

Airspace Regulations 2007

Select Legislative Instrument No. 169, 2007

made under the

Airspace Act 2007 and the Airspace (Consequentials and Other Measures) Act 2007

**Compilation No. 4**

**Compilation date:** 30 November 2023

**Includes amendments up to:** F2023L01448

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**About this compilation**

**This compilation**

This is a compilation of the *Airspace Regulations 2007* that shows the text of the law as amended and in force on 30 November 2023 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Airspace Regulations 2007*.

3 Definitions

In these Regulations:

***Act*** means the *Airspace Act 2007*.

***aerodrome*** has the same meaning as in section 3 of the *Civil Aviation Act 1988*.

***aerodrome operator*** means a person, organisation or enterprise engaged in, or offering to engage in, the operation of an aerodrome.

***AIP*** (short for Aeronautical Information Publication) has the same meaning as in the *Air Services Regulations 2019*.

***aircraft*** has the same meaning as in section 3 of the *Civil Aviation Act 1988*.

***aircraft operator***, in relation to an aircraft, means a person, organisation or enterprise engaged in, or offering to engage in, the operation of the aircraft.

***air traffic services***has the same meaning as in the *Air Services Regulations 2019*.

***Australian territory*** has the same meaning as in subsection 3(1) of the *Air Services Act 1995*.

***class***, in relation to airspace, means a classification applied to airspace under paragraph 5(1)(d).

***control area*** means airspace to which a determination under paragraph 5(1)(c) applies.

***controlled aerodrome*** means an aerodrome to which a determination under paragraph 5(1)(e) applies.

***control zone*** means airspace to which a determination under paragraph 5(1)(b) applies.

***danger area*** means an area declared to be a danger area under regulation 6.

***designated air route*** means an air route designated under regulation 11.

***designated airway*** means an airway designated under regulation 11.

***facilities***, in relation to a designated air route or designated airway, means services and aids used to facilitate the safe navigation of aircraft within the airspace of the air route or airway, including:

(a) visual and non‑visual aids along the air route or airway; and

(b) visual and non‑visual aids to approaching and landing at an aerodrome; and

(c) communications services; and

(d) meteorological services; and

(e) air traffic services.

***flight*** has the same meaning as in the *Civil Aviation Act 1988*.

***flight information area*** means airspace to which a determination under subparagraph 5(1)(a)(i) applies.

***flight information region*** means airspace to which a determination under subparagraph 5(1)(a)(ii) applies.

***flying training area*** means an area designated under regulation 8 to be a flying training area.

***ICAO*** means the International Civil Aviation Organization referred to in the Chicago Convention.

***military operating area*** means a type of danger area mentioned in paragraph 6(5C)(a).

***NOTAM*** (short for Notice to Airmen) has the same meaning as in the *Air Services Regulations 2019*.

***prohibited area*** means an area declared to be a prohibited area under regulation 6.

***restricted area*** means an area declared to be a restricted area under regulation 6.

***volume***, in relation to airspace, means a volume of airspace defined by reference to specified horizontal and vertical points.

Note: Annex 11 of the Chicago Convention defines the following terms:

***Aerodrome.*** A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

***Air traffic service.*** A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).

***Alerting service.*** A service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required.

***Controlled aerodrome.*** An aerodrome at which air traffic control service is provided to aerodrome traffic.

(Note.—The term “controlled aerodrome” indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists.)

***Flight information region.*** An airspace of defined dimensions within which flight information service and alerting service are provided.

***Flight information service.*** A service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights.

Part 2—Airspace management

4 Purpose of Part 2

The provisions of this Part are for the purpose of enabling CASA to perform the functions and exercise the powers in connection with the administration and regulation of Australian‑administered airspace.

5 Determination of airspace and controlled aerodromes etc

(1) CASA may, in writing, make a determination on any of the following matters:

(a) that a volume of airspace is:

(i) a flight information area; or

(ii) a flight information region;

(b) that a volume of airspace extending upwards from ground or water to a specified altitude is a control zone;

(c) that a volume of airspace extending upwards from a specified altitude is a control area;

(d) that a volume of airspace is airspace classified, in accordance with Annex 11 to the Chicago Convention, as Class A, B, C, D, E, F or G;

(e) that an aerodrome is a controlled aerodrome.

