



International Civil Aviation Organization

ICAO

**Eleventh Meeting of the Air Traffic Management Sub-Group
(ATM/SG/11) of APANPIRG**

Singapore, 2 – 6 October 2023

Agenda Item 4: Air Navigation Service Deficiencies

**UPDATE ON DESIGNATION OF AUSTRALIAN RESTRICTED AREAS IN
INTERNATIONAL WATERS**

(Presented by Australia)

SUMMARY

This paper presents an update on Australia's progress to removing Restricted Areas within international waters to address the extant ICAO deficiency.

1. INTRODUCTION

1.1 ICAO identified that Australia had designated Restricted Areas (RAs) outside the territorial waters of Australia. ICAO's Annex 2 defines that Restricted and Prohibited Areas can only be designated above the State's land areas or territorial waters. The United Nations Convention on the Law of the Sea (UNCLOS) does not allow States to impose restrictive measures on aircraft within airspace outside land areas and territorial sea.

2. DISCUSSION

Resolution of the deficiency

2.1 Australia's Civil Aviation Safety Authority (CASA) removed any restriction to foreign aircraft in Australian-administered international airspace with interim legal arrangements put in place on 29 April 2021. On and from 30 November 2023 Australian legislative arrangements will be in force to prevent any possible resumption of restrictions. An implementation plan has been developed by CASA, Australia's ANSP and the Australian Defence Force (ADF) to accompany the legislative changes to maintain aviation safety during the transition period.

2.2 As part of the new legislative arrangements, the former RAs in Australian-administered international airspace will transition to Danger Areas (DAs). These DAs will be known as Military Operating Areas (MOA) DAs to distinguish them from other DAs in Australian-administered airspace. The implementation of MOA DAs has already commenced, with former RAs located near the ADF bases Nowra and Williamstown disestablished, and MOA DAs declared on and from 30 November 2023. Australia will disestablish all former RAs in Australian-administered international airspace and declare MOA DAs by 28 November 2024. Until this full transition is completed, the interim legal arrangements mentioned above will be continued in tandem with the new legislative arrangements, thereby ensuring that no restrictions are imposed on foreign aircraft in Australian-administered international airspace.

2.3 Examination of the safety situation in Australia demonstrates a variety of reasons why it is not suitable to use the D designator for MOA DAs in Australian-administered airspace, and why the use of M to designate a MOA DA as a particular kind of DA would be safer. On this basis, Australia, in pursuit of an enhanced safety outcome, has filed a difference to Annex 11 - 2.33.3 (b) using the EFOD System in accordance with Article 38 of the Chicago Convention.

3. ACTION BY THE MEETING

3.1 The meeting is invited to note the information contained in this paper.

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