



Australian Airspace Policy Statement 2010¹

Airspace Act 2007

I, ANTHONY NORMAN ALBANESE, Minister for Infrastructure, Transport, Regional Development and Local Government, make this Statement under section 8 of the *Airspace Act 2007*.

Dated (10 December) 2009

(SIGNED)

ANTHONY NORMAN ALBANESE

Minister for Infrastructure, Transport, Regional Development and Local Government

1 Name of Statement

This Statement is the *Australian Airspace Policy Statement 2010*.

2 Commencement

This Statement commences on 1 January 2010.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

Australian Airspace Policy Statement

Name of Instrument

- 1 This instrument is the Australian Airspace Policy Statement (AAPS) 2010.

Commencement

- 2 This version of the AAPS commences on 1 January 2010 and replaces the initial AAPS which commenced on 1 July 2007.

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 guidance to the Civil Aviation Safety Authority (CASA), as the airspace regulator, on the administration of airspace as a national resource. The AAPS is also intended to provide guidance for the aviation industry and other aviation agencies.

The Office of Airspace Regulation

- 5 CASA will exercise its airspace authority on the advice of an Office of Airspace Regulation (OAR), which will be a distinct operational unit of CASA. Under the *Civil Aviation Act 1988*, CASA must regard the safety of air navigation as the most important consideration, and the OAR must approach the development of its advice on airspace regulation on the same basis.
- 6 The legislation and regulations which govern airspace administration require a broad range of activities to be undertaken by CASA. While the AAPS focuses on priorities and processes for a selection of those activities, all roles, functions and responsibilities under the *Airspace Act 2007* and the *Airspace Regulations 2007* must be fulfilled by CASA and the statement does not alter the primacy of the relevant legislative provisions.

Airspace Administration

- 7 The administration of Australian-administered airspace:
 - shall be in the best interests of Australia;
 - shall consider the current and future needs of the Australian aviation industry;
 - shall adopt proven international best practice airspace systems adapted to benefit Australia's aviation environment; and
 - shall take advantage of advances in technology wherever practicable.

Airspace Classes Used in Australian-administered Airspace

- 8 Airspace administration in Australia is generally aligned with the International Civil Aviation Organization (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).
- 9 The airspace classification system to be used in Australia is specified below:
- Class A:** IFR (instrument flight rules) 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 VFR (visual flight rules) flights are permitted; all flights are provided with ATC service and are separated from each other. This class is not used at present in Australian-administered airspace.
- Class C:** IFR and VFR flights are permitted. IFR flights are provided with an ATC service and are separated from both IFR and VFR flights. VFR flights are provided with an ATC service for separation from IFR flights and traffic information on 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 are provided with traffic information on all VFR flights. VFR flights are provided with traffic information on all other flights. All flights are separated during take-off and landing.
- Class E:** IFR and VFR flights are permitted. IFR flights are provided with an ATC service and are separated from other IFR flights and receive traffic information on VFR flights as far as is practicable. VFR flights are provided with a flight information service, which includes traffic information, as far as is practicable.
- 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. This class is not used at present in Australian-administered airspace.
- Class G:** IFR and VFR flights are permitted. IFR and VFR flights receive a flight information service which includes directed traffic information to IFR flights on other IFR flights and known VFR flights.
- 10 Under the *Airspace Act 2007*, CASA is responsible for determining when and how these classifications are to be deployed in Australian-administered airspace. CASA is to publish any changes to the airspace classes and corresponding information through the Federal Register of Legislative Instruments (FRLI) and then through the Australian AIP in a timely and accurate manner.
- 11 Pursuant to regulations made under section 11 of the *Airspace Act 2007*, CASA is responsible for the classification and designation of all Australian-administered airspace.

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- 12 CASA has sole responsibility for the regulation of the design of all Australian-administered airspace.

Prohibited, Restricted and Danger Areas

- 13 Australia has adopted the ICAO designations described in Annex 15, Chapter 2, of the Chicago Convention for accommodating activities that may be incompatible with routine flying operations, i.e., Prohibited, Restricted and Danger Areas. These areas and the circumstances in which they can be declared are described at Regulation 6 of the Airspace Regulations 2007. This is consistent with the relevant ICAO documentation.
- 14 The declaration of these areas and the circumstances in which they can be declared are as follows:
Prohibited Area – 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.
Restricted Area – CASA must not declare an area to be a restricted area unless, in the opinion of CASA, it is necessary in the interests of public safety or the protection of the environment to restrict the flight of aircraft over the area to aircraft flown in accordance with specified conditions.
Danger Area – CASA must not declare an area to be a danger area unless, in the opinion of CASA, there exists within or over the area an activity that is a potential danger to aircraft flying over the area.

