# Proposed amendments to Part 172 regulations and standards for air traffic service providers – (PP 2207AS)

# Overview

Part 172 of the Civil Aviation Safety Regulations 1998 (CASR) was one of the first CASR Parts introduced in 2003. Part 172 deals with the provision of air traffic services (ATS).

CASA is carrying out a post-implementation review (PIR) of Part 172 of the CASR and its Manual of Standards (MOS). While CASA has amended the MOS from time to time to address specific matters, this is the first comprehensive review of both the Regulation and the MOS.

The structure of Part 172 allows the standards for ATS to be specified either in the MOS or by direct reference to certain International Civil Aviation Organization (ICAO) documents (Annex 11 and Doc. 4444). One of the first steps in the PIR was to do a comparative check of the regulation, the MOS and the relevant ICAO documents. This revealed significant duplication (same standard mentioned simultaneously in different sources), but critically - no regulatory standards for managing air traffic controller fatigue. The review also found that Part 172 is inconsistent with current CASA policy with regard to managerial and organisational arrangements for aviation service providers.

### Proposed changes to regulations and standards

CASA is proposing to amend Part 172 of CASR to:

* introduce requirements and associated provisions covering the management of air traffic controller fatigue
* modify the existing change management requirements to require CASA approval for significant changes
* align the existing management structure requirements with other CASR Parts by setting requirements for an accountable manager and key personnel
* change the naming convention for key documents from ‘operations manual’ to ‘exposition’
* simplify the existing hierarchical structure for the various standards to which an ATS provider must comply
* empower CASA to specify matters that must be accounted for when an ATS provider determines it has enough staff to provide the air traffic services covered by its approval
* rearrange the layout (the order of regulations) of Part 172 to match the layout of new CASR Parts.

CASA is also proposing to amend the Part 172 MOS to:

* omit more than half of the standards in the current MOS because they replicate existing ICAO standards or are defining a technique (a way to apply a standard, but not a standard)
* introduce standards for a fatigue risk management system (FRMS) as the initial and only method for ATS providers to meet the proposed Part 172 of CASR requirement for ATS providers to have a system for managing fatigue
* redraft, restructure or refresh all remaining standards within the MOS in accordance with discussion and feedback between CASA and a Technical Working Group (TWG).

### Previous consultations

Prior to the release of this policy proposal, CASA consulted internally and externally via a TWG, consisting of representatives from CASA, Airservices Australia and Civil Air (the air traffic controllers’ association).

The TWG met 19 times since its establishment in late 2019. The advice and feedback from the TWG greatly assisted CASA to develop this policy proposal, which – CASA believes – covers essential changes and improvements to Part 172 and the MOS.

**Other consultation activities**

Three separate consultation activities are taking place under Project AS 14/23:

1. A fast-tracked amendment to the Part 172 MOS aimed at ensuring the standards in the MOS support the use of digital tower/remote tower services for the provision of aerodrome control services.
2. A consultation process to address matters concerning independent visual approach (IVA) to parallel runways.
3. The proposals in this consultation, which will deal with the remaining outcomes of the PIR.

# **Why your views matter**

We recognise the importance and value of community and industry consultation in policy decision-making and regulatory change. We are consulting to ensure that the proposed changes are appropriate, practical and will work as intended.

Comments are sought from every sector of the community. This includes the general public, government agencies and all sectors of the aviation industry.

**Documents for review**

All documents related to this policy proposal are in the ‘Related’ section at the bottom of the page. This includes an MS Word copy of the online survey to make it easy for you to peruse or coordinate feedback within your organisation.

This consultation includes:

* Policy Proposal (PP) 2207AS - provides a detailed background and explanation of the proposed changes
* For information only – Annex A to PP 2207AS – Concept for fatigue management standards for the Part 172 MOS
* For information only – Annex B to PP 2207AS - Extract of ICAO Annex 11 (15th Ed) - Fatigue management
* Annex C to PP 2207AS - Spreadsheet analysis of proposed changes to Part 172 Manual of Standards
* Annex D to PP 2207AS - Tabular comparison – Part 172 MOS Ch 1-9 – Current vs proposed
* Annex E to PP 2207AS - Tabular comparison – Part 172 MOS Ch 10-14 – Current vs proposed
* MS Word copy of online consultation - Proposed amendments to Part 172 regulations and standards for Air Traffic Services – (PP 2207AS)

Please submit your feedback through the Consultation Hub using the survey provided. If you are unable to provide feedback this way, please contact us for advice through [regulatoryconsultation@casa.gov.au](mailto:regulatoryconsultation@casa.gov.au)

It is important that you read the Policy Proposal document (PP 2207AS)before providing your feedback.

**What happens next**

At the end of the response period for public comment, we will review each comment and submission. We will make all submissions publicly available on the CASA website, unless you request your submission remains confidential. We will also publish a summary of consultation which summarises the feedback received and outlines the next steps.

All comments on the PP 2207AS will be considered. Relevant feedback that improves upon the proposed regulations and is consistent with the regulations and other CASA policy, will be incorporated into drafting instructions for the final rules.

Once legal drafting has been completed, we will again consult with industry. This is expected to take place during the second half of 2022.

CASA proposes a transition period of 1 year from the date of commencement of the final changes to ensure that industry has sufficient time to adapt to the new requirements. Timeframes may change depending on the date the draft rules are signed, registered and implemented by CASA.

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

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/) [This link is on the front page of the survey and takes you to the survey questions]

**Related**[This section is at the bottom of the front page and contains all the links to other sites and documents related to this consultation]

**Related Documents** [List of documents to attach to the consultation]

* Policy Proposal document (PP 2207AS), which provides a detailed background and explanation of the proposed changes
* MS Word copy of online consultation - Proposed amendments to Part 172 regulations and standards for Air Traffic Services – (PP 2207AS)
* Annex A: Concept for fatigue management standards for the Part 172 MOS
* Annex B: Extract - ICAO Annex 11 (15th Ed) - Fatigue management
* Annex C: Spreadsheet analysis of proposed changes to Part 172 Manual of Standards
* Annex D: Tabular comparison – Part 172 MOS Ch 1-9 – Current vs proposed
* Annex E: Tabular comparison – Part 172 MOS Ch 10-14 – Current vs proposed

# Audience & Interest groups

**Audience**

* CASA staff
* Aerodrome operators
* Pilots
* Sports aviation operators
* Hot air balloon operators
* Air traffic controller/s
* Air traffic service provider/s
* Amateur/kit-built aircraft owners and builders
* Self-administering Aviation Organisations
* Parachute operators

**Interest**

* Drones / unmanned aircraft systems
* Airspace and infrastructure
* Air travel
* Fatigue management
* Human factors
* Safety management systems
* Operational standards
* Flight training
* Private operations
* Self administration aviation activities
* Sport and recreational aviation - balloons

# Page. Consultation Content

**Proposed policy – amendments to Part 172 of CASR and Part 172 MOS**

This consultation is seeking feedback on the proposed policy regarding changes to Part 172 of CASR and Part 172 MOS.

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 regulations

The proposed policy in this consultation sets out the desired outcomes in 9 main topic areas with brief explanations of each change. A detailed explanation and justification is contained in the main policy proposal document PP 2207AS.

This consultation comprises 13 pages. The first 2 pages contain questions that are administrative in nature, enabling us to protect your privacy and ensure we have obtained feedback from all stakeholders. The pages that follow request feedback on the proposed changes to policy.

