

EXPLANATORY STATEMENT

Australian Airspace Policy Statement 2018

Issued by the authority of the Minister for Infrastructure, Transport and Regional Development

The responsibilities and functions related to airspace administration and regulation in Australia are set out in the *Airspace Act 2007* (the Act) and the Airspace Regulations 2007 (the Regulations).

Section 8(1) of the Act provides that the Minister must make a statement, the Australian Airspace Policy Statement (AAPS), and subsection 8(2) specifies that the AAPS must:

- (a) specify and describe the classifications to be used to administer Australian-administered airspace; and
- (b) specify and describe the designations to be used for the purposes of restricting access to, or warning about access to, particular volumes of Australian-administered airspace; and
- (c) describe the processes to be followed for changing the classifications or designations of particular volumes of Australian-administered airspace; and
- (d) outline the Commonwealth Government's policy objectives for the administration and use of Australian-administered airspace; and
- (e) include a strategy for the administration and use of Australian-administered airspace in the future.

Section 11A of the *Civil Aviation Act 1988* (the CA Act) requires that the Civil Aviation Safety Authority (CASA) must exercise its powers and perform its functions in a manner consistent with the AAPS. Section 11A of the CA Act also requires that CASA must notify the Minister in writing if it proposes to exercise a power or perform a function in a manner that is inconsistent with the AAPS, and provide its reasons for doing so.

Details of the AAPS are set out in [Attachment A](#) and information on the documents referenced in the AAPS is provided at [Attachment B](#).

The first AAPS commenced on 1 July 2007. Consistent with review provisions in the Act, the Government has taken the opportunity to review the AAPS.

In reviewing the AAPS, the Government has consulted, as required by subsection 9(1) of the Act, with CASA and Airservices Australia (Airservices). The Government also consulted the Department of Defence (Defence), and public and industry consultation was undertaken over the period June and July 2018, in the preparation and finalisation of the AAPS.

Subsection 8(5) of the Act provides that the AAPS is a legislative instrument for the purposes of the *Legislation Act 2003* but is not subject to the disallowance (section 42) or sunset provisions (Part 4 of Chapter 3) of the *Legislation Act 2003*, (see Regulations made for the purposes of paragraph 54(2)(b) of that Act).

Details of the Australian Airspace Policy Statement (AAPS)

Clauses 1, 2 and 3 – Name of Instrument, Commencement, Definitions and Reference Documents

Clause 1 provides the name of the instrument.

Clause 2 provides its commencement date will be 5 October 2018 and that this Statement repeals the previous AAPS, which commenced on 13 July 2015.

Clause 3 advises that a glossary of terms, and a list of referenced documents and how to access them, are provided at the end of the AAPS.

Clause 4 – Purpose

Clause 4 sets out the purpose of the AAPS. It provides guidance to CASA, as the airspace regulator, on the administration and regulation of airspace as a national resource, and guidance for the aviation industry and other aviation agencies.

Clauses 5, 6 and 7 – The Office of Airspace Regulation

Clauses 5 and 6 state that CASA will exercise its authority and powers for airspace administration based on the advice of the Office of Airspace Regulation (OAR) and emphasises that all roles, responsibilities and functions in the Act and Regulations must be fulfilled by CASA.

Clause 7 sets out arrangements for coordination and harmonisation of civil and military airspace requirements being facilitated by Department of Defence personnel working within the OAR, and holding delegated powers under the Regulations.

Clause 8 – Airspace Administration

Clause 8 provides five broad principles to be applied in the administration and regulation of Australian-administered airspace, in addition to the mandatory considerations set out in the Act.

Clauses 9-14 – Airspace Classes used in Australian-administered Airspace

Clause 9 states Australian airspace classes and associated levels of service are generally aligned with international convention. Clauses 10 to 14 specify and describe the classes of airspace that may be used in Australia, and the responsibility of CASA to determine their deployment in Australian-administered airspace. Classes B and F are not used at present in Australian-administered airspace.

Clauses 15 and 16 – Prohibited, Restricted and Danger Areas

Clauses 15 and 16 specify and describe the designations to be used, consistent with international convention, for the purpose of restricting access to, or warning about access to, particular volumes of Australian-administered airspace, i.e. Prohibited, Restricted and Danger areas.

Clause 17 and 18 – Process for Changing the Classification of a Volume of Airspace at an Aerodrome

Clause 17 states the criteria set out in Table 1 to be used to help determine when changes to airspace classification may be required in the airspace immediately surrounding an aerodrome.

Clause 18 confirms the criteria do not preclude CASA examining airspace requirements at other aerodrome locations, should CASA consider such examination is required.

Table 1 sets out the airspace criteria thresholds. The three criteria to be used are based on annual numbers of aircraft movements, passenger transport operations aircraft movements, and total passengers. The thresholds against each of the three criteria correspond to a different airspace classification.

