 November 2023 is [CASA OAR 048/23](#). The PRD instrument on and from 30 November 2023 until the end of 30 November 2024 is [CASA OAR 228/23](#). However, it is likely this instrument will be replaced on 13 June 2024.*
  - interim legal arrangements issued under direction instrument [CASA 57/23](#). These interim legal arrangements apply to the transition period on and from 30 November 2023 to the end of 27 November 2024.
  - changes to the *Airspace Regulations 2007 (the AsR)* and the introduction of Military Operating Areas (MOA) into the Australian airspace system on and from 30 November 2023.
- 1.3 Refer to *AIC H08/23* for guidance on interim legal arrangements until the end of 29 November 2023. The legal arrangements until the end of 29 November 2023 are issued under direction instrument [CASA 08/23](#).

- 1.4 Information about MOA is also available in the *AIP Book*, *ERSA*, *DAH*, on charts and guidance on the CASA website. After the transition period ends, airspace users can refer to those documents and the CASA website for information about MOA.

## 2. BACKGROUND

- 2.1 Australian-administered airspace includes the airspace above Australian territory and airspace allocated by the International Civil Aviation Organization (ICAO) - broadly recognised as the Brisbane and Melbourne Flight Information Regions (FIR).
- 2.2 The airspace that is within Australian FIR, 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, including military operations and exercises.
- 2.4 Interim legal arrangements were put in place on 29 April 2021 which removed any appearance of restriction to foreign registered aircraft in international airspace. However, as far as CASA is aware, there has not been any shift in airspace usage.

## 3. PRD INSTRUMENT

- 3.1 Since 1 December 2022, interim legal arrangements for notional Restricted Areas, first trialled in a direction instrument issued in April 2021, have been embedded in the PRD instrument.
- 3.2 On and from 30 November 2023 these interim legal arrangements will continue for a further transitional period, but with new references to permanent MOA either wholly or partially outside Australian territory.
- 3.3 All notional Restricted Areas either wholly or partially outside Australian territory will be disestablished and declared as MOA by the end of the transition period on 28 November 2024.
- 3.4 Under ongoing legal instruments, Australian aircraft must continue to comply with the directed requirements of declared notional Restricted Areas in Australian-administered areas outside Australian territory.

- 3.5 Foreign registered aircraft are **strongly recommended** to comply with the requirements of declared notional Restricted Areas within international airspace as if they were Restricted Areas, because of potential flight hazards from military activity.

*Note: Where a declared notional 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.*

#### **4. DIRECTION TO AUSTRALIAN AIRCRAFT FOR NOTIONAL TIBA TRA**

- 4.1 Direction instrument CASA 57/23 has been issued to allow continuation of the current application of Traffic Information Broadcast by Aircraft (TIBA) procedures in areas outside Australian territory on and from 30 November 2023 to the end of 27 November 2024. The TIBA areas in international airspace will be notional temporary Restricted Areas, as per the arrangements detailed under AIC H08/23.

- 4.2 CASA 57/23 continues to impose requirements on operators of all aircraft over Australian territory. It has no application to foreign registered aircraft outside Australian territory in accordance with the Chicago Convention.

- 4.3 Australian aircraft must continue to comply with the requirements of declared notional temporary Restricted Areas in Australian-administered areas outside Australian territory.

- 4.4 Foreign registered aircraft are strongly recommended to comply with the requirements of declared notional temporary Restricted Areas within international airspace as if they were Restricted Areas.

*Note: Where a declared notional temporary 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.*

- 4.5 Declaration instruments for CASA 57/23 will be published on the CASA website.

- 4.6 Use of notional temporary Restricted Areas in relation to TIBA outside Australian territory will cease at the end of 27 November 2024. During the transition period, CASA will consult with industry participants on new declarations and how any new arrangements are to be managed.

## 5. RELEVANT APPROVAL AND NOTIONAL TEMPORARY RESTRICTED AREAS

- 5.1 NOTAM that are issued to activate a notional temporary Restricted Area that spans international airspace will include the phrase “Relevant Approval”.

## 6. CHANGES TO THE AIRSPACE REGULATIONS 2007 ON AND FROM 30 NOVEMBER 2023

- 6.1 A suite of changes has been made to the AsR, primarily to address issues with Restricted and Danger Areas outside Australian territory and bring Australia into conformance with international law and ICAO requirements. These amendments will come into force on 30 November 2023.

