# Proposed standards for fatigue management for air traffic service personnel (CD 2303AS)

# Overview

We are seeking your feedback about introducing fatigue management standards for air traffic service (ATS) personnel.

We propose to adopt one of the standards for fatigue management specified by the International Civil Aviation Organization (ICAO), specifically a fatigue risk management system (FRMS).

Fatigue management is a core aviation safety requirement, and we believe it is important to address this matter in legislation.

We anticipate the changes being in place by the end of August 2023.

**Proposed new rule set/standards**

To implement fatigue management legislation, we are proposing an amendment to:

* The Part 172 Manual of Standards (MOS) (ATS providers) to set the standards and requirements for an ATS provider to have and operate an FRMS.
* The Part 65 MOS (ATS licensing) to set complementary fatigue requirements for ATS personnel.

The proposed standards are based on the standards in Annex 11 (Air traffic services) to the Chicago Convention, but with administrative requirements and terminologies consistent with the existing legislation for flight crew specified in Civil Aviation Order (CAO) 48.1.

**Principal changes**

Under the proposed legislation, the system, and processes for an ATS provider’s FRMS are as follows:

* An ATS provider’s FRMS would apply to all air traffic controllers and flight service officers.
* An FRMS would have characteristics and components consistent with Annex 11 standards – policy and documentation, fatigue risk management processes, safety assurance processes, and promotion processes.
* Additionally, an FRMS would require practical operating procedures – that is maximum and minimum values that provide a baseline, in terms of safety equivalence, from which an FRMS is assessed.
* An FRMS would have change management requirements to the effect an ATS provider must not make significant changes to its FRMS unless the change is approved by CASA.
	+ Significant changes include changes to the maximum and minimum values required under practical operating procedures.
* An ATS provider would apply to CASA for approval of its FRMS.
* For a satisfactory FRMS application, CASA may grant a trial FRMS implementation approval to enable the ATS provider to demonstrate that its FRMS is effective.
* CASA may grant a full FRMS implementation approval if the trial is successful.

For ATS personnel, the proposed legislation will apply a condition on all air traffic controller and flight service licences, to the effect the holder must not begin to perform an ATS function if, due to fatigue, the holder is, or is likely to be, unfit to perform a task required for that function.

**Previous consultations**

Prior to the release of this summary of proposed change, we consulted on fatigue management standards within [Policy Proposal 2207AS](https://consultation.casa.gov.au/regulatory-program/pp-2207as/), which was open for public comment from 9 June 2022 to 8 July 2022. Alterations and additions have been made to the original proposals as a result of this consultation.

# Why your views matter

Your feedback will help us make sure the final standards are clear and will work as intended.

Please submit your comments using the survey link on this page.

If you are unable to provide feedback via the survey link, please email regulatoryconsultation@casa.gov.au for advice.

**Documents for review**

All documents related to this consultation are attached in the ‘Related’ section at the bottom of the overview page. They are:

* Summary of proposed change on CD 2203AS, which provides background on the proposed standards
* Consultation draft of Instrument – *Part 172 (Air Traffic Service Providers) Amendment (Fatigue Rules) Manual of Standards 2023*.
* Consultation draft of Instrument – *Part 65 (Air Traffic Service Licensing) Amendment (Fatigue Rules) Manual of Standards 2023*.
* Annex A - A document tabulating the proposed FRMS standards cross-referenced with relevant ICAO and existing CAO 48.1 FRMS standards.
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

**What happens next**

At the end of the response period, we will:

* review all comments received
* make responses publicly available on the consultation hub (unless you request your submission remain confidential)
* publish a summary of consultation which summarises the feedback received and outlines any intended changes and next steps.

Feedback that improves the proposed change will be incorporated into the final policy.

# **Give Us Your Views** [Appears on the overview page at the bottom]

Online Survey [This link is on the front page of the survey and takes you to the survey questions]

# **Related Documents**

* Summary of proposed change on CD 2203AS
* Consultation draft of Instrument – *Part 172 (Air Traffic Service Providers) Amendment (Fatigue Rules) Manual of Standards 2023*.
* Consultation draft of Instrument – *Part 65 (Air Traffic Service Licensing) Amendment (Fatigue Rules) Manual of Standards 2023*.
* Annex A - Tabular comparison - Proposed fatigue management standards for the Part 172 MOS.
* MS Word copy of online consultation - Proposed Part 172 standards for fatigue management for air traffic service (ATS) personnel (CD 2303AS)

# **Audience & Interest groups**

**Audience**

* CASA staff
* Air traffic service providers
* Air traffic controller/s
* Flight service officer/s

**Interest**

* Licensing

# Page 1. Comments on the proposed changes

If you intend to comment on the proposed changes, we will ask you for:

* **personal information**, such as your name, any organisation you represent, and your email address
* **your consent** to publish your submission
* **your responses** to the proposed changes in the regulations
* **any comments** you may want to provide
* **demographic information** to help us understand your interest in the changes.

Our [website](https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public)<https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public>, contains more information on making a submission and what we do with your feedback.

# Page 2. Personal information

## First name

(Required)

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## Last name

(Required)

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## Email address

If you enter your email address, you will automatically receive an acknowledgement email when you submit your response.

Email

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## Do your views officially represent those of an organisation?

## (Required)

Please select only one item

[ ]  Yes, I am authorised to submit feedback on behalf of an organisation

[ ]  No, these are my personal views.

If yes, please specify the name of your organisation.

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Which of the following best describes the group you represent?

Please select all items that apply.

[ ]  Air traffic service provider

[ ]  Air traffic controller

[ ]  Flight service officer

[ ]  Other

Please specify ‘Other’ if selected.

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# Page 3. Consent to publish submission

To provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name** if the submission is made by you as an individual
* **the name of the organisation** on whose behalf the submission has been made
* **your responses** and comments

We **will not** include any other personal or demographic information in a published response.

Do you give permission for your response to be published?

*(Required)*

*Please select only one item*

[ ]  Yes - I give permission for my response/submission to be published.

[ ]  No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

[ ]  I am a CASA officer.

Information about how we consult and how to make a confidential submission is available on our [website](http://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public) < www.casa.gov.au/rules/changing-rules/consultation-industry-and-public >.

# Page 4. Feedback on proposed amendments

## **Change topic 1 – Proposed amendment to the Part 172 Manual of Standards**

The proposed amendment to the Part 172 Manual of Standards (MOS) is detailed in the consultation draft of Instrument - *Part 172 (Air Traffic Service Providers) Amendment (Fatigue Rules) Manual of Standards 2023* (included with this consultation).

Please refer to that draft instrument when commenting or responding to change topic 1.

**Question:** Do you think the proposed fatigue management requirements in the Instrument will work as intended?

*Radio buttons*

☐ Yes

☐ Yes with changes (please be specific and provide suggestions below)

☐ No (please be specific and explain why)

☐ Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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## **Change topic 2 – Proposed amendment to the Part 65 Manual of Standards**

The proposed amendment to the Part 65 Manual of Standards (MOS) is detailed in the consultation draft of Instrument - *Part 65 (Air Traffic Service Providers) Amendment (Fatigue Rules) Manual of Standards 2023* (included with this consultation).

Please refer to that draft instrument when commenting or responding to change topic 2.

**Question:** Do you think the proposed fatigue management requirements in the Instrument will work as intended?

*Radio buttons*

☐ Yes

☐ Yes with changes (please be specific and provide suggestions below)

☐ No (please be specific and explain why)

☐ Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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## **General comments**

Do you have any general comments about the proposed changes?

Please include any **impact** these changes may have on you or your operation which has not already been covered in this consultation.

Comments

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