Australian Airspace Policy Statement 2021[1]

Airspace Act 2007

I, BARNABY JOYCE, Minister for Infrastructure, Transport and Regional Development, make this Statement under section 8 of the *Airspace Act 2007*.

Dated 19 November 2021

BARNABY JOYCE
Minister for Infrastructure, Transport and Regional Development

1 Name of Statement

This Statement is the *Australian Airspace Policy Statement 2021*.

2 Commencement

This Statement commences on 24 November 2021.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislation (FRL) kept under the *Legislation Act 2003.* See https://www.legislation.gov.au/

Australian Airspace Policy Statement

Name of Instrument

1. This instrument is the Australian Airspace Policy Statement (AAPS) 2021.

Commencement

2. This version of the AAPS commences on 24 November 2021 and repeals the previous AAPS, which commenced on 5 October 2018.

Definitions and Reference Documents

3. Expressions used in the AAPS are defined in the Glossary of Terms. Documents referenced in the AAPS, and details on how to access them, are listed at the end of the AAPS.

Purpose

4. The AAPS is made pursuant to Part 2 of the *Airspace Act 2007*. The AAPS provides the Commonwealth Government's airspace policy objectives and priorities to the Civil Aviation Safety Authority (CASA). CASA must administer airspace, as a national resource, consistent with its legislative functions, government policy objectives and priorities, and Australia's obligations under the Chicago Convention. The AAPS is also intended to provide guidance for the aviation industry and other aviation agencies.

Function and powers of CASA in connection to Australian-administered airspace

5. The *Civil Aviation Act 1988* (CAA 1998) provides the authority for CASA to perform its functions and exercise its powers. CASA will exercise its airspace regulatory functions through the Office of Airspace Regulation (OAR), which is a distinct operational unit of CASA.

6. The legislation and regulations which govern airspace administration enable CASA to:
   - determine the class of airspace and controlled aerodromes in Australia;
   - designate prohibited, restricted and danger areas;
   - designate flying training areas;
   - designate air routes and airways;
   - provide directions relating to air routes, airways and facilities;
   - publish the particulars of air traffic services; and
   - review the Instruments containing declarations, designations, determinations and directions at least every 5 years.

7. Consistent with the government's policy of a harmonised national civil and military air traffic management (ATM) system, better coordination of national civil and military airspace requirements will be facilitated by the placement of Department of Defence (Defence) officers within the OAR, holding delegated powers under the Airspace Regulations 2007.

Government Policy Objectives

Safety

8. Australia's aviation safety system plays a vital role in ensuring a safe, efficient and competitive aviation industry. Safety of air navigation is an integral part of airspace administration. The Government expects that CASA should respond quickly and appropriately to any change in risk levels for air navigation to ensure safety outcomes for all aviation participants, including through collaboration with industry and other government entities.

Future Airspace Framework

9. CASA will develop an Australian Future Airspace Framework (AFAF) that will be in accordance with the Government's airspace policy objectives and the Airspace Strategy detailed in paragraphs 32 to 41. It will include a long-term strategic airspace implementation plan (the implementation plan) for the deployment of different airspace classes across Australian administered airspace. The AFAF will establish an evidence and risk based approach when assessing airspace supported by robust collision risk modelling, data and the application of risk mitigation options to ensure Australian Airspace architecture is safe for all airspace users.

Emerging Aviation Technology Policy

10. Australia's approach to airspace administration will reflect the Government's commitment to ensuring the continued development of the aviation sector, in particular support for innovation and growth of new and emerging digital aviation technology.

Airspace Review

11. The Government expects that CASA will continue to undertake operational reviews of Australia's airspace architecture and continue, as appropriate, to consider proven international best practice airspace systems with a view of delivering safe, efficient and appropriate airspace arrangements. CASA is expected to continue to move towards closer alignment with the International Civil Aviation Organization (ICAO). Such reviews should be considered for incorporation into the AFAF and iterations of the implementation plan as deemed appropriate to meet government policy outcomes.

International Consistency

12. The Government expects that Australia's airspace administration will remain consistent with the objectives and priorities identified in the ICAO Global Aviation Safety Plan (GASP) and ICAO Global Air Navigation Plan (GANP).

Regional Aerodromes

13. The Government is committed to ensuring that appropriate levels of airspace classification and air traffic services are used to protect regional aerodromes served by passenger transport services, with airspace classification and services reflecting the final outcomes of the risk reviews undertaken.