Process for Changing the Class or Designation of a Volume of Airspace

- 15 Changes to an existing airspace classification or designation should be the consequence of a clear and consistent risk management process.
- 16 CASA's risk management process should be consistent with published Australian Standards for risk management as updated.
- 17 The process for change will commence with CASA identifying the volumes of airspace it will be reviewing in accordance with section 13 of the *Airspace Act 2007*.
- 18 The review process will then lead to the completion of a risk assessment of the particular volume of airspace under review.
- 19 The risk assessment should take into account the types of aircraft involved, the density of air traffic, the meteorological conditions, and such other factors as may be relevant.
- 20 On completion of the risk assessment process, CASA shall outline its proposals on the overall safety requirement for a particular airspace classification or designation.
- 21 These 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 airspace arrangements, or (c) recommend a continuation of current airspace arrangements without any other proposals.

- 22 CASA will provide these proposals for public comment and, after considering these comments, then make a determination to be implemented as directed by CASA, by the relevant parties.
- 23 Following a decision to change the class of a volume of airspace (a determination), that change must be formalised as a legislative instrument, endorsed by the airspace delegate, and published on FRLI. After a change has been registered on the FRLI, it can then take effect on, or after, the day on which the determination is published in the AIP or when notified by a Notice to Airmen (NOTAM). Designations of Prohibited, Restricted and Danger Areas may be published in the AIP or notified by a NOTAM subject to the requirements of the Airspace Regulations 2007.
- 24 There may be times when urgent decisions are required to meet a safety imperative and it may not be practicable to comply with parts of this process.

Government's Policy Objectives

- 25 The Government considers the safety of passenger transport services as the first priority in airspace administration and CASA should respond quickly to emerging changes in risk levels for passenger transport operations. Airspace administration should also seek to deliver good safety outcomes to all aviation participants.
- 26 The Government expects that CASA will continue the reform of Australia's airspace and move towards closer alignment with the ICAO system and adoption of proven international best practice.
- 27 The Government has also identified three specific airspace policy objectives in relation to the administration and use of Australian-administered airspace which are detailed in paragraphs 28 to 34 and outlined below:
- support for ICAO's Global Air Traffic Management (ATM) Operational Plan and use of ICAO airspace classifications;
 - enhanced ATM services at regional aerodromes regularly served by passenger transport services, as determined by CASA; and
 - effective cooperation between CASA and Australia's air navigation service providers, including Airservices and Defence.

Support for ICAO's Global Air Traffic Management Operational Plan and Use of ICAO Airspace Classifications

- 28 The undertaking of airspace administration will reflect the Australian Government's commitment to the ICAO Global ATM Operational Plan.
- 29 The ICAO Global ATM Operational Plan is the international vision for an integrated, harmonised and globally interoperable ATM system and includes a component on 'airspace management and organisation'.
- 30 The Government fully supports the use of the internationally-recognised ICAO airspace classification system (Class A to G airspace) in airspace administration.

Regional Aerodromes

- 31 The Government is committed to ensuring that effective ATM infrastructure and systems are used to protect and enhance air safety, with ATM services being extended to more regional areas as appropriate, where there has been or is likely to be growing passenger transport services.
- 32 CASA should ensure that appropriate airspace arrangements are in place at major regional aerodromes regularly served by passenger transport services which respond to changes in aviation activity over time such as changes in traffic density, the mix of aircraft types and increases in passenger transport services.

Cooperation with Australia's Air Navigation Service Providers

- 33 The Government is committed to the continuing development of a seamless, harmonised national ATM system. The classification and designation of airspace is seen as an essential component of that system.
- 34 CASA is to work closely with Australia's air navigation service providers to ensure that the needs of all airspace users are properly considered; the provision of ATM services are properly coordinated; and the administration of Australia's airspace is both safe and efficient.

