



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA 57/23

I, ADRIAN PAUL SLOOTJES, Branch Manager, Air Navigation, Airspace & Aerodromes, National Operations & Standards Division, a delegate of CASA, make this instrument under regulation 11.245 of the *Civil Aviation Safety Regulations 1998*.

### [Signed Adrian Slootjes]

Adrian Slootjes

Branch Manager, Air Navigation, Airspace & Aerodromes  
National Operations & Standards Division

14 November 2023

### **CASA 57/23 – Australian-administered Airspace outside Australian Territory – Temporary TIBA Areas – Directions Instrument 2023**

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#### **1 Name**

This instrument is *CASA 57/23 – Australian-administered Airspace outside Australian Territory – Temporary TIBA Areas – Directions Instrument 2023*.

#### **2 Duration**

This instrument:

- (a) commences on 30 November 2023; and
- (b) is repealed at the end of 27 November 2024.

#### **3 Repeal of instrument CASA 08/23**

*CASA 08/23 – Directions – TRAs and TDAs outside Australian Territory – Instrument 2023 (No. 1)* is repealed.

#### **4 Definitions**

In this instrument:

*AsR* means the *Airspace Regulations 2007*, as amended.

*ATS* means air traffic services.

*Australian-administered airspace* means airspace that has been allocated to Australia by the International Civil Aviation Organization (*ICAO*) under the Convention on International Civil Aviation (the *Chicago Convention*) and for which Australia has accepted responsibility.

*Note* Australian-administered airspace includes the airspace over Australian territory and the ICAO-allocated airspace that is outside Australian territory.

*Australian aircraft* has the meaning given in the *Civil Aviation Act 1988*.

*Australian territory* means:

- (a) the territory of Australia and of every external territory; and

- (b) the territorial sea of Australia and of every external territory; and
- (c) the airspace over any such territory or sea.

**CASR** means the *Civil Aviation Safety Regulations 1998*.

**external TRA** has the meaning under section 5.

**OAR** means the Office of Airspace Regulation in CASA.

**TIBA area** means an area where traffic information broadcast by aircraft procedures apply.

**TRA** means a purported temporary restricted area.

**TRA instrument** has the meaning under section 5.

## **5 Direction for temporary restricted areas outside Australian territory**

Australian aircraft

If an instrument (a **TRA instrument**):

- (a) issued by OAR; and
- (b) expressed as made under either or both of regulations 6 and 9 of the AsR; purports to create 1 or more temporary restricted areas in Australian-administered airspace outside Australian territory (an **external TRA**), then the operator of an Australian aircraft is directed to comply with the requirements of the TRA instrument and its conditions (if any) as if they applied to the operator while the aircraft is in the external TRA.

*Note 1* This section applies whether or not the TRA instrument also creates temporary restricted areas **inside Australian territory**. Such instruments for temporary areas inside Australian territory are separately valid and enforceable.

*Note 2* It is an offence under regulation 11.255 of CASR to contravene the direction in section 5.

*Note 3* **Foreign registered aircraft**

There is no requirement for a separate subsection to deal with foreign registered aircraft.

If a TRA instrument creates a TRA inside Australian territory, then the instrument applies to foreign registered aircraft by force of regulation 6 of the AsR.

If a TRA instrument purports to create 1 or more temporary restricted areas in Australian-administered airspace **outside** Australian territory (an **external TRA**), then under the Chicago Convention, as applied by section 11 of the *Civil Aviation Act 1988*, this direction instrument has no application to foreign registered aircraft. For an external TRA, as defined in this direction instrument, the operator of a foreign registered aircraft is not required to comply with the requirements (if any) of the instrument while the aircraft is in the external TRA. However, CASA strongly recommends that the operators of such foreign aircraft should comply in the interests of aviation safety, given that the relevant reasons for the declaration of the external TRA may constitute a threat to aviation safety.

## **6 Direction – Airservices Australia – Air Traffic and Aeronautical Information Services**

For aircraft operating in, or in the airspace adjacent to, an external TRA of a kind mentioned in section 5, Airservices Australia is directed that, as far as practical, it must provide ATS and aeronautical information services in accordance with the conditions (if any) expressed in the TRA instrument that is for the area, as if the area were a declared restricted area.