(2) If a determination under paragraph (1)(d) provides that a volume of airspace of a specified class ceases to be airspace of that class and becomes airspace of another specified class, the determination must specify:

(a) one or more of the following:

(i) the dates or days on which the airspace is determined to be of a particular class;

(ii) the times when the airspace is determined to be of a particular class;

(iii) the class of the airspace on all other dates or days, and times, other than those specified under subparagraph (i) or (ii); or

(b) the conditions under which the volume of airspace of the specified class ceases to be airspace of that class and becomes airspace of another specified class.

(3) A determination made under this regulation must be made to take effect on, or after, the day on which the determination is published in the AIP or a NOTAM.

(4) Unless sooner revoked, a determination ceases to have effect:

(a) on the day, or on the day and time, specified in the determination; or

(b) on the day, or on the day and time, of the occurrence of an event specified in the determination; or

(c) in the circumstances specified in the determination.

(5) However, a determination in respect of:

(a) a flight information area or a flight information region; or

(b) a control area or a control zone; or

(c) airspace of any class; or

(d) a controlled aerodrome;

has no effect during any period in which relevant air traffic services are not provided.

Note: A determination made under this regulation is not subject to disallowance under section 42 of the *Legislation Act 2003* (see regulations made for the purposes of paragraph 44(2)(b) of that Act).

6 Designation of prohibited, restricted or danger areas

Prohibited areas and restricted areas

(1) CASA may, in writing, make a declaration designating an area of Australian territory to be a prohibited area or a restricted area.

Note: Airspace of a prohibited or restricted area is a type of special use airspace.

(2) CASA must not declare an area to be a prohibited area unless, in the opinion of CASA, it is necessary for reasons of military necessity to prohibit the flight of aircraft over the area.

(3) CASA must not declare an area to be a restricted area unless, in the opinion of CASA, it is necessary to restrict the flight of aircraft over the area to aircraft flown in accordance with specified conditions in the interests of any of the following:

(a) public safety, including the safety of aircraft in flight;

(b) the protection of the environment;

(c) national security.

(5) A declaration made under subregulation (1):

(a) must specify an area by reference to its boundaries; and

(b) may specify the boundaries of an area to extend to a volume of airspace.

Danger areas

(5A) CASA may, in writing, make a declaration designating a volume of Australian‑administered airspace to be a danger area.

Note: A danger area is a type of special use airspace.

(5B) CASA must not declare a volume of airspace to be a danger area unless, in the opinion of CASA, activities dangerous to the flight of aircraft may exist in the area at specified times.

(5C) A declaration made under subregulation (5A) may designate a volume of airspace as:

(a) a type of danger area known as a military operating area, as specified in the declaration; or

(b) another type of danger area, as specified in the declaration; or

(c) a danger area of an unspecified type.

(5D) If paragraph (5C)(a) or (b) applies, the declaration may (subject to subregulation (5E)):

(a) impose conditions on the flight of aircraft in the area; and

(b) specify conditions and classes of aircraft for the purposes of paragraph (a) of this subregulation.

(5E) Conditions on the flight of aircraft in so much of the area as is outside Australian territory may only be imposed in relation to Australian aircraft.

(5F) A declaration made under subregulation (5A) must specify a volume of airspace by reference to its horizontal and vertical points.

Declarations made under this regulation

(6) A declaration made under this regulation does not take effect until published in accordance with regulation 7.

(7) Unless sooner revoked, a declaration ceases to have effect:

(a) on the day, or on the day and time, specified in the declaration; or

(b) on the day, or on the day and time, of the occurrence of an event specified in the declaration; or

(c) in the circumstances specified in the declaration.