Regulatory Review

14. The Government acknowledges new airspace entrants and expects CASA to review legislation to ensure that future operations can be accommodated in Australian airspace, consistent with government policy objectives.

Airspace and Air Route Administration

15. The administration of Australian-administered airspace shall give priority to the safety of air navigation. In addition, application of this AAPS:
    - shall be in Australia's national interest, consistent with broader government policy;
    - shall take into account national security requirements;
    - shall consider the current and future needs of the Australian aviation industry, which includes civil and military aviation;
    - shall consider cost implications for all airspace users;
    - shall consider adopting elements of international airspace systems adapted to benefit Australia's aviation;
    - shall consider the protection of the environment from the effects of the operation and use of aircraft; and
    - shall take advantage of advances in technology wherever practicable.

Airspace Classification used in Australian-administered Airspace

16. Airspace administration in Australia is generally aligned with the ICAO prescribed airspace classes and associated levels of service as set out in Annex 11 to the Convention on International Civil Aviation (1944) (Chicago Convention). Differences to the ICAO classes of airspace in Australia are notified to ICAO and listed in the Australian Aeronautical Information Publication (AIP).

17. The airspace classification system to be used in Australia is specified below:

Class A: Instrument flight rules (IFR) flights only are permitted; all flights are provided with an Air Traffic Control (ATC) service and are separated from each other.

Class B: IFR and visual flight rules (VFR) flights are permitted, all flights are provided with ATC service and are separated from each other.

Class C: IFR and VFR flights are permitted, all flights are provided with ATC service and IFR flights are separated from other IFR flights and from VFR flights. VFR flights are separated from IFR flights and receive traffic information in respect of other VFR flights.

Class D: IFR and VFR flights are permitted, and all flights are provided with an ATC service. IFR flights are separated from other IFR flights and receive traffic information in respect of VFR flights, VFR flights receive traffic information in respect of all other flights.

Class E: IFR and VFR flights are permitted, IFR flights are provided with an ATC service and are separated from other IFR flights. All flights receive traffic information as far as is practicable. Class E shall not be used for control zones.

Class F: IFR and VFR flights are permitted, all participating IFR flights receive an air traffic advisory service, and all flights receive a flight information service if requested.

Class G: IFR and VFR flights are permitted and receive a flight information service if requested.

Note: North of 65°S IFR flights are considered to have on ongoing flight information request and receive traffic information on other IFR flights and known VFR flights.

Special Use Airspace

18. Australia has adopted the ICAO designations described in Annex 11 of the Chicago Convention for describing the designation to be used for the purposes of restricting access to or warning about access to airspace where there are activities that may be incompatible with routine flying operations.

19. The designations to be used in Australia shall be in accordance with the principles of the Chicago Convention and are specified below:

    Prohibited Area: An airspace of defined dimensions, above the land areas or territorial waters of Australia, within which the flight of aircraft is prohibited.

    Restricted Area: An airspace of defined dimensions, above the land areas or territorial waters of Australia, within which the flight of aircraft is restricted in accordance with certain specified conditions.

    Danger Area: An airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times.

20. Consistent with ICAO Procedures for Air Navigation Services – Aeronautical Information Management, CASA may publish airspace of defined dimensions where military training or exercises take place at regular intervals. CASA may also establish procedures to permit relevant airspace users to have safe access to such airspace in consultation with the controlling authority.

21. Consistent with ICAO Annex 11, flexible use airspace, and in order to provide added airspace capacity and to improve efficiency and flexibility of aircraft operations, airspace of defined dimensions may be reserved for military or other special activities.

22. The Government acknowledges that CASA may need to publish airspace of defined dimensions to ensure the safety of future airspace users and expects CASA to review the need for airspace changes consistent with government policy objectives.

Review and Change of Airspace Classifications, Services and Facilities

23. CASA's review process must be risk-based, using both quantitative and qualitative data sources. CASA's risk management framework should be in accordance with the standards stipulated in the ISO 31000, Risk Management - Guidelines. The risk methodology should include all current, new and future entrants into the airspace.

24. CASA will review changes to aircraft and passenger movement data on a quarterly basis. The sources for this data will include, but not be limited to the Bureau of Infrastructure, Transport and Regional Economics, Airservices and aerodrome operators. CASA will review Australian Transport Safety Bureau and Airservices safety occurrence data on a monthly basis. CASA will assess all available data to identify current or emerging aviation safety risks that may require airspace solutions or other mitigation to achieve an acceptable level of safety for all airspace users.