Fact-banks have been included throughout the survey for each policy topic to highlight significant matters to consider before providing a response.

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

Our [website](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.

When you have completed the sections on which you wish to provide feedback, select the **‘Finish’** button at the bottom right of this page.

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| Page | Table of content |
| 1 | Personal information (required) |
| 2 | Consent to publish submission (required) |
| 3 | Policy topic 1 – Regulation of fatigue management for Air Traffic Service (ATS) personnel (4 questions) |
| 4 | Policy topic 2 – Accountable manager and key personnel (2 questions) |
| 5 | Policy topic 3 – Arrangements for making changes (2 questions) |
| 6 | Policy topic 4 – Operations Manual becomes Exposition (2 questions) |
| 7 | Policy topic 5 – Hierarchy of standards for air traffic services (1 question) |
| 8 | Policy topic 6 – Determining numbers of suitably trained and qualified personnel (2 questions) |
| 9 | Policy topic 7 – Other changes for Part 172 of CASR (9 questions) |
| 10 | Policy topic 8 – Part 172 MOS – significant changes (9 questions) |
| 11 | Policy topic 9 – Other changes for Part 172 MOS and general comments |
| 12 | Your priorities |

# Page 1. 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?

*Radio buttons*

Air traffic service providers

Air traffic controllers

Human performance

Safety management systems

Air operators

Pilots

Other

Please specify “Other” if selected.

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# Page 2. 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 or
* **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.

# Page 3. Policy topic 1 – Regulation of fatigue management for Air Traffic Service (ATS) personnel

**Proposed policy - regulating fatigue management for ATS personnel**

1. ATS providers must have a system for managing fatigue, applicable to persons who provide ATS functions.

**Note:** ATS functions are described in subregulations 65.075 (2) and 65.130 (2) of CASR — for example: functions carried out under an aerodrome control rating or traffic information service rating.

2. CASA is empowered to issue a MOS containing standards for the system for managing fatigue.

3. An ATS provider’s system for managing fatigue must be:

a. in accordance with relevant standards specified with the Part 172 MOS; and

b. integrated with the provider’s safety management system (SMS).

4. ATS providers may assign people to perform ATS functions only if the assignment is in accordance with the provider’s system for managing fatigue.

5. An ATS provider must seek approval from CASA to implement its fatigue management system.

**Fact bank 1 –** Extract of fatigue management standards in ICAO Annex 11

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| *Content:*  **2.28 Fatigue management**  *Note.— Guidance on the development and implementation of fatigue management regulations is contained in the Manual for the Oversight of Fatigue Management Approaches (Doc 9966).*  2.28.1 States shall establish regulations for the purpose of managing fatigue in the provision of air traffic control services. These regulations shall be based upon scientific principles, knowledge and operational experience, with the aim of ensuring that air traffic controllers perform at an adequate level of alertness. To that aim, States shall establish:  a) regulations that prescribe scheduling limits in accordance with Appendix 5; and  b) where authorizing air traffic services providers to use a fatigue risk management system (FRMS) to manage fatigue, FRMS regulations in accordance with Appendix 6.  2.28.2 States shall require that the air traffic services provider, for the purposes of managing its fatigue-related safety risks, establish one of the following:  a) air traffic controller schedules commensurate with the service(s) provided and in compliance with the prescriptive limitation regulations established by the State in accordance with 2.28.1 a); or  b) an FRMS, in compliance with regulations established by the State in accordance with 2.28.1 b), for the provision of all air traffic control services; or  c) an FRMS, in compliance with regulations established by the State in accordance with 2.28.1 b), for a defined part of its air traffic control services in conjunction with schedules in compliance with the prescriptive limitation regulations established by the State in accordance with 2.28.1 a) for the remainder of its air traffic control services.  2.28.3 Where the air traffic services provider complies with prescriptive limitation regulations in the provision of part or all of its air traffic control services in accordance with 2.28.2 a), the State:  a) shall require evidence that the limitations are not exceeded and that non-duty period requirements are met;  b) shall require that the air traffic services provider familiarize its personnel with the principles of fatigue management and its policies with regard to fatigue management;  c) shall establish a process to allow variations from the prescriptive limitation regulations to address any additional risks associated with sudden, unforeseen operational circumstances; and  d) may approve variations to these regulations using an established process in order to address strategic operational needs in exceptional circumstances, based on the air traffic services provider demonstrating that any associated risk is being managed to a level of safety equivalent to, or better than, that achieved through the prescriptive fatigue management regulations.  *Note.— Complying with the prescriptive limitations regulations does not relieve the air traffic services provider of the responsibility to manage its risks, including fatigue-related risks, using its SMS in accordance with the provisions of Annex 19.*  2.28.4 Where an air traffic services provider implements an FRMS to manage fatigue-related safety risks in the provision of part or all of its air traffic control services in accordance with 2.28.2 b), the State shall:  a) require the air traffic services provider to have processes to integrate FRMS functions with its other safety management functions; and  b) approve an FRMS, according to a documented process, that provides a level of safety acceptable to the State.  *Note.— Provisions on the protection of safety information, which support the continued availability of information required by an FRMS, are contained in Annex 19.* |

**Question 1.** Do you think policy proposals 1 to 5 for regulating fatigue management for ATS personnel 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 may have on the proposed policy.

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**Proposed policy – Fatigue Risk Management System**

6. A Fatigue Risk Management System (FRMS) incorporating the matters described in Section 2.28 and Appendix 6 to ICAO Annex 11 will be the initial (and only) standard for an ATS provider’s system for managing fatigue.

7. The requirements for CASA approving and regulating an ATS provider’s FRMS would be based on the requirements for a flight crew FRMS as specified in Civil Aviation Order 48.1.

