

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA

**An Exchange of Notes**  
**amending**  
***the Agreement between the Government of Australia***  
***and***  
***the Government of His Majesty the Sultan and Yang Di-Pertuan***  
***of Brunei Darussalam***  
***relating to Air Services (done at Canberra, 30 April 1992)***

(Brunei, TBA 2010)

Not yet in force

[2010] ATNIF 21

## INITIATING NOTE

The Australian High Commission presents its compliments to the Ministry of Foreign Affairs of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and has the honour to refer to the Agreement between the Government of Australia and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam relating to Air Services, done at Canberra on 30 April 1992 (the Head Agreement).

The Australian High Commission has the further honour to refer to Memorandum of Understanding between the Aeronautical Authorities of Australia and Brunei Darussalam on 16 April 2007 (the Memorandum of Understanding). Pursuant to the provisions of the Memorandum of Understanding, the High Commission has the honour to propose the following amendments to the Head Agreement:

that Article 1(b) in the Head Agreement be replaced by:

“Agreed services” means scheduled air services on the routes specified in the Annex to this Agreement for the transport of passengers and/or cargo in accordance with agreed capacity entitlements.”;

That Paragraph 1(b) of Article 5 (Revocation and Limitation of Authorisation) be replaced by:

“(b) in the event that the aeronautical authorities of the Contracting Party are not satisfied that the airline is incorporated in and has its principal place of business in the territory of the Contracting Party designating the airline; or”

and the Route Annex to the Head Agreement be replaced by:

**“ANNEX**

**SECTION 1**

Route to be operated in both directions by the designated airline or airlines of Brunei Darussalam:

<b>FROM</b>	<b>INTERMEDIATE POINTS</b>	<b>TO</b>	<b>BEYOND</b>
Brunei Darussalam	Any points	Any points in Australia	Any points

**SECTION II**

Route to be operated in both directions by the designated airline or airlines of Australia:

<b>FROM</b>	<b>INTERMEDIATE POINTS</b>	<b>TO</b>	<b>BEYOND</b>
Australia	Any points	Any points in Brunei Darussalam	Any points

**NOTES**

1. Points on the specified routes may be omitted, provided that services shall either commence or terminate in the territory of the Contracting Party designating the airline.

2. The traffic rights to be exercised shall be decided between the aeronautical authorities of the Contracting Parties from time to time. ”

If the foregoing proposal is acceptable to the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, the Australian High Commission has the honour to propose that this Note and Note in reply to that effect from the Ministry of Foreign Affairs of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, shall constitute an Agreement between the two Governments amending the Head Agreement, which shall enter into force upon the date of your Note in reply.

The Australian High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam the assurances of its highest consideration.