25. An airspace risk assessment should consider traffic types and density; the wider operating environment; present and emerging airspace risks; public, industry and government agency comments; government policy objectives; and planned future activity. It should also consider any risk mitigations already in place or planned at the location to ensure it is structured and comprehensive. All information gathered will be used for the overall analysis and determination of airspace risk.

26. CASA will use the outcomes of the airspace risk assessment and any other sources of information and intelligence as appropriate, to identify any residual airspace risk requiring further analysis and examination within an aeronautical risk review.

27. If CASA has completed an aeronautical risk review in the previous year then it may choose to update that existing review if circumstances or risk factors indicate that a further review is warranted.

28. CASA shall publish its findings and proposals, as required, on the overall safety and suitability of a particular airspace classification, designation or level of service. These findings and/or proposals will be to: (a) change the classification or designation of airspace; (b) not change a classification or designation, but make other proposals to improve or enhance airspace arrangements, including level of service; or (c) recommend a continuation of current airspace arrangements without any other proposals. CASA will provide these findings and/or proposals to Airservices, Defence and the public for comment and, after considering these comments, make a determination to be implemented by the relevant parties, should such action be required.

29. Any determination must be taken in consultation with Airservices, and Defence where relevant, given the responsibilities of these agencies for the introduction of new or changed air traffic services and facilities arising from such CASA determinations.

30. Following a decision to change the class of a volume of airspace (a determination), CASA must progress the change in accordance with their published procedures. That change must be formalised as a legislative instrument, endorsed by the airspace delegate, and published on the Federal Register of Legislation and then through the Australian Aeronautical Information Publication.

31. There may be times when urgent decisions are required to meet a safety, national security, or other imperatives, in accordance with the Airspace Regulations, and it may not be practicable to comply with parts of this process.

Australia's Future Airspace Framework

32. In line with the Airspace Act 2007, the Airspace Regulations 2007 and consistent with government policy objectives and the Minister's Statement of Expectations, CASA shall maintain the AFAF and, based on the AFAF, publish the implementation plan for all Australian-administered airspace.

33. CASA shall work collaboratively with Airservices, Defence and the Department of Infrastructure, Transport, Regional Development and Communications to develop the AFAF and the implementation plan. Airspace is seen as a critical element in the development of a seamless harmonised national and civil military ATM system.

34. CASA shall consult with industry stakeholders and other government agencies, as required, to ensure that the needs of all airspace users are properly considered in the development/maintenance of the AFAF and the implementation plan.

35. The AFAF will be risk-based, engendering evidence-based decision making, supported by robust data analysis and the results of the consultation process, in determining Australia's future airspace needs.

36. The AFAF and the implementation plan should support the implementation of advanced ATM and unmanned traffic management (UTM) technology solutions and should take into account new technology that may be applied to achieve safety outcomes and broader government policy.

37. ICAO standards and recommended practices (SARPs) also provide an important basis for airspace administration. The Government requires any deviations from ICAO SARPs to be well justified, documented, and formally notified to ICAO as a difference.

38. The implementation plan will provide transparency to the aviation industry, such that it has clear insight into the way in which airspace administrative decisions will be developed, taken and implemented, including industry and agency consultation.

39. The implementation plan is to be proactive and consistent with the review requirements of the *Airspace Act 2007* and Airspace Regulations 2007. The implementation plan requires ongoing review based on identification of risks to aviation safety using both quantitative and qualitative analysis, and ultimately the safety judgment of CASA as the airspace regulator.

40. The implementation plan does not pre-determine the adoption of a particular class of airspace before airspace risk reviews are completed, but rather requires that the determination of the class of airspace reflects the most appropriate safety and efficiency outcome as determined by CASA after completion of a review having regard to the AFAF and the government's policy objectives.

41. CASA shall ensure that the AFAF contains the design principles for airspace architecture and that the AFAF, the implementation plan and any associated guidance material are maintained and available to a proponent of an airspace change.

Airspace Reporting

42. CASA will provide advice on the major initiatives and priorities of the OAR in its corporate plan including those covering the government's policy objectives outlined in Paragraphs 8 to 14.

43. CASA will report to the Minister bi-annually on all locations where the residual airspace risk requires further analysis and examination, including the outcome of completed airspace risk reviews.

44. CASA will advise the Minister if it becomes known that the government's policy objectives outlined in Paragraphs 8 to 14 will not be met during the period of 3 years after this statement was made.