Note: A declaration made under this regulation is not a legislative instrument (see paragraph (a) of item 1 of the table in section 7 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

7 Publication etc. of a designation

(1) CASA must cause a declaration designating an area to be a prohibited area, a restricted area or a danger area to be published:

(a) if the declaration is to have effect for a period of 3 months or longer—in the AIP; or

(b) in any other case—in a NOTAM.

(2) Publication of a declaration of a restricted area must set out the conditions in accordance with which the flight of aircraft over the area is permitted.

(3) Publication of a declaration of a danger area must contain sufficient information about the nature of the danger to enable the pilot in command of an aircraft to take adequate precautions.

(3A) A declaration of a danger area that, in accordance with paragraph 6(5C)(a) or (b), specifies the area to be a military operating area or another type of area, must set out the conditions in accordance with which the flight of aircraft in the area is permitted.

Note: Consistent with Australia’s international obligations, conditions on the flight of aircraft in so much of the area as is outside Australian territory may only be imposed in relation to Australian aircraft.

(4) If a declaration of a prohibited area or restricted area is to have effect for a period of 3 months or longer, CASA must, as soon as practicable, notify ICAO and its member States of:

(a) the declaration of the area; and

(b) the location and boundaries of the area.

8 Designation of flying training areas

(1) CASA may, in writing, designate an area as a flying training area.

(2) CASA must not designate an area as a flying training area unless, in the opinion of CASA, there exists within or over the area flying training activity that is a potential danger to aircraft flying over the area.

(3) A designation:

(a) must specify an area by reference to its boundaries; and

(b) may specify the boundaries of a volume of airspace above that area to which the designation applies.

(4) A designation made under this regulation must be made to take effect on, or after, the day on which the designation is published in accordance with subregulation (6).

(5) Unless sooner revoked, a designation ceases to have effect:

(a) on the day, or on the day and time, specified in the designation; or

(b) on the day, or on the day and time, of the occurrence of an event specified in the designation; or

(c) in the circumstances specified in the designation.

(6) CASA must cause a designation of a flying training area to be published:

(a) if the designation is to have effect for a period of 3 months or longer—in the AIP; or

(b) in any other case—in a NOTAM.

Note: A designation made under this regulation is not subject to disallowance under section 42 of the *Legislation Act 2003* (see regulations made for the purposes of paragraph 44(2)(b) of that Act).

9 Particulars of air traffic services

(1) CASA must cause to be published, in the AIP or a NOTAM, details of the air traffic services that are to be provided, in accordance with Annex 11 to the Chicago Convention, for:

(a) a flight information area or a flight information region; or

(b) a control area or a control zone; or

(c) airspace of any class; or

(d) a controlled aerodrome;

including details of the manner in which the services are to be provided.

(2) CASA may make a determination that the air traffic services to be provided for the following airspace are services that are at variance with air traffic services that would otherwise be provided for the airspace in accordance with Annex 11 to the Chicago Convention:

(a) airspace above an area of Australian territory declared under subregulation 6(1) to be a restricted area;

(b) a volume of airspace declared under subregulation 6(5A) to be a danger area.

Note: A determination made under this subregulation is not a legislative instrument (see paragraph (b) of item 1 of the table in section 7 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

(3) CASA must cause details of air traffic services provided under subregulation (2) to be published in the AIP or a NOTAM.

10 Notice of unavailability of air traffic services

(1) If CASA is aware of any period during which air traffic services are not to be provided for:

(a) a flight information area or a flight information region; or

(b) a control area or a control zone; or

(c) airspace of any class; or

(d) a controlled aerodrome;

CASA must cause a notice, giving details of the unavailability of the services, to be published in the AIP or a NOTAM.

(2) A notice giving details of the unavailability of air traffic services need not be published if it is not practicable to do so.

11 Designation of air routes and airways

(1) CASA may, in writing, designate air routes and airways in Australian‑administered airspace.

(2) CASA may, in writing, determine the conditions that apply to the use of a designated air route or airway.

(3) A designation or determination made under this regulation must be made to take effect on, or after, the day on which the designation or determination is published in the AIP or a NOTAM.

