

SUBMISSION NO. 8



Australian Government

Department of Infrastructure and Transport

File Reference: 10/2925

Mr Kelvin Thompson MP
Chair
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Dear Mr Thompson

Subject: JSCOT public hearing 25 February 2011

I refer to the public hearing of the Joint Standing Committee on Treaties on 25 February 2011, at which this Department answered questions in relation to, inter alia, to *the Agreement between the Government of Australia and the Government of the Republic of Turkey Relating to Air Services* done at Ankara on 28 April 2010.

During the hearing, I undertook to provide further information in relation to applicability of the Australia-Turkey Air Services Agreement to the disputed territory of Northern Cyprus (page TR 23 of the Proof Committee Hansard).

The Australia-Turkey air services agreement does not specifically refer to any international airport in the disputed territory of Northern Cyprus.

The Australia-Turkey air services agreement is a bilateral agreement authorising air services between the territory of Australia and the territory of the Republic of Turkey with the term 'territory' being defined by reference to Article 2 of *the Convention on International Civil Aviation* opened for signature at Chicago on 7 December 1944, to which both Australia and Turkey are parties.

The Australian Government does not recognise the Turkish Republic of Northern Cyprus (Northern Cyprus), and regards the Republic of Cyprus as the only legitimate entity on Cyprus. The Government of the Republic of Turkey recognises the Turkish Republic of Northern Cyprus as an independent State, and does not consider it as part of Turkey. Therefore, the Australia-Turkey air services agreement does not apply to Northern Cyprus, and there is no ambiguity over the application of the Australia-Turkey air services agreement despite the different positions of the Governments in relation to Northern Cyprus.

We have consulted with the Department of Foreign Affairs and Trade in preparing this response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Lucas', written in a cursive style.

Samuel Lucas
Director, Air Services Negotiations
Aviation Industry Policy

7 March 2011