**Fact bank 2 –** Extract – ICAO Annex 11 – Appendix 6 – Fatigue risk management system (FRMS) requirements

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| *Content:*  **APPENDIX 6. FATIGUE RISK MANAGEMENT SYSTEM (FRMS) REQUIREMENTS**  *Note.— Guidance on the development and implementation of FRMS regulations is contained in the Manual for the Oversight of Fatigue Management Approaches (Doc 9966).*  States shall require that an FRMS contain, at a minimum:  **1. FRMS policy and documentation**  1.1 FRMS policy  1.1.1 The air traffic services provider shall define its FRMS policy, with all elements of the FRMS clearly identified.  1.1.2 The policy shall:  a) define the scope of FRMS operations;  b) reflect the shared responsibility of management, air traffic controllers, and other involved personnel;  c) clearly state the safety objectives of the FRMS;  d) be signed by the accountable executive of the organization;  e) be communicated, with visible endorsement, to all the relevant areas and levels of the organization;  f) declare management commitment to effective safety reporting;  g) declare management commitment to the provision of adequate resources for the FRMS;  h) declare management commitment to continuous improvement of the FRMS;  i) require that clear lines of accountability for management, air traffic controllers, and all other involved personnel are identified; and  j) require periodic reviews to ensure it remains relevant and appropriate.  Note.— Effective safety reporting is described in the Safety Management Manual (SMM) (Doc 9859).  1.2 FRMS documentation  An air traffic services provider shall develop and keep current FRMS documentation that describes and records:  a) FRMS policy and objectives;  b) FRMS processes and procedures;  c) accountabilities, responsibilities and authorities for these processes and procedures;  d) mechanisms for ongoing involvement of management, air traffic controllers, and all other involved personnel;  e) FRMS training programmes, training requirements and attendance records;  f) scheduled and actual duty and non-duty periods and break periods between periods of time-in-position in a duty period with significant deviations and reasons for deviations noted; and  *Note.— Significant deviations are described in the Manual for the Oversight of Fatigue Management Approaches (Doc 9966).*  g) RMS outputs including findings from collected data, recommendations, and actions taken.  2. Fatigue risk management processes  2.1 Identification of fatigue-related hazards  *Note.— Provisions on the protection of safety information are contained in Annex 19.*  An air traffic services provider shall develop and maintain three fundamental and documented processes for fatigue hazard identification:  2.1.1 *Predictive.* The predictive process shall identify fatigue hazards by examining air traffic controller scheduling and taking into account factors known to affect sleep and fatigue and their effects on performance. Methods of examination may include, but are not limited to:  a) air traffic services or industry operational experience and data collected on similar types of operations or from other industries with shift work or 24-hour operations;  b) evidence-based scheduling practices; and  c) bio-mathematical models.  2.1.2 *Proactive.* The proactive process shall identify fatigue hazards within current air traffic services operations. Methods of examination may include, but are not limited to:  a) self-reporting of fatigue risks;  b) fatigue surveys;  c) relevant air traffic controller performance data;  d) available safety databases and scientific studies;  e) tracking and analysis of differences in planned and actual worked times; and  f) observations during normal operations or special evaluations.  2.1.3 *Reactive.* The reactive process shall identify the contribution of fatigue hazards to reports and events associated with potential negative safety consequences in order to determine how the impact of fatigue could have been minimized. At a minimum, the process may be triggered by any of the following:  a) fatigue reports;  b) confidential reports;  c) audit reports; and  d) incidents.  2.2 Fatigue-related risk assessment  2.2.1 An air traffic services provider shall develop and implement risk assessment procedures that determine when the associated risks require mitigation.  2.2.2 The risk assessment procedures shall review identified fatigue hazards and link them to:  a) operational processes;  b) their probability;  c) possible consequences; and  d) the effectiveness of existing preventive controls and recovery measures.  2.3 Risk mitigation  An air traffic services provider shall develop and implement fatigue risk mitigation procedures that:  a) select the appropriate mitigation strategies;  b) implement the mitigation strategies; and  c) monitor the strategies’ implementation and effectiveness.  3. FRMS safety assurance processes  The air traffic services provider shall develop and maintain FRMS safety assurance processes to:  a) provide for continuous FRMS performance monitoring, analysis of trends, and measurement to validate the effectiveness of the fatigue safety risk controls. The sources of data may include, but are not limited to:  1) hazard reporting and investigations;  2) audits and surveys; and  3) reviews and fatigue studies (both internal and external);  b) provide a formal process for the management of change. This shall include, but is not limited to:  1) identification of changes in the operational environment that may affect the FRMS;  2) identification of changes within the organization that may affect the FRMS; and  3) consideration of available tools which could be used to maintain or improve FRMS performance prior to implementing changes; and  c) provide for the continuous improvement of the FRMS. This shall include, but is not limited to:  1) the elimination and/or modification of preventive controls and recovery measures that have had unintended consequences or that are no longer needed due to changes in the operational or organizational environment;  2) routine evaluations of facilities, equipment, documentation and procedures; and  3) the determination of the need to introduce new processes and procedures to mitigate emerging fatigue-related risks.  4. FRMS promotion processes  FRMS promotion processes support the ongoing development of the FRMS, the continuous improvement of its overall performance, and attainment of optimum safety levels. The following shall be established and implemented by the air traffic service provider as part of its FRMS:  a) training programmes to ensure competency commensurate with the roles and responsibilities of management, air  traffic controllers, and all other involved personnel under the planned FRMS; and  b) an effective FRMS communication plan that:  1) explains FRMS policies, procedures and responsibilities to all relevant stakeholders; and  2) describes communication channels used to gather and disseminate FRMS-related information. |

**Fact bank 3 –** Concept of fatigue management standards for the Part 172 MOS

Note: This is a lay draft only and subject to change after consultation and during formal drafting.

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| See relevant document included in the list of documents relevant to this consultation (RMS: D21/320746) |

**Question 2.** Do you think policy proposal 6 to implement FRMS standards based on the standards in Appendix 6 of ICAO Annex 11 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 may have on the proposed policy.

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**Question 3.** Do you think policy proposal 7 to base CASA’s administration of an ATS provider’s FRMS on the administrative requirements for a flight crew FRMS as specified in Civil Aviation Order 48.1 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 may have on the proposed policy.

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**Proposed policy – Prescriptive standards only if FRMS is insufficient for fatigue management**

8. Prescriptive standards – the alternative described in Section 2.28 and Appendix 5 of ICAO Annex 11 - would be developed only if the FRMS-only policy is found to be insufficient for managing fatigue among ATS personnel.

**Fact bank 4 –** Extract – Annex 11 – Appendix 5 – Prescriptive Fatigue Management Regulations

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| *Content:*  **APPENDIX 5. PRESCRIPTIVE FATIGUE MANAGEMENT REGULATIONS**  *Note.— Guidance on the development and implementation of prescriptive fatigue management regulations is contained in the* Manual for the Oversight of Fatigue Management Approaches (Doc 9966)*.*  1. States shall establish prescriptive limitation regulations that take into account acute and cumulative fatigue, circadian factors and the type of work being undertaken. These regulations shall identify:  a) the maximum:  i) number of hours in any duty period;  ii) number of consecutive work days;  iii) number of hours worked in a defined period; and  iv) time-in-position;  b) the minimum:  i) duration of non-duty periods;  ii) number of non-duty days required in a defined period; and  iii) duration of breaks between periods of time-in-position in a duty period.  2. States shall require that the air traffic services provider identify a process for assigning unscheduled duties that allows air traffic controllers to avoid extended periods of being awake.  3. The processes established by States in accordance with 2.28.3 c) and d) to allow variations from 1 a) and b) above shall include the provision of:  a) the reason for the need to deviate;  b) the extent of the deviation;  c) the date and time of enactment of the deviation; and  d) a safety case, outlining mitigations, to support the deviation. |

**Question 4.** Do you agree with policy proposal 8, that FRMS would be the initial and only option for an ATS provider’s fatigue management system, but there would be provision for prescriptive standards if later found necessary?

*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 may have on the proposed policy.

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# Page 4: Policy topic 2 – Accountable manager and key personnel

**Proposed policy – Appointment of an accountable manager**

1. An ATS provider must appoint an ‘accountable manager’.

2. An accountable manager would be responsible for:

a. ensuring that the provider’s air traffic services are provided in accordance with the provider’s exposition and Part 172 of CASR

b. ensuring that the provider is able to finance, and has adequate personnel, facilities and resources to provide its air traffic service

c. the provider’s safety management system and its implementation

d. having an organisational structure that ensures the safety management function is independent from other functions within the provider’s organisation.

3. The accountable manager must conduct an annual review of the provider against the requirements for the provider’s exposition and Part 172 of CASR and report any deficiencies and corrective action to CASA.

**Proposed policy – Appointment of accountable key personnel**

4. An ATS provider must appoint key personnel with accountability for air traffic service operations, safety, training and checking.

a. The policy objective is not to specify requirements or duties of these key personnel nor dictate who should be appointed.

b. Instead, ATS providers would determine these requirements and duties and include them as well as the names of the appointees in the provider’s exposition (see later policy proposal about expositions).