Clauses 19-24 – Process for Applying the Criteria

Clauses 19 to 24 outline the process that CASA should use when applying the airspace criteria. When traffic levels at an aerodrome rise to meet any one of the criteria thresholds, or when traffic levels fall below all three criteria thresholds for an aerodrome's current classification, CASA should complete an aeronautical risk review in consultation with the public, industry and other government agencies to determine whether a change to airspace classification is necessary.

Clauses 25-33 – Process for Changing the Class or Designation of a Volume of Airspace

Clauses 25 to 33 set out the process to be followed by CASA when reviewing a volume of airspace and its classification, or designating a Prohibited, Restricted or Danger area.

Clause 32 specifies the process for changing the classification of a volume of airspace or designating a Prohibited, Restricted or Danger area. Airspace classification determinations are required to be formalised as legislative instruments and published on the Federal Register of Legislation (FRL), while designations may be published in the Aeronautical Information Publication or notified by a Notice to Airmen subject to the requirements of the Regulations.

Clauses 34-37 – Government Policy Objectives

Clauses 34-37 outline the Government's policy objectives for the administration and use of Australian-administered airspace.

Clauses 38-39 – Support for ICAO's Global Aviation Safety Plan and Global Air Navigation Plan; and Use of ICAO Airspace Classifications

Clauses 38 to 39 reiterate the Government's commitment to ICAO's Global Aviation Safety Plan (GASP) and Global Air Navigation Plan (GANP). The GASP assists States and regions with identifying near, mid and long-term aviation safety policy objectives. The GANP provides States and regions with a comprehensive planning tool supporting a harmonised global air navigation system.

Clause 40 – Regional Aerodromes

Clause 40 sets out the Government's commitment to ensuring appropriate levels of airspace classification and air traffic services are used to protect regional aerodromes served by passenger transport services, as determined by CASA on the basis of a robust aeronautical risk review. Airservices or the aviation industry may also consider the implementation of additional risk mitigation measures.

Clauses 41-42 – Cooperation with Australia's Air Navigation Service Providers

Clause 41 sets out the Government's commitment to the development of a seamless, harmonised national ATM system, of which airspace classification and designation is an integral component.

Clause 42 sets out the Government's expectation of effective cooperation between CASA and Australia's air navigation service providers towards a well-coordinated ATM system and safe and efficient airspace administration.

Clauses 43-51 – Airspace Strategy

Clauses 43 to 51 set out the Government's strategy on airspace management, including the role of CASA as airspace regulator and administrator, the primacy of safety of air navigation, and the need for a risk-based approach to determining airspace.

Clause 47 emphasises that the Government expects CASA to adopt international best practice in airspace administration, including proven international systems that meet Australia's airspace requirements.

Clause 49 confirms that whilst there will be times when urgent decisions are required to meet a safety imperative, the airspace strategy requires transparency and the aviation industry will be consulted with regarding airspace administrative decisions.

Clause 50 specifically notes the airspace strategy should be consistent with the review requirements of the Act and the Regulations.

Clause 51 outlines that airspace determinations reflect the most appropriate safety outcome as determined by CASA after completion of airspace risk reviews and be consistent with the Government's airspace policy objectives.

Clause 52 – Airspace Reporting

Clause 52 requires CASA, as part of their corporate plan, to provide an outline of the major initiatives and priorities of the OAR.

Referenced Documents

This section provides information on documents referred to in the AAPS, including on how these documents may be accessed, namely:

1. Convention on International Civil Aviation 1944 (the Chicago Convention) was ratified by Australia in 1947, and it can be accessed as Schedule 1 of the *Air Navigation Act 1920* available from the Federal Register of Legislation (FRL) website or from the ICAO website.
2. Annexes to the Chicago Convention include standards and recommended practices in relation to a range of aviation safety issues and other matters concerned with the safety, regularity and efficiency of air navigation promulgated by ICAO. Copies of Annexes to the Chicago Convention can be obtained from ICAO or most public libraries.
3. The FRL is the Australian Government website where legislative instruments are stored for public access.
4. *Airspace Act 2007*, which concerns airspace administration and regulation, is available from the FRL website.
5. Airspace Regulations 2007, which enable CASA to perform the functions and exercise the powers in relation to the administration and regulation of Australian-administered airspace, are available from the FRL website.
6. *Civil Aviation Act 1988*, which establishes a Civil Aviation Safety Authority with functions relating to civil aviation, is available from the FRL website.
7. The Aeronautical Information Publication (AIP) is published to satisfy the requirements of Annex 15 of the Chicago Convention requiring each State to publish an AIP – as part of the Integrated Aeronautical Information Package (IAIP). The AIP consists of a number of documents that are important for the safety and regularity of air navigation. Included in the IAIP is the AIP Book, the AIP Supplement and Aeronautical Information Circulars (AIC), Departure and Approach Procedures (DAP) and the En Route Supplement Australia (ERSA). The IAIP and all related documents are available by subscription from Airservices Australia or are available for viewing at the Airservices Australia website.