Glossary of Terms

AAPS	Australian Airspace Policy Statement – Instrument that provides guidance on the administration of Australian airspace.
AFAF	Australian Future Airspace Framework - A concept for the future design of airspace architecture and solutions in Australian administered airspace (including Performance Based Navigation and considerations for RPAS/Urban Air Mobility operations).
AIP	Aeronautical Information Publication – Published by Airservices, containing aeronautical information of a lasting character essential to air navigation.
Airservices	Airservices Australia – Australia's civilian air navigation service provider.
ATC	Air Traffic Control – Service provided by ground-based controllers to maintain a safe distance between aircraft and obstacles, within a confined airspace and on the airport surface.
ATM	Air Traffic Management – Includes ATC, airspace management and air traffic flow management.
Australian-administered airspace	Australian-administered airspace, for this statement, means: - the airspace over Australian territory; and - airspace that has been allocated by ICAO under the Chicago Convention and for which Australia has accepted responsibility.
CASA	Civil Aviation Safety Authority – Australia's civil aviation safety regulator.
Chicago Convention	*Convention on International Civil Aviation (1944)*.
Defence	Department of Defence – Australian Defence Force airspace interests are not limited to the Royal Australian Air Force but Defence airspace interests are usually represented by the Chief of Air Force.
Environment protection	Meaning, as far as practicable, that airspace should be administered in a manner that contributes to the protection of the environment, including for example the minimisation of noise, gaseous emissions and other environmental issues. If it will have a significant impact, CASA will consider the application of the *Environment Protection and Biodiversity Conservation Act 1999*.
FRL	Federal Register of Legislation – An electronic repository and authoritative source of Commonwealth legislative instruments, explanatory statements and compilations.
ICAO	International Civil Aviation Organization – United Nations agency which oversees international air navigation.
IFR	Instrument Flight Rules – A set of flight rules that assume the visibility conditions are such that instruments must be used to assist with flying.
OAR	Office of Airspace Regulation – Operational unit within CASA that regulates and administers airspace.
RPAS	Remotely piloted aircraft system - A remotely piloted aircraft, its associated remote pilot station(s), the required command and control links and any other components as specified in the type design.
SARPs	Standards and Recommended Practices (ICAO).
UTM	Unmanned Traffic Management – a system that will enable CASA and Airservices, to the extent they are involved, to make available authorisations, real-time information regarding airspace constraints and flight intents available to RPAS operators.
VFR	Visual Flight Rules – A set of flight rules that assume visibility is good enough to fly with visual reference to the ground.

Referenced Documents

This section provides information on the documents referred to in the AAPS and information on how to access the documents.

Convention on International Civil Aviation

Australia ratified the Convention on International Aviation (1944) (the Chicago Convention) in 1947. The authorised text can be accessed in a number of ways:

- The Chicago Convention is incorporated as Schedule 1 to the *Air Navigation Act 1920* – https://www.legislation.gov.au/Details/C2016C00936
- The Chicago Convention can be downloaded from the ICAO website – http://www.icao.int/publications/Pages/doc7300.aspx

Article 37 of the Chicago Convention empowers ICAO to adopt Standards and Recommended Practices (SARPs) in relation to a range of aviation safety issues and other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

The SARPs are promulgated by ICAO in Annexes to the Chicago Convention. Article 38 requires Contracting States that do not comply with the SARPs to notify a difference to ICAO. Articles 37 and 38 can be viewed at the links above.

Annexes to the Chicago Convention and Procedures for Air Navigation Services

An overview of the Annexes to the Chicago Convention is available here – http://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf

Copies of the Annexes to the Chicago Convention can be obtained:

- from the ICAO website – https://store.icao.int/annexes.html; or
- from most public libraries.

Federal Register of Legislation

Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation https://www.legislation.gov.au/Browse/ByTitle/LegislativeInstruments/InForce/0/0/Principal

- ***Airspace Act 2007***

  https://www.legislation.gov.au/Details/C2016C00178

- **Airspace Regulations 2007**

  https://www.legislation.gov.au/Details/F2016C00341

- ***Civil Aviation Act 1988***

  https://www.legislation.gov.au/Details/C2016C01097

- ***Environment Protection and Biodiversity Conservation Act 1999***

  https://www.legislation.gov.au/Details/C2019C00275

Aeronautical Information Publication (AIP)

The Australian AIP, and related documents, is available by subscription from Airservices Australia – http://www.airservicesaustralia.com/aip/aip.asp?pg=10

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