

SUBMISSION

ORGANISATION	Airservices Australia
SENATE	Rural and Regional Affairs and Transport References Committee
INQUIRY	Aviation Accident Investigations
DATE	1 February 2013

Purpose

This is a submission from Airservices Australia (Airservices) to the Rural and Regional Affairs and Transport References Committee inquiry into aviation accident investigations. This submission seeks to further clarify the regulation of international aviation, the role of Airservices as Australia's air navigation service provider (ANSP), how the organisation interacts with neighbouring ANSPs, and its role in the flight which is subject of the inquiry.

Regulation of international aviation – the Chicago Convention

The Convention on International Civil Aviation, also known as the Chicago Convention, established the International Civil Aviation Organization (ICAO) in 1944, a specialised agency of the United Nations charged with coordinating and regulating international air travel.

The Australian Government ratified the Convention in 1947, thereby becoming a member of ICAO, with the Australian aviation safety regulatory system based upon the international standards, recommended practices and procedures adopted by ICAO.

The Department of Infrastructure and Transport is responsible for ensuring Australia meets its obligations under the Chicago Convention, which it does by assigning certain obligations to Airservices, others to the Civil Aviation Safety Authority (CASA), and some it discharges itself.

About Airservices

Airservices is a Commonwealth Statutory Authority, established in July 1995 in accordance with the *Air Services Act 1995*. Airservices primary role is to provide air navigation and aviation rescue and fire fighting services, which are regulated by CASA and independently investigated by the Australian Transport Safety Bureau (ATSB).

Services are delivered according to Civil Aviation Safety Regulations Part 171 and 172, and underscored by a performance-based air traffic management framework that is aligned to ICAO standards. They are designed to enhance performance in safety, the environment, capacity, flight efficiency and cost effectiveness.

Enabling legislation, objectives, functions

Airservices operates under the *Air Services Act 1995* and is also subject to the *Commonwealth Authorities and Companies Act 1997*. Under the *Air Services Act 1995*, Airservices:

- provides facilities for the safe navigation of aircraft within Australian-administered airspace;
- promotes and fosters civil aviation in Australia and overseas;
- provides air traffic services, aviation rescue and fire fighting services, and aeronautical information, radio navigation and telecommunications services in line with the Chicago Convention and to ensure the safety, regularity and efficiency of air navigation;

- cooperates with the Australian Transport Safety Bureau in investigating aircraft accidents and incidents;
- adheres to regulations relating to impacts associated with the operation of Commonwealth jurisdiction aircraft; and
- undertakes functions as required under the *Air Navigation Act 1920* and the *Aviation Transport Security Act 2004* or by regulation.

Airservices airspace and interaction with regional neighbours

ICAO has divided the world's airspace into flight information regions (FIRs) for the purposes of assigning the responsibility of air traffic management to member States. In turn, governments appoint ANSPs to manage airspace in accordance with international (ICAO) standards.

Airservices is responsible on behalf of the Australian Government for managing Australia's sovereign and allocated airspace. Australian airspace is divided into two FIRs known as 'Brisbane' and 'Melbourne', and is approximately 52 million square kilometres, or 11 per cent, of the earth's surface. A map depicting Australia's airspace is at **Attachment 1**.

Australia's airspace borders 11 other FIRs, which are all controlled by ANSPs appointed by their sovereign States. The level and method of interaction Airservices has with these ANSPs varies as 60 per cent of flights to and from Australia transit airspace boundaries primarily with Indonesia and Papua New Guinea.

Of note, the airspace surrounding two Australian territories, Christmas Island and Norfolk Island, are not included in Australia's FIRs.

The airspace over Christmas Island is within the Indonesian FIR, which is managed by the Indonesian Government. The airspace over Norfolk Island is within the New Zealand FIR, which is managed by Airways Corporation of New Zealand on behalf of the New Zealand Government. A map depicting the management of airspace over Norfolk Island is at **Attachment 2**.

Relationships with neighbouring ANSPs on operational safety matters are managed through a series of safety forums as well as direct relationships, with the primary purpose to improve the safety and efficiency of aviation within each FIR and across boundaries. These relationships have also recently been the catalyst behind measures to reduce the environmental impact of long-haul international flights and ensuring the introduction of new technologies (such as satellite assisted navigation and surveillance) maintains or enhances present levels of safety.

Pel-Air accident

The Pel-Air flight which is the subject of inquiry did not enter Australian airspace and was managed throughout by Airways Corporation of New Zealand and Airports Fiji Limited, the ANSP responsible for managing Fijian airspace, in accordance with their respective government and international air navigation regulations and obligations.

Airservices direct involvement in the Pel-Air flight was limited to receipt and distribution of the aircraft's flight plan and providing pre-flight weather information. There was no regulatory requirement for the pilot to file the flight plan with Airservices and the pilot may equally have chosen to file with either the Airways Corporation of New Zealand or with Airports Fiji Limited.

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