Airspace Strategy

- 35 The Government requires CASA to carry out its responsibilities as the airspace regulator in accordance with the *Airspace Act 2007* and the Airspace Regulations 2007.
- 36 This legislative framework enables CASA to examine and determine future Australian airspace requirements and has established that safety of air navigation is the most important consideration.
- 37 The Government's airspace strategy, to be implemented by CASA, involves the adoption of a risk-based approach to determining Australia's future airspace needs.
- 38 The implementation of this strategy requires the identification of risks to aviation safety using both quantitative and qualitative analysis, and ultimately the safety judgment of CASA as the airspace regulator.
- 39 The Government expects CASA to adopt international best practice in airspace administration. This includes adopting proven international systems that meet our airspace requirements. The Government's airspace strategy recognises that international airspace systems (such as the National Airspace System of the United States of America) include a range of characteristics that should be considered, and implemented as appropriate, by CASA.
- 40 ICAO standards and recommended practices (SARPs) also provide an important basis for airspace administration. The airspace strategy requires any deviations from ICAO SARPs to be well justified, documented, and formally notified to ICAO as a difference.

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- 41 The airspace strategy requires transparency so that the aviation industry has clear insight into the way in which airspace administrative decisions will be developed, taken and implemented including industry and agency consultation. The strategy does however recognise there will be times when urgent decisions are required to meet a safety imperative.
- 42 The airspace strategy is a proactive one based on a dedicated CASA work program, identifying priority locations where airspace should be reviewed, and consistent with the review requirements of the *Airspace Act 2007* and Airspace Regulations 2007.
- 43 The strategy 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 outcome as determined by CASA after completion of these reviews and consistent with the Government's policy objectives.

Airspace Reform Program

- 44 CASA is to provide the Minister for Infrastructure, Transport, Regional Development and Local Government by March 2010 a detailed risk review and airspace reform work program covering the three year period of the AAPS.
- 45 This work program is to include CASA's proposals for airspace review and reform, including proposals to give effect to the Government's policy objectives and CASA will provide the Government with an annual review and acquittal of progress against the objectives and proposals detailed in the work program.

Glossary of Terms

AAPS	Australian Airspace Policy Statement
Administration	In relation to Australian-administered airspace, administration comprises both management and regulation of airspace.
AIP	The Aeronautical Information Publication, published by Airservices Australia, contains aeronautical information of a lasting character essential to air navigation.
Airservices	Airservices Australia
ATM	Air Traffic Management
ATC	Air Traffic Control
Australian-administered airspace	Australian-administered airspace is made up of the following components: <ul style="list-style-type: none"> • the airspace over Australian territory; • airspace that has been allocated by ICAO and for which Australia has accepted responsibility; and • airspace administered by Australia at the request of another country.
CASA	Civil Aviation Safety Authority
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.
Determination	A decision to change the class of a volume of airspace that is formalised as a legislative instrument in the FRLI.
FRLI	Federal Register of Legislative Instruments
ICAO	International Civil Aviation Organization
IFR	Instrument Flight Rules
NOTAM	Notice to Airmen. A notice concerning the establishment, condition or change in any airspace, aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.
OAR	Office of Airspace Regulation (CASA)
SARPs	Standards and Recommended Practices (ICAO)
VFR	Visual Flight Rules

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 has ratified the Convention on International Aviation (1944) (Chicago Convention). 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*, available from the Attorney-General's Department's ComLaw website – <http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/8CB2A43CD6109545CA2573020008F747>
- The Chicago Convention can be downloaded from the ICAO website – http://www.icao.int/icaonet/dcs/7300_cons.pdf

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

A brief overview of the Annexes to the Chicago Convention is available at the ICAO website – http://www.icao.int/eshop/pub/anx_info/annexes_booklet_en.pdf

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

- from the ICAO website – <http://www.icao.int/eshop/index.html>, under the link “Annexes to the Convention on International Civil Aviation,” or
- from most public libraries.

Airspace Act 2007

<http://www.comlaw.gov.au/comlaw/legislation/Act1.nsf/0/4688C79F50006FF7CA2572B200167AA7?OpenDocument>

Airspace Regulations 2007

<http://www.comlaw.gov.au/comlaw/Legislation/LegislativeInstrument1.nsf/0/23F4CFB8081F1635CA257300000F2C17?OpenDocument>

Civil Aviation Act 1988

<http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/current/bytitle/7A3E6C6F2AB52A6EFCA2573400014EEB8?OpenDocument&mostrecent=1>

Federal Register of Legislative Instruments

<http://www.comlaw.gov.au/ComLaw/legislation/legislativeinstrument1.nsf/sh/browse&CATEGORY=legislativeinstrument>

Australian Aeronautical Information Publication

The Australian AIP, and all related documents, is available by subscription from Airservices. These documents are also available for viewing at

<http://www.airservices.gov.au/publications/aip.asp>