**Fact bank 5 –** Existing regulations about the management structure for an ATS provider

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| *Content:*  **172.105 Organisation**  An ATS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval. |

**Question 1.** Do you think policy proposals 1 to 3 (that ATS providers appoint an accountable manager and for the accountable manager to have specific responsibilities) 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 may have on the proposed policy.

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**Question 2.** Do you think the proposal for ATS providers to appoint key personnel with responsibility for air traffic service operations, safety, training and checking, and for the ATS provider to specify the responsibilities of those key personnel in their exposition, 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 may have on the proposed policy.

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# Page 5. Policy topic 3 – Arrangements for making changes

**Proposed policy – Requirements for significant and other change**

1. ATS providers would have requirements relating to two levels of changes – significant changes and other changes.
2. A significant change would comprise:
   1. a change in relation to any matter included on the provider’s certificate
   2. a change to the provider’s safety management system
   3. a change that requires prior notification to CASA because of a requirement to do so in the provider’s safety management system
   4. any other change that CASA assesses as requiring prior approval.
      1. An example is a proposal requiring CASA approval for a significant change to an ATS provider’s FRMS.
3. An ATS provider would need to apply to CASA in writing for approval of a significant change.
   1. If the ATS provider wishes to make a change that requires CASA approval, sufficient notice must be given to CASA to allow the assessment of the change.
   2. For significant changes involving introduction of a new or novel service, CASA expects that the ATS provider will engage CASA in the concept stage of the change so that CASA may provide sufficient guidance in development of the key safety and other artefacts of the change throughout the lifecycle of the change.
4. For changes other than significant changes (other changes), the ATS provider would need to update their exposition to reflect the change and give CASA written notice of the change and the relevant parts of the amended exposition.

**Fact bank 6 –** Existing regulations about changes or telling CASA about changes of circumstance

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| *Content:*  **172.060 Operations manual**  (1) An ATS provider must, at all times, maintain an operations manual that complies with the standards set out in the Manual of Standards.  (2) The provider:  (a) must keep the manual in a readily accessible form; and  (b) must ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides has ready access to the manual.  (3) The provider must amend the manual whenever it is necessary to do so to keep it in an up to date form.  (4) If the provider is given a direction, under regulation 172.300, to amend the manual, the provider must comply with the direction.  (5) The provider must ensure:  (a) that all the amendments are incorporated in all copies of the manual kept by the operator; and  (b) that copies of the amendments are given to CASA.  **172.065 Standards for air traffic service**  (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:  (a) the standards set out in the Manual of Standards; and  (b) the standards set out or referred to in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP.  (2) However, the provider may deviate from the standards if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.  (3) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.  **172.075 ICAO Doc. 4444 and ICAO Doc. 7030**  (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with the procedures and rules set out in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP.  (2) If a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides, the provider must also ensure that the service is provided in accordance with that procedure.  (3) However, the provider may deviate from a procedure or rule mentioned subregulation (1), or a regional supplementary procedure mentioned in subregulation (2), if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.  (4) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.  **172.180 Availability of air traffic service**  (1) An ATS provider must give to the AIS details of each air traffic service that it provides in particular airspace, or for a particular aerodrome, including the hours during which the service is available.  (2) An ATS provider must tell the AIS about changes, interruptions or the unavailability of any of its air traffic services, if it is practicable to do so.  **172.185 Advice on organisational changes**  An ATS provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any of its air traffic services within 7 days after the change occurs. |

**Question 1.** Do you think the proposal for two levels of change 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 may have on the proposed policy.

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**Question 2.** Do you think the proposal of what constitutes a significant change 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 may have on the proposed policy.

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# Page 6. Policy topic 4 – Operations manual becomes exposition

**Proposed policy – Exposition**

1. Replace references to ‘operations manual’ with ‘exposition’.
2. Make changes to the required contents of an ATS provider’s exposition.

**Note:** In the Policy Proposal document, these matters are discussed in two separate sections.

**Fact bank 7 –** Existing regulatory references to ‘operations manual’

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| *Content:*  **172.010 Definitions for this Part**  In this Part:  …  ***provider’s operations manual***, in relation to an ATS provider, means the manual maintained by the provider under regulation 172.060.  **172.060 Operations manual**  (1) An ATS provider must, at all times, maintain an operations manual that complies with the standards set out in the Manual of Standards.  (2) The provider:  (a) must keep the manual in a readily accessible form; and  (b) must ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides has ready access to the manual.  (3) The provider must amend the manual whenever it is necessary to do so to keep it in an up to date form.  (4) If the provider is given a direction, under regulation 172.300, to amend the manual, the provider must comply with the direction.  (5) The provider must ensure:  (a) that all the amendments are incorporated in all copies of the manual kept by the operator; and  (b) that copies of the amendments are given to CASA.  **172.080 Compliance with provider’s operations manual**  An ATS provider must ensure that any air traffic service that it provides is provided in accordance with its provider’s operations manual.  **172.090 Priority of inconsistent procedures**  (1) In this regulation:  ***procedure*** includes rules.  (2) If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with 2 or more procedures that are inconsistent, the provider is only required to ensure that the service is provided in accordance with whichever of the procedures has the highest priority.  (3) For this regulation, 2 or more procedures are inconsistent if:  (a) it is not possible to comply with both or all of the procedures; or  (b) they require the same, or substantially similar, action to be taken at different times or in a different way.  (4) The order of priority of a procedure is as follows (starting with those of highest priority):  (a) procedures in Parts 1 and 2 of the AIP;  (b) procedures for aeronautical telecommunications in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP;  (c) procedures in ICAO Doc. 7030;  (d) procedures in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP;  (e) any procedures in the provider’s operations manual.  **172.300 CASA may direct amendments to provider’s operations manual**  (1) If necessary in the interests of the safety of air navigation, CASA may direct an ATS provider, in writing, within a reasonable period specified in the direction, to amend its provider’s operations manual in a way specified in the direction.  (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1). |

**Fact bank 8 –** Additional components of an Exposition

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| *Content:*  CASA is proposing that an Exposition would include the following matters (in addition to the matters already required for an Operations Manual):  •   Details about the accountable manager, key personnel and their assigned functions and responsibilities; and  •   For each location or operating position:  ○     the staff numbers necessary to provide the air traffic services for that location or operating position;  ○     any unique recent experience requirements for the position (beyond the basic requirements for Part 65);  ○     the endorsements and qualifications required for the position (if any); and  ○     any unique currency requirements (beyond the basic requirements for Part 65); and  •   A copy of the provider’s system for managing fatigue; and  •   A description of the procedures that ensure that all equipment, including software, is operated in accordance with the manufacturer’s operating instructions and manuals. |

**Question 1.** Do you think the proposed change from ‘operations manual’ to ‘exposition’ 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 may have on the proposed policy.

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**Question 2.** Do you think the proposed changes to essential contents of an ATS provider’s exposition 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 may have on the proposed policy.

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# Page 7. Policy topic 5 – Hierarchy of standards for air traffic services

**Proposed policy - Changes to hierarchy of standards for air traffic services**

1. Establish a single consolidated list of applicable standards, procedures and rules for the provision of air traffic services according to the following hierarchy (in order of priority from top to bottom):

a. the Part 172 Manual of Standards

b. Annex 11 to the Chicago Convention

c. the procedures for aeronautical telecommunications set out in Volume II of Annex 10 to the Chicago Convention

d. ICAO Doc. 7030

e. ICAO Doc. 4444.

