

AUSTRALIA



Treaty Series No. 8 (1989)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Australia

further amending the Agreement on Air Services
between and beyond their respective territories
signed at London on 7 February 1958

Canberra, 4 and 23 August 1988

[The Exchange of Notes entered into force on 23 August 1988]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1989*

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EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF
AUSTRALIA FURTHER AMENDING THE AGREEMENT ON AIR SERVICES
BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES SIGNED
AT LONDON ON 7 FEBRUARY 1958

No. 1

*The United Kingdom High Commissioner at Canberra to the Minister for Foreign Affairs
and Trade of Australia*

*British High Commission
Canberra*

4 August 1988

NOTE NO. 59/88

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia for Air Services between and beyond their respective territories signed at London on 7 February 1958¹ (hereinafter referred to as "the Agreement") as subsequently amended.

I have the honour to propose that the Agreement, as amended, be further amended by adding the following new article on aviation security which shall be placed immediately after Article 8 in the Agreement and shall bear the number 8(A):—

" ARTICLE (8A)

Aviation Security

(1) The assurance of safety for civil aircraft, their passengers and crew being a fundamental pre-condition for the operation of international air services, the Contracting Parties reaffirm that their obligations to each other to provide for the security of civil aviation against acts of unlawful interference (and in particular their obligations under the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944², as amended, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, opened for signature at Tokyo on 14 September 1963³, the Convention for the Suppression of Unlawful Seizure of Aircraft, opened for signature at The Hague on 16 December 1970⁴ and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature at Montreal on 23 September 1971⁵) form an integral part of this Agreement.

(2) The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

(3) The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security Standards and Recommended Practices established by the International Civil Aviation Organisation and designated as Annexes to the Convention on International Civil Aviation to the extent that such security provisions are applied by both Contracting Parties. Each Contracting Party shall require that operators of aircraft of its registry, operators who have their principal place of business or permanent residence in its territory, and the operators of airports in its territory, act in conformity with such aviation security provisions. In this paragraph the reference to aviation security Standards includes any difference notified by the Contracting Party concerned. Each Contracting Party shall advise the

¹C.R.O. 162, Cmnd. 410.

²Treaty Series No. 8 (1953), Cmd. 8742.

³Treaty Series No.126 (1969), Cmnd. 4230.

⁴Treaty Series No. 39 (1972), Cmnd. 4956.

⁵Treaty Series No. 10 (1974), Cmnd. 5524.

other Contracting Party of any difference between its national regulations and practices and the aforementioned aviation security provisions. Each Contracting Party may request immediate consultations with the other Contracting Party at any time to discuss any such difference.

(4) Each Contracting Party agrees that its airlines may be required to observe the aviation security provisions referred to in paragraph (3) required by the other Contracting Party, for entrance into, departure from, or while within, the territory of the other Contracting Party. Each Contracting Party shall ensure that effective measures are taken within its territory to protect aircraft, to screen passengers and their carry-on items, and to carry out appropriate checks on crew, cargo and aircraft stores prior to and during boarding or loading. Each Contracting Party shall also give positive consideration to the other Contracting Party for reasonable special security measures to meet a particular threat to civil aviation.

(5) When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate such incident or threat as rapidly as possible commensurate with minimum risk to life.

(6) When a Contracting Party has reasonable grounds to believe that the other Contracting Party has departed from the aviation security provisions of this Article, the aeronautical authorities of that Contracting Party may request immediate consultations with the aeronautical authorities of the other Contracting Party. Failure to reach a satisfactory resolution of the matter within 15 days from the date of receipt of such request shall constitute grounds for withholding, revoking, limiting or imposing conditions on the operating authorisations or technical permissions of an airline or airlines of the other Contracting Party. When justified by an emergency, a Contracting Party may take interim action prior to the expiry of 15 days. Any action taken in accordance with this paragraph shall be discontinued upon compliance by the other Contracting Party with the security provisions of this Article."

If the foregoing is acceptable to the Government of Australia, I have the honour to propose that this Note and your reply shall constitute an Agreement between our two Governments which shall enter into force on the date of your reply.

Accept, Minister, the assurances of my highest consideration.

A. J. COLES

No. 2

*The Minister for Trade Negotiations of Australia to the United Kingdom High Commissioner
at Canberra*

*Parliament House
Canberra
23 August 1988*

Your Excellency,

I have the honour to acknowledge the receipt of your Note, dated 4 August 1988, which reads as follows:

[As in No. 1]

I have the further honour to confirm that the proposal is acceptable to the Government of Australia, and that consequently your Note and this Note in reply shall constitute an Agreement between our two Governments which shall enter into force on the date of this reply.

Accept, Excellency, the renewed assurances of my highest consideration.

MICHAEL DUFFY