Note: A designation or determination made under this regulation is not subject to disallowance under section 42 of the *Legislation Act 2003* (see regulations made for the purposes of paragraph 44(2)(b) of that Act).

12 Directions relating to air routes, airways and facilities

(1) CASA may, in writing, give directions in connection with the use or operation of:

(a) a designated air route or airway; or

(b) air route or airway facilities.

(2) A direction made under this regulation must be made to take effect on, or after, the day on which the direction is published in the AIP or a NOTAM.

Note: A direction given under this regulation is not subject to disallowance under section 42 of the *Legislation Act 2003* (see regulations made for the purposes of paragraph 44(2)(b) of that Act).

13 Delegation

(1) CASA may, in writing, delegate to a person mentioned in subregulation (1A) any functions or powers under regulation 6, 7, 10, 11 or 12.

(1A) For subregulation (1), the person is any of the following:

(a) a member of the staff of CASA;

(b) an approved provider of air traffic services;

(c) a member of the personnel of an approved provider of air traffic services.

(1B) CASA may, in writing, delegate to a member of the staff of CASA holding or performing the duties of a position equivalent to, or higher than, an Executive Level 1 position, any functions or powers under regulation 5 or 8, subregulation 9(2) or regulation 14.

(2) A delegation under this regulation is subject to the same conditions and obligations to which the performance of the function or the exercise of the power by CASA would be subject if CASA performed the function or exercised the power.

(3) In this regulation:

***approved provider of air traffic services*** means either of the following:

(a) an ATS provider within the meaning of regulation 172.015 of the *Civil Aviation Safety Regulations 1998*;

(b) the Australian Defence Force.

14 Obtaining information

(1) Subject to subregulation (2), CASA may, by written notice, require:

(a) the operator of an aerodrome; or

(b) the owner of an aircraft; or

(c) the aircraft operator; or

(d) the provider of air traffic services;

to give to CASA, or a person specified in the notice, information or documentation specified in the notice.

(2) CASA may require information or documentation to be given only if the information or documentation specified in the notice:

(a) is in the possession, custody or control of the operator, owner or provider; and

(b) is reasonably necessary to allow CASA to conduct regular reviews under section 13 of the Act and regulation 15.

(3) An operator, owner or provider that has been served with a notice under this regulation must comply with the notice within 28 days after the date of service.

Penalty: 50 penalty units.

Note: Section 28A of the *Acts Interpretation Act 1901* deals with the ways a document may be served.

(4) An offence under subregulation (3) is an offence of strict liability.

15 Review of instruments

(1) This regulation applies to the following instruments:

(a) a declaration, designation, determination or direction made under this Part;

(b) an instrument continued in effect by subregulation 17(1);

(c) an instrument mentioned in subregulation 17(3) in respect of which CASA has exercised a power under this Part in accordance with subregulation 17(3) or (4).

(2) CASA must cause an instrument to which this regulation applies to be reviewed at least once in each period of 5 years after the instrument is made.

(3) The person carrying out the review must prepare a report setting out the process, and the results, of the review for each instrument reviewed.

(4) The Minister may request a copy of any report prepared under subregulation (3).

Part 3—Miscellaneous

16 Offence of contravening instrument

(1) A person must not do any act that contravenes a requirement or condition of any instrument mentioned in subregulation 15(1).

Penalty: 50 penalty units.

(2) A person must not fail to do any act required by any instrument mentioned in subregulation 15(1).

Penalty: 50 penalty units.

(3) An offence under subregulation (1) or (2) is an offence of strict liability.

Part 4—Transitional

17 Transitional

(1)If:

(a) an instrument made, granted or issued by Airservices Australia under, or for the purposes of, a provision of Part 2 of the *Air Services Regulations 1995* (***the repealed provision***) was in effect immediately before the commencement of this provision (***the commencement date***); and

(b) the repealed provision is one to which a provision of these Regulations corresponds;

the instrument continues to have effect on and after the commencement date as if it had been made, granted or issued by CASA for the purposes of that corresponding provision.