2. Retain existing regulatory provisions making ICAO references subject to any notified or published Australian differences.

3. Retain the existing regulatory provisions allowing an ATS provider to deviate from standards if necessary for aviation safety.

4. Retain the existing regulatory provisions requiring an ATS provider to tell CASA about deviations.

5. Remove any reference to AIP as the standard for air traffic services.

**Fact bank 9 –** Extract of Division 172.C.2 (Air traffic service) of CASR

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| *Content:*  **Division 172.C.2 Air traffic service**  **172.065 Standards for air traffic service**  (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:  (a) the standards set out in the Manual of Standards; and  (b) the standards set out or referred to in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP.  (2) However, the provider may deviate from the standards if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.  (3) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.  **172.070 Aeronautical telecommunications procedures**  An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:  (a) the radiotelephony procedures set out in Parts 1 and 2 of the AIP; and  (b) the procedures for aeronautical telecommunications set out in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP.  **172.075 ICAO Doc. 4444 and ICAO Doc. 7030**  (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with the procedures and rules set out in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP.  (2) If a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides, the provider must also ensure that the service is provided in accordance with that procedure.  (3) However, the provider may deviate from a procedure or rule mentioned subregulation (1), or a regional supplementary procedure mentioned in subregulation (2), if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.  (4) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.’  **172.085 Priority of standards**  If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with a standard in the Manual of Standards and a standard in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP, and it is not possible to comply with both standards, the provider is only required to ensure that the service is provided in accordance with the standard in the Manual.  **172.090 Priority of inconsistent procedures**  (1) In this regulation:  ***procedure*** includes rules.  (2) If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with 2 or more procedures that are inconsistent, the provider is only required to ensure that the service is provided in accordance with whichever of the procedures has the highest priority.  (3) For this regulation, 2 or more procedures are inconsistent if:  (a) it is not possible to comply with both or all of the procedures; or  (b) they require the same, or substantially similar, action to be taken at different times or in a different way.  (4) The order of priority of a procedure is as follows (starting with those of highest priority):  (a) procedures in Parts 1 and 2 of the AIP;  (b) procedures for aeronautical telecommunications in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP;  (c) procedures in ICAO Doc. 7030;  (d) procedures in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP;  (e) any procedures in the provider’s operations manual. |

**Question 1.** Do you think the proposed changes to the hierarchy of standards that apply to the provision of air traffic services 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 may have on the proposed policy.

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# Page 8. Policy topic 6 – Determining numbers of suitably trained and qualified personnel

**Proposed policy – Accountability for sufficient suitably trained and qualified personnel**

1. Empower CASA to specify in the MOS the matters that an ATS provider must account for when determining that it has enough suitably trained and qualified personnel.
2. Specify in the MOS that, in determining that it has enough suitably trained and qualified staff, an ATS provider must account for the following matters:
   1. leave
   2. breaks
   3. requirements for training and assessment
   4. workload complexity
   5. where the relevant personnel are required to perform additional administration or ancillary duties — those duties
   6. reasonable allowance for assurance of service provision.

**Note:** In the Policy Proposal document, these matters are discussed in two separate sections.

**Fact bank 10 –** Extract of CASR regulations on personnel numbers

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| *Content:*  **172.110 Personnel**  An ATS provider must have, at all times, enough suitably qualified and trained personnel to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.  **172.115 Supervisory personnel**  An ATS provider must have, at all times, enough suitably qualified and trained personnel who are able to supervise the provision of any air traffic service that it provides. |

**Question 1.** Do you think the proposal to empower CASA to specify the matters that an ATS provider must account for when determining that it has enough suitably trained and qualified personnel 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 may have on the proposed policy.

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**Question 2.** Do you think the list of specific matters CASA proposes an ATS provider must account for when determining it has enough suitably trained and qualified personnel, is sufficient and 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 may have on the proposed policy.

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# Page 9. Policy topic 7 – Other changes for Part 172 of CASR

**Proposed policy – Subregulation 172.095 (1) to cover aerodrome control facilities**

1. Repeal subregulation 172.095 (4) and instead rely on subregulation 172.095 (1) for standards relevant for aerodrome control facilities.

**Fact bank 11 –** Regulation 172.095 of CASR

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| *Content:*  **172.095 Facilities and equipment**  (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in the Manual of Standards, the air traffic services covered by its approval.  (2) The equipment must include equipment of the kinds specified in the Manual of Standards.  (3) Any equipment and facilities mentioned in chapter 6 of Annex 11 that the provider uses in providing an air traffic service must comply with the standards of that chapter.  (4) If the provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in the Manual of Standards. |

**Question 1.** Do you think the proposal to repeal subregulation 172.095 (4) and rely on subregulation 172.095 (1) 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 may have on the proposed policy.

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**Proposed policy – Require ATS providers to have agreements**

1. In addition to the existing agreement requirements in regulations 172.125 and 172.130, require ATS providers to have agreements with providers of AIS, rescue and firefighting services, and meteorological services.

**Fact bank 12 –** Regulations 172.125 and 172.130 of CASR

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| *Content:*  **172.125 Agreements with service providers**  (1) In this regulation:  service provider means a person:  (a) that is approved, under Part 171, to provide a telecommunication service, radionavigation service, or both; and  (b) whose approval is in force.  (2) An ATS provider (other than an ATS provider that is also a service provider) must have an agreement with a service provider for any telecommunication service or radionavigation service that the service provider provides to the ATS provider.  (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.  **172.130 Agreements with aerodrome operators**  (1) In this regulation:  ***vehicle*** includes boat.  (2) If an ATS provider (other than an ATS provider that is also an aerodrome operator) provides an air traffic service for a controlled aerodrome, the provider must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.  (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards. |

**Question 2.** Do you think the proposal to require ATS providers to have agreements with providers of AIS, rescue and firefighting services, and meteorological services 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 may have on the proposed policy.

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**Proposed policy – Services and information agreement between ATS providers and aerodrome operators**

1. In addition to the existing agreement requirements in regulation 172.130, require ATS providers to have agreements with aerodrome operators in relation to services and information provided by the aerodrome operator to the ATS provider.

**Fact bank 13 –** Regulation 172.130 of CASR

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| *Content:*  **172.130 Agreements with aerodrome operators**  (1) In this regulation:  ***vehicle*** includes boat.  (2) If an ATS provider (other than an ATS provider that is also an aerodrome operator) provides an air traffic service for a controlled aerodrome, the provider must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.  (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards. |

**Question 3.** Do you think the proposed additional requirements for agreements between ATS providers and aerodrome operators 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 may have on the proposed policy.

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**Proposed policy – Provide for SMS option in Part 5 of CASR**

1. Amend regulation 172.145 (SMS) of CASR to enable Part 5 of CASR (when it is made) as an option (as an alternate to any standards specified in the Part 172 MOS) for the standards for an SMS.

**Fact bank 14 –** Regulation 172.145 of CASR

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| *Content:*  **172.145 Safety management system**  (1) An ATS provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to provide the air traffic services covered by its approval safely.  (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.  (3) The provider must keep under review its safety management system and take such corrective action as is necessary to ensure that it operates properly. |

**Question 4.** Do you think the proposal to amend regulation 172.145 (SMS) of CASR to enable Part 5 of CASR to be an alternative option 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 may have on the proposed policy.

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**Proposed policy – Specify required reference materials in Part 172 MOS**

1. Omit the specific details about required reference materials (such as particular named documents) from regulation 172.160 of CASR and instead empower CASA to specify these materials within the Part 172 MOS.

