

VII – AVIATION AND SPACE LAW

International civil aviation – air links with Taiwan – proposed aviation agreements

On 10 May 1989 the Minister for Transport and Communications, Mr Willis, provided the following written answer in part to a question on notice (HR Deb 1989, Vol166, p 2437):

Any consideration of the establishment of an air link between Australia and Taiwan would take place against the background of terms of Australia's acceptance of the Government in Beijing as the sole legal Government of China and our acknowledgment of its claim that Taiwan is a province of China. The Chinese Government considers that establishment of an air link with Taiwan is a matter concerning China's sovereignty and that countries must consult with China before proceeding. The issue has been raised with the Chinese Government.

There can be no formal Government-to-Government negotiations or air services agreement between Australia and Taiwan, as Australia does not have any official relations with the authorities on Taiwan. Commercial aviation interests in Australia and Taiwan are nevertheless consulting about whether it might be possible to establish air services in the absence of such an agreement. It is too early to speculate on the outcome of these discussions.

International Civil Aviation Organisation Conventions – non-ratification by Australia

On 18 February 1988 the Minister for Transport and Communications provided the following written answer to a question on notice (HR Deb 1988, Vol 159, pp 321–2):

The following ICAO related instruments have not been ratified by Australia:

- . The International Air Transport Agreement, signed at Chicago, on 7 December 1944.
- . The Protocol relating to an amendment to the Convention on International Civil Aviation – Article 93 bis, signed at Montreal, on 23 May 1947.
- . The Convention on the International Recognition of Rights in Aircraft, signed at Geneva, on 19 June 1948.
- . The Protocol to amend the Convention for the Unification of Certain Rules relating to the International Carriage by Air, signed at Warsaw, on 12 October 1929, as amended by the Protocol, signed at the Hague, on 28 September 1955. Signed at Guatemala City, on 8 March 1971.
- . The Protocol to amend the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome, on 7 October 1952. Signed at Montreal, on 23 September 1978.

There are a number of other ICAO related instruments where possible ratification by Australia is still under consideration subject to further work and development. Instruments included under this category are:

- . The Additional Protocol Number 1 to amend the Convention for the

Unification of Certain Rules relating to the International Carriage by Air, signed at Warsaw, on 12 October 1929. Signed at Montreal, on 25 September 1975.

- The Additional Protocol Number 2 to amend the Convention for the Unification of Certain Rules relating to the International Carriage by Air, signed at Warsaw, on 12 October 1929, as amended by the Protocol, signed at the Hague, on 28 September 1955. Signed at Montreal, on 25 September 1975.
- The Additional Protocol Number 3 to amend the Convention for the Unification of Certain Rules relating to the International Carriage by Air, signed at Warsaw, on 12 October 1929, as amended by the Protocols, signed at the Hague, on 28 September 1955 and at Guatemala City on 8 March 1971. Signed at Montreal, on 25 September 1975.
- The Additional Protocol Number 4 to amend the Convention for the Unification of Certain Rules relating to the International Carriage by Air, signed at Warsaw, on 12 October 1929, as amended by the Protocol signed at the Hague, on 28 September 1955. Signed at Montreal, on 25 September 1975.
- The Protocol relating to an amendment to the Convention on International Civil Aviation – Article 83 bis, signed at Montreal, on 6 October 1980.

International civil aviation – security – threats

On 8 May 1989 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in answer to a question without notice (Sen Deb 1989, Vol 133, p 1958):

Needless to say, it is cause of the utmost regret that the Speaker of the Iranian Parliament, Rafsanjani, not only has apparently sought to incite further violence in the occupied territories but also has called for international terrorism in support of the Palestinian people. Such calls are indefensible, counter-productive and only make a political settlement more difficult. I have noted that a number of Palestine Liberation Organisation leaders have repudiated the violence which Speaker Rafsanjani has been advocating. We hope that response will be maintained elsewhere. The Australian Government deplores such calls to violent action and, in particular, the threats to international civil aviation that have been made by Speaker Rafsanjani. I have asked my Department to call in the Iranian Ambassador to provide an explanation of Mr Rafsanjani's comments.

International civil aviation – shooting down of Iranian airliner by United States over Gulf of Hormuz

On 4 July 1988 the Minister for Foreign Affairs and Trade, Mr Hayden, issued the following statement:

The Minister for Foreign Affairs and Trade, Mr Bill Hayden, said today he was saddened by the tragic events overnight in the Gulf of Hormuz.

He expressed deep sympathies for the victims and to their families.

Australia was waiting advice from our embassies in Tehran and Washington concerning the circumstances of the tragedy, particularly the factors which led to the identification of the aircraft as being of hostile intent.

This latest tragic incident further underscores the urgent need to bring the war between Iran and Iraq to a negotiated and lasting settlement.

Space law – Memorandum of Understanding with China on commerce and technology

On 24 November 1988 the Minister for Industry, Technology and Commerce, Senator Button, said in part in answer to a question without notice (Sen Deb 1988, Vol 130, p 2752):

The Australian space Office signed a memorandum of understanding with the Chinese Academy of Space Technology on 19 November, during the visit of the Chinese Premier. The agreement reflects the interest of the Chinese in further cooperation with Australia. Of course, it very largely stems from the decision by Aussat to use the Long March rocket for the launch of Aussat's next generation of satellites. It further stems from the fact that Australia and China have complementary interests in the commercial and scientific exploitation of space technology.

... There is no doubt that China benefits from cooperation with a technologically advanced country in developing its own capabilities and recognises that Australia is prepared to cooperate in mutually beneficial activities.

I want to give a couple of examples of the areas of potential cooperation which have been identified so far. The first is an oceanographic satellite which would allow for the identification, exploitation and management of offshore fisheries, and contribute to a number of other areas of marine study. Australia happens to have a fairly well advanced capacity, for example, in remote sensing. That is of considerable interest to the Chinese. The second project is a meteorological satellite which could use one or more of the innovative instruments being developed in Australia ...

A third area of commercial space activity is in the sale by Australian organisations of ground support services for Chinese satellites.