(2)If:

(a) any act done, step taken or decision made (not being the making, granting or issuing of an instrument) by Airservices Australia under, or for the purposes of, a provision of Part 2 of the *Air Services Regulations 1995* (***the repealed provision***) was in effect immediately before the commencement of this provision (***the commencement date***); and

(b) the repealed provision is one to which a provision of these Regulations corresponds;

the act, step or decision continues to have effect on and after the commencement date as if it had been done, taken or made by the appropriate person under, or for the purposes of, that corresponding provision.

(3) CASA may exercise any power under Part 2 in relation to:

(a) a civil aviation instrument; or

(b) an amended civil aviation instrument; or

(c) any aerodrome or airspace to which an instrument mentioned in paragraph (a) or (b) applies;

as if that instrument had been made under the corresponding provision in Part 2.

(4) The powers referred to in subregulation (3) include, in the case of an instrument to which paragraph 10(1)(b) of the *Civil Aviation Legislation Amendment Act 1995* applies, power to vary or revoke the instrument.

(5) In subregulation (3):

***amended civil aviation instrument*** means a civil aviation instrument as amended by Airservices Australia exercising a power under a provision of Part 2 of the *Air Services Regulations 1995*, as in force immediately before its repeal, in accordance with regulation 7.05 of those regulations.

***civil aviation instrument*** means an instrument:

(a) made under regulation 87, 99, 99AA, 140 or 141 of the *Civil Aviation Regulations 1988*; and

(b) continued in effect by section 10 of the *Civil Aviation Legislation Amendment Act 1995*.

18 Transitional—saving of determinations

A determination made under subregulation 9(2) of the *Airspace Regulations 2007* that was in force immediately before the commencement of the *Airspace Amendment (Danger Areas) Regulations 2023* has effect, after that commencement, as if it had been made under subregulation 9(2) of the *Airspace Regulations 2007* as amended by that instrument.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Airspace Regulations 2007 (SLI No. 169, 2007) | 26 June 2007 (F2007L01835) | 1July 2007 (r 2) |  |
| Airspace Amendment Regulation 2013 (No. 1) (SLI No. 221, 2013) | 8 Aug 2013 (F2013L01547) | 9 Aug 2013 (s 2) | — |

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Acts and Instruments (Framework Reform) (Consequential Amendments) Regulation 2016 | 29 Feb 2016 (F2016L00170) | Sch 1 (items 1–6): 5 Mar 2016 (s 2(1) item 1) | — |
| Air Services Legislation (Repeal and Consequential Amendments) Regulations 2019 | 25 Mar 2019 (F2019L00372) | Sch 1 (items 6–10): 26 Mar 2019 (s 2(1) item 1) | — |
| Airspace Amendment (Danger Areas) Regulations 2023 | 31 Oct 2023 (F2023L01448) | 30 Nov 2023 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| r 2 | rep LIA s 48D |
| r 3 | am F2019L00372; F2023L01448 |
| **Part 2** |  |
| r 5 | am F2016L00170 |
| r 6 | am No 221, 2013; F2023L01448 |
| r 7 | am F2023L01448 |
|  | ed C4 |
| r 8 | am F2016L00170 |
| r 9 | am F2023L01448 |
| r 11 | am F2016L00170 |
| r 12 | am F2016L00170 |
| r 13 | am No 221, 2013; F2023L01448 |
| **Part 4** |  |
| r 18 | ad F2023L01448 |

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

**Regulation 7 (heading)**

**Kind of editorial change**

Give effect to the misdescribed amendment as intended

**Details of editorial change**

Schedule 1 item 10 of the *Airspace Amendment (Danger Areas) Regulations 2023* provides as follows:

10 Regulation 7 (heading)

After “**publication**”, insert “**etc.**”.

The word “**publication**” does not appear in the heading to regulation 7. However, the word “**Publication**” does appear.

This compilation was editorially changed to insert “**etc.**” after “**Publication**” in the heading to regulation 7 to give effect to the misdescribed amendment as intended.