**Fact bank 15 –** Regulation 172.160 of CASR

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| *Content:*  **172.160 Reference materials**  (1) An ATS provider must maintain the following reference materials:  (a) copies of the Act and these Regulations;  (b) copies of Annex 11 and Volume II of Annex 10;  (c) a copy of ICAO Doc. 4444;  (d) if a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides—a copy of ICAO Doc. 7030;  (e) a copy of the parts of the AIP that are relevant to any air traffic services that it provides;  (f) the Manual of Standards;  (g) all manuals and documents specified in the Manual of Standards;  (h) a copy of any instruction issued by it to its personnel in relation to the provision of its air traffic services.  (2) The provider must keep the reference materials up to date and in a readily accessible form.  (3) The provider’s personnel who perform functions in connection with any air traffic service that the provider provides must have ready access to the reference materials. |

**Question 5.** Do you think the proposal to provide for specification of required reference materials in the MOS and omit these details from regulation 172.160 of CASR 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 may have on the proposed policy.

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**Proposed policy – 3 months’ notice to discontinue service**

1. Amend Regulation 172.190 to the effect that, instead of 7 days’ notice, an ATS provider must give CASA 3 months’ notice of its intention to permanently discontinue an air traffic service.

**Fact bank 16 –** Regulation 172.190 of CASR

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| *Content:*  **172.190 Discontinuing air traffic service**  (1) An ATS provider must not discontinue an air traffic service that it provides, unless it has given CASA at least 7 days written notice that the service is to be discontinued.  (2) Subregulation (1) does not apply if, having regard to the provider’s circumstances:  (a) it was not reasonably practicable for the provider to give to CASA at least 7 days notice; and  (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued. |

**Question 6.** Do you think the proposal to amend Regulation 172.190 to require 3 months’ notice of intention to discontinue an air traffic service 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 may have on the proposed policy.

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**Proposed policy – CASA may specify relevant standards in the MOS**

1. Amend Regulations 172.125, 172.130, 172.150, and 172.155 to the effect CASA may specify relevant standards in the MOS (in which case the standard would be binding), rather than requiring a MOS entry in all cases.

**Question 7.** Do you think the proposal to amend the regulations to allow specification of relevant standards rather than requiring a MOS entry in all cases, 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 may have on the proposed policy.

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**Proposed policy – Repeal regulation 172.175 (Logbooks)**

1. Repeal Regulation 172.175 – Logbooks and instead include an equivalent record keeping requirement under regulation 172.165 (Documents and records).

**Fact bank 17 –** Regulations 172.165 and 172.175 of CASR

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| *Content:*  **172.165 Documents and records**  (1) An ATS provider must keep documents and records of the kinds specified in the Manual of Standards.  (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.  (3) The provider must, at CASA’s request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.  **172.175 Logbooks**  (1) An ATS provider must keep, for each air traffic service that it provides from a particular location, a logbook in accordance with the standards set out in the Manual of Standards.  (2) The provider must ensure that information of the kinds mentioned in the Manual is recorded in each logbook.  (3) The provider must, at CASA’s request, make each logbook, or a copy of it or an extract from it, available for inspection by CASA. |

**Question 8.** Do you think the proposal to repeal Regulation 172.175 of CASR and instead include an equivalent record keeping requirement under regulation 172.165 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 may have on the proposed policy.

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**Proposed policy – Restructure Part 172 of CASR into 6 key areas**

1. Revamp Part 172 of CASR with a structure and content addressing the 6 key areas.

**Fact bank 18 –** Proposed structure and content for Part 172 of CASR

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| *Content:*   |  |  |  | | --- | --- | --- | | CASR Section | Short Title | Scope of Section | | 172.A | General | What Part 172 is about, Application, Definitions, Issue of MOS | | 172.B | Approval of ATS Providers | Definitions, requirement for certificate, who may apply, requirements for application, demonstration, issue of certificate, approval of exposition, conditions, cancellation | | 172.C | Changes | Definition of Significant Change, changes to services, other changes, CASA directions relating to exposition, notifying CASA of changes in circumstances | | 172.D | Requirements for provision of air traffic services | Services must comply with laws, compliance with exposition, compliance with standards. | | 172.E | Organisation requirements | Exposition, organisational structure, key personnel, safety management system, quality management system, security requirements, contingency plan, records management | | 172.F | Suspension and cancellation of approvals | Suspension of approval by show cause notice, grounds for cancellation, notice to show clause, cancellation of approval after show cause, cancellation if co-operation of arrangement ceases, CASA’s power to direct variation of exposition | |

**Question 9.** Do you think the policy proposal to revamp the structure and content of Part 172 of CASR 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 may have on the proposed policy.

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# Page 10. Policy topic 8 – Part 172 MOS – Significant changes

**Proposed policy – General omissions**

1. Omit all standards from the Part 172 MOS that:
   1. replicate standards already mentioned in ICAO documents referenced in Part 172 of CASR, or
   2. are obsolete (no longer relevant), or
   3. are arguably a technique, that is a way to apply a standard but not a standard in itself.

**Note:** Please refer to the attached spreadsheet (Annex C) for a full breakdown of the standards to be omitted.

**Question 1.** Do you think the proposal to omit the MOS standards in accordance with the criteria a, b and c above, 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 may have on the proposed policy.

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**Proposed policy – Contents of an exposition**

1. The contents for an operations manual specified in Chapter 2 of the Part 172 MOS would apply as specified contents for an exposition.
2. In addition, the following matters are proposed as specified contents for an exposition:
   1. Details about the accountable manager, key personnel and their assigned functions and responsibilities.
   2. For each location or operating position:
      1. the staff numbers necessary to provide the air traffic services for that location or operating position.
      2. any unique recent experience requirements for the position (beyond the basic requirements for Part 65)
      3. the endorsements and qualifications required for the position (if any)
      4. any unique currency requirements (beyond the basic requirements for Part 65).
   3. A copy of the provider’s system for managing fatigue.
   4. A description of the procedures that ensure that all equipment, including software, is operated in accordance with the manufacturer’s operating instructions and manuals.