- 6.2 The amended AsR will allow CASA to:

- Declare Danger Areas anywhere within Australian-administered airspace (the previous AsR limited declaration of Danger Areas to areas within Australian territory).
- Vary air traffic services within Danger Areas, anywhere in Australian-administered airspace.
- Declare a wider range of special use airspace – including MOA.

*Note: CASA has taken the opportunity to make other minor changes to improve the AsR which are not related to the main issues.*

## 7. MILITARY OPERATING AREAS

- 7.1 MOA are primarily intended for use in international airspace in relation to military training and exercises. MOA may be declared as areas which straddle both international airspace and Australian territory or, in some cases, lie wholly over Australian territory. However, the intent is that MOA will only be used in areas near the boundary of Australian territory and Restricted Areas will continue to be used where restrictions are required in all other cases.

- 7.2 Declaration of MOA may include conditions on the flight of aircraft, however, conditions on the flight of aircraft over international airspace may only be imposed on Australian aircraft. As such, outside Australian territory **there is no application to foreign registered aircraft**, in accordance with international law and ICAO requirements.

- 7.3 However, foreign registered aircraft are **strongly recommended** to comply with the requirements of MOA within international airspace as if they were Australian aircraft because of the potential hazard.

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- 7.4 MOA will have an Administering Authority that airspace users can contact for further information, if required.
  - 7.5 NOTAM will publish details of MOA activation and temporary establishment in the same way as for other PRD. An 'M' prefix will be used to identify MOA, for example, M123, to ensure that MOA are clearly distinguishable from other airspace types.
  - 7.6 Pilots and operators should continue to flight plan to avoid active MOAs and must still comply with ERSA Flight Planning Requirements.
  - 7.7 Pilots may request an approval from the Administering Authority to transit a MOA, however approval is subject to military activity occurring within the MOA at the time. If a foreign registered aircraft outside Australian territory opts to transit a MOA without an approval from the Administering Authority, ATC services cannot be provided, and a new clearance is required to re-enter controlled airspace upon leaving the MOA. Again, dangerous activities are occurring within this airspace and foreign registered aircraft are **strongly recommended** to remain outside of active MOA when an approval cannot be obtained.

## 8. AIRSPACE CHANGES

- 8.1 From 30 November 2023, MOA have been declared near Australian Defence Force bases: Cerberus (VIC), Edinburgh (SA), East Sale (VIC), and Nowra and Williamtown (NSW). Most volumes have the same dimensions as the previous military Restricted Areas, apart from MOA at Williamtown where the airspace has been redesigned. Affected areas for November 2023 and June 2024 are listed in Appendix 1 and 2 respectively. Refer to the *AIP* for more information.
- 8.2 The remaining airspace changes at other Defence locations will be completed by 28 November 2024.
- 8.3 It is not anticipated that future airspace changes will present any substantial changes from current arrangements, however, if changes are required, consultation will occur as required by Australia's airspace change process. Airspace users should monitor the [Aviation State Engagement Forum](#) website for any forthcoming consultation, if required.

## 9. CANCELLATION

- 9.1 This AIC remains current until reviewed or cancelled.

## **10. DISTRIBUTION**

10.1 Airservices Australia website only.

### **Appendices**

1. MOA on and from 30 November 2023
2. MOA on and from 13 June 2024

**1. MOA on and from 30 November 2023**

Location	R Designator	M Designator
Cerberus	R323AB	M331AB
	R339	M334
Edinburgh	R282	M201
East Sale	R359FH	M301AB
	<i>Note R359A-E, G will be renumbered as R360 A-F</i>	
Nowra	R453A-P (nil I or O)	M440A-P (nil I or O)
	R452	M441
	R485A-E	M442A-E
	R489	M443
	R495A-C	M444A-C
Williamtown	R574	M550A-D

**2. MOA on and from 13 June 2024**

<b>Location</b>	<b>R Designator</b>	<b>M Designator</b>
Pearce	R162	M161
	R165	M166
	R167AB	M170AB
	R168AB	M171AB
Stirling	R146ABC	M147ABC
	R190	M180
	R191	M181
	R192A-G	M182A-G
	R196	M195
Learmonth	R852AB	M855AB
	R853AB	M856AB
	R854AB	M857AB
	R859A-C	M858A-C
	R861AB	M865AB
	R863AB	M866AB
	R864AB	M867AB
	R870AB	M869AB