**Fact bank 19 –** Chapter 2 of Part 172 Manual of Standards – Operations Manuals

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| *Content:*  **Chapter 2: Operations Manual**  **Section 2.1 General**  **2.1.1 Introduction**  2.1.1.1 An Operations Manual shows how and where an ATS provider provides, or proposes to provide, air traffic services.  2.1.2.1 An operations manual must contain:  (a) a table of contents based on the items in the manual, indicating the page number on which each item begins;  (b) a description of the provider’s organisational structure and a statement setting out the functions that the provider performs, or proposes to perform under CASR Part 172;  (c) a description of the chain of command established, or proposed to be established, by the provider and a statement of the duties and responsibilities of any supervisory positions within the organisational structure;  (d) a statement showing how the provider determines the number of operational staff required including the number of operational supervisory staff;  (e) a list of the air traffic services that the provider provides, or proposes to provide;  (f) a statement for each air traffic service, showing the hours of operation of the service;  (g) a statement, for each air traffic service, that identifies the particular airspace within which the service is provided, or proposed to be provided;  (h) a statement, for each air traffic service, that identifies the location from where the service is provided, or proposed to be provided;  (i) if the provider provides, or proposes to provide, an air traffic service for a controlled aerodrome:  (i) a description of the manoeuvring area of the aerodrome; and  (ii) copy of the parts of the aerodrome emergency plan, set out in the aerodrome operator’s aerodrome manual that are relevant to the provision of the service; and  (iii) a copy of the procedures set out in the aerodrome operator’s aerodrome manual for preventing the unauthorised entry of persons or things onto the manoeuvring area of the aerodrome; and  (iv) a copy of the procedures set out in the aerodrome operator’s aerodrome manual for the control of surface vehicles operating on or in the vicinity of the manoeuvring area;  (j) a statement of the responsibilities and functions for each operating position;  (k) a description of the arrangements made or proposed to be made by the provider to ensure that it has, and will continue to receive, on a daily basis, the information necessary for providing the service;  (l) a description of the arrangements made or proposed to be made by the provider to ensure that it has, and will continue to be able to provide, information in connection with its air traffic services to another person whose functions reasonably require that information (includes SAR alerting);  (m) a description of the provider’s document and record keeping system;  (n) a copy of any agreement entered into by the provider in relation to the provision of any of the air traffic services;  (o) a copy of the document that sets out the provider’s safety management system;  (p) a copy of the provider’s contingency plan;  (q) a copy of the provider’s security program;  (r) a description of the processes and documentation used to present to staff the relevant standards, rules and procedures contained in ICAO Annexes 10 and 11, ICAO PANS-ATM, ICAO Regional Supplementary Procedures, Chapter 10 of this MOS, and any of the provider’s site-specific instructions for the provision of air traffic services;  (s) a description of the processes and documentation used to provide operational instructions to staff;  (t) a description of the procedures to be followed to ensure all operational staff are familiar with any operational changes that have been issued since they last performed operational duties;  (u) a description of the provider’s training and checking program;  (v) a description of the procedures to be used in commissioning new facilities, equipment and services;  (w) the procedures to be followed for revising the operations manual. |

**Question 2.** Do you think the proposed contents for an ATS provider’s exposition are sufficient and 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 may have on the proposed policy.

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**Proposed policy – Tolerances for lateral separation under visual navigation**

1. The navigation tolerance for applying lateral separation to an aircraft tracking visually, and:
   1. flying to one side of a defined line feature or a prominent topographical feature, and
   2. operating at or below FL 145

would be the line feature or prominent topographical feature itself.

1. No extra tolerance value would need to be applied to the aircraft’s track.
2. There would be no change to the cardinal lateral separation requirement for at least 1 NM separation between the line feature/prominent topographical feature and the closest edge of the navigation tolerance of another aircraft.

**Fact bank 20 –** Example of lateral separation using a line feature (river)

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| *Content:* |

**Question 3.** Do you think the proposed changes to tolerance for lateral separation under visual navigation 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 may have on the proposed policy.

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**Proposed policy – Lateral separation based on a combination of navigation aids**

1. The Part 172 MOS is updated to include lateral separation minima for use between aircraft navigating with reference to GNSS, non-directional beacons (NDB) and very high frequency omni-range (VOR) equipment (or any combination thereof). The proposal would replace an existing arrangement operating under legislative exemption.

**Fact bank 21 –** Proposed lateral separation based on a combination of navigation aids

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| *Content:*  **4.549 GNSS/DME entry/exit points for navaid - GNSS (independent)**  Lateral separation exists between two aircraft if:  (a) from a common point, the angular difference between the track of one aircraft and the track of the other aircraft corresponds to one of the values mentioned in column 1 of Table 4.549 (1), and  (b) at least one aircraft is no closer to the common point than a distance mentioned in column 2 to 10 that:  (i) is relevant to a range of vertical levels mentioned in row 1 that correspond to the vertical levels of both aircraft; and  (ii) is relevant to the combination of navigation aids in row 2 being used by both aircraft; and  (iii) corresponds to the relevant angular difference between the aircraft tracks.  Table 4.5409 (1) — Lateral separation for aircraft flying GNSS, VOR and NDB   |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | **Column 1** | **Column 2** | **Column 3** | **Column 4** | **Column 5** | **Column 6** | **Column 7** | **Column 8** | **Column 9** | **Column 10** | | **Row** | **Angular Difference** | **Distance from common point (NM)** | | | | | | | | | | 1 |  | **0 - FL150** | | | **0 - FL290** | | | **0 - FL460** | | | | 2 |  | **Aircraft 1 and 2: GNSS** | **Aircraft 1: VOR; Aircraft 2: GNSS** | **Aircraft 1: NDB; Aircraft 2: GNSS** | **Aircraft 1 and 2: GNSS** | **Aircraft 1: VOR; Aircraft 2: GNSS** | **Aircraft 1: NDB; Aircraft 2: GNSS** | **Aircraft 1 and 2: GNSS** | **Aircraft 1: VOR; Aircraft 2: GNSS** | **Aircraft 1: NDB; Aircraft 2: GNSS** | | 3 | 14° | 60 | 61 | - | 60 | 61 | - | 60 | 61 | - | | 4 | 15° | 15 | 16 | - | 15 | 16 | - | 17 | 19 | - | | 5 | 16° | 11 | 12 | - | 11 | 13 | - | 15 | 17 | - | | 6 | 17° | 11 | 12 | 30 | 11 | 13 | 31 | 15 | 17 | 33 | | 7 | 18° | 11 | 12 | 14 | 11 | 13 | 14 | 14 | 17 | 18 | | 8 | 19° | 11 | 12 | 12 | 11 | 13 | 13 | 13 | 16 | 17 | | 9 | 20° | 11 | 12 | 12 | 11 | 13 | 13 | 13 | 16 | 17 | | 10 | 21-28° | 11 | 12 | 12 | 11 | 13 | 13 | 12 | 15 | 17 | | 11 | 29-35° | 10 | 11 | 11 | 10 | 12 | 12 | 10 | 13 | 14 | | 12 | 36-44° | 10 | 11 | 10 | 10 | 12 | 11 | 10 | 13 | 13 | | 13 | 45-59° | 8 | 9 | 9 | 8 | 10 | 10 | 9 | 12 | 12 | | 14 | 60-135° | 6 | 7 | 7 | 6 | 8 | 8 | 9 | 12 | 12 |   . |

**Question 4.** Do you think the proposed update to the lateral separation minima as outlined in policy proposal 7 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 may have on the proposed policy.

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**Proposed policy – Pilot-applied visual separation for certain helicopter operations**

1. The Part 172 MOS is updated to include a procedure whereby a State government helicopter may operate within a control zone whilst maintaining own separation with other aircraft but without provision of ATC traffic information. The proposal would replace an existing arrangement operating under legislative exemption.

**Fact bank 22 –** Description of the helicopter operating procedure

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| *Content:*  In 2013, CASA, Airservices Australia and a State Government helicopter operator worked together to establish a procedure whereby a suitably equipped helicopter could operate at low altitudes at night and within a control zone. The pilot would apply own separation with other aircraft operating within the control zone without ATC providing traffic information as is normally required under standards for visual separation. After a year of operation, the procedure was reviewed and found to be satisfactory and not requiring any safety changes.  The procedure takes place under an exemption from the MOS standard. The instrument allowing the exemption has been renewed several times. The process has cost and time impacts for all parties. CASA assesses that the procedure is suitable for enduring use and is suitable for adoption as a MOS standard. |

**Question 5.** Do you think the pilot-applied visual separation for certain helicopter operations as outlined in policy proposal 8 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 may have on the proposed policy.

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**Proposed policy – Balloon operations**

1. Adopt the standards of the Federal Aviation Administration (FAA) of the United States of America for unmanned free balloons; effectively:
   1. enabling ATC to use:
      1. any horizontal separation minimum if satisfied that the position information from the balloon is sufficiently reliable to provide the service, and
      2. vertical separation if it is known that the balloon provides altitude information of equivalent accuracy as a transponder equipped aircraft.

***Note:*** ADS-B transmitting equipment is an example of suitable equipment for this purpose.

* 1. when the position information is not suitable for separation, requiring ATC to provide traffic information to affected aircraft about the unmanned free balloon.

**Fact bank 23 –** Extract from FAA JO 7110.65Z (Air Traffic Control) – Section 9-6 – Unmanned Free Balloons – 9-6-1 – Application

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| *Content:*  **9−6−1. APPLICATION**  Apply the following procedures, as appropriate, when unmanned free balloons are within airspace for which you have control jurisdiction:  **NOTE−**  *These procedures apply to unmanned free balloons that carry payloads as described in 14 CFR Section 101.1(a)(4). Payloads may weigh several hundred pounds and the physical shape of the balloons change at various altitudes/flight levels. (See FIG 9−6−1.) Balloon and payload ascend at an average rate of 400 feet a minute. Over the descent area, the payload is normally released from the balloon and descends by parachute at a minimum rate of 1,000 feet a minute. The balloon is normally deflated automatically when the payload is released. The operator is required to advise ATC 1 hour in advance of descent in accordance with 14 CFR Section 101.39.*  **a.**   Post the balloon flight on flight progress strips along the planned trajectory and revise routing as tracking/position reports require.  **b.**Radar flight follow balloons to the extent that equipment capabilities permit. If radar flight following is not possible, tracking should be attempted by communication with the “chase plane,” telephone contact with the operator, pilot, or ground observation reports.  **c.**   With pilot concurrence, provide separation between aircraft and balloons when you are satisfied that the balloon information is sufficiently reliable to provide the service. Do not attempt to separate aircraft from the balloon by using vertical separation unless you have accurate balloon altitude information.  **d.**Provide traffic advisories to all affected aircraft during initial contact specifying the balloon’s known or estimated position, direction of movement, and altitude as “unknown” or “reported,” as appropriate.  **e.**   To transfer flight following responsibility of balloons between facilities or between controllers, forward the following information when available:  **1.**   Identification and type; e.g., Flight 804 Balloon.  **2.**   Last known position and altitude.  **3.**   General direction of movement and speed.  **4.**   ETA over facility boundary, sector boundary, or other point if believed to be reasonably accurate.  **5.**   Other pertinent information.  **6.**   If in radar contact, physically point out the target to the receiving controller.  **7.**   The name and the telephone number of the location where tracking is being accomplished. |

**Question 6.** Do you think the proposed changes to standards for unmanned free balloons 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 may have on the proposed policy.

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**Proposed policy – Land and Hold Short Operations (LAHSO)**

1. Establish a requirement of application of LAHSO that ATS providers must have measures to resolve aircraft-aircraft conflicts in the event of go around or rejected landing.
2. Where there is a proposal to implement LAHSO at an aerodrome for the first time, introduce a requirement that LAHSO only be introduced at an aerodrome if LAHSO is demonstrably essential for the safety and efficiency of operations at that aerodrome.

**Fact bank 24 –** background information on LAHSO matters

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| *Content:*  After an incident in 2015 during LAHSO operations, the Australian Transport Safety Bureau found that there was no safe option available for air traffic controllers to establish a separation standard and to ensure a mid-air collision did not occur when aircraft were below minimum vector altitude. The ATS provider addressed this issue in response to the incident. However, the standards for ATS providers do not proactively require ATS providers to have measures in place to mitigate go around events.  The Australian standards are notably different to current FAA standards in that the FAA has detailed requirements for the introduction of LAHSO at an aerodrome. In the USA, a LAHSO program requires extensive involvement by all parties including airports users (airlines). Australia does not have similar requirements.  The proposed policies are intended to address these matters |

**Question 7.** Do you think the proposed changes to LAHSO standards 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 may have on the proposed policy.

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**Proposed policy – Terrain clearance or minimum assignable altitudes**

1. Align the Part 172 MOS standard for minimum obstacle clearance while vectoring with the standard specified in PANS-OPS; that is change the minimum from 1,000 ft to 984 ft.
2. Amend the Part 172 MOS requirements pertaining to level assignments for IFR aircraft to the effect they do not apply if the aircraft is operating below normal minimum IFR levels at night with the use of night vision imaging systems or other electronic means.

**Fact bank 25 –** Background on terrain clearance matters

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| *Content:*  ATC must normally issue clearances to IFR aircraft such that the prescribed obstacle clearance will exist at all times until the aircraft reaches the point where the pilot will resume own navigation.  When providing surveillance control services, ATC has two methods for determining that prescribed obstacle clearance exists:   * Assign levels not lower than a minimum vectoring altitude calculated and published in accordance with the Volume II of the ICAO Procedures for Air Navigation Services – Operations (PANS-OPS); or * In accordance with the standards specified in the Part 172 MOS, ensure any assigned altitude provides at least 1 000 ft of vertical clearance above any obstacle within 3 nautical miles of the aircraft.   The Part 172 MOS standard of 1 000 ft of obstacle clearance is not consistent with the obstacle clearance requirement specified in PANS-OPS (984 ft.).  The requirement for ATC to ensure levels assigned to aircraft provide sufficient terrain clearance is unnecessarily restrictive on IFR aircraft, usually helicopters, that operate below normal minimum IFR levels at night with the use of night vision imaging systems or other electronic means. |

**Question 8.** Do you think the proposed changes to the standards for terrain clearance and minimum assignable altitudes standards 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 may have on the proposed policy.

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**Proposed policy – Vertical separation**

1. Amend the standards for vertical separation to allow 1,000 ft reduced vertical separation minima (RVSM) between an aircraft formation and another aircraft if all aircraft (including all aircraft within the formation) are RVSM approved – consistent with practice used in the United States of America (USA).
2. Amend the existing 3,000 ft vertical separation minimum for supersonic aircraft to the effect:
   1. At or below FL 410, the vertical separation minimum is 2,000 ft.
   2. Above FL 410, the vertical separation minimum is 4,000 ft.

**Fact bank 26 –** Extract from FAA JO 7110.65Z (Air Traffic Control) – Formation flights & vertical separation

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| *Content:*  **2-1-13. FORMATION FLIGHTS**  Control formation flights as a single aircraft. Separation responsibility between aircraft within the formation rests with the flight leader and the pilots of the other aircraft in the flight. This includes transition periods when aircraft within the formation are maneuvering to attain separation from each other to effect individual control during join-up and breakaway.  **e.**Military and civil formation flights in RVSM airspace.  **1.**Utilize RVSM separation standards for a formation flight, which consists of all RVSM approved aircraft.  **2.**Utilize non-RVSM separation standards for a formation flight above FL 290, which does not consist of all RVSM approved aircraft.  **3.**If aircraft are requesting to form a formation flight to FL 290 or above, the controller who issues the clearance creating the formation flight is responsible for ensuring that the proper equipment suffix is entered for the lead aircraft.  **4.**If the flight departs as a formation, and is requesting FL 290 or above, the first center sector must ensure that the proper equipment suffix is entered.  **5.**If the formation flight is below FL 290 and later requests FL 290 or above, the controller receiving the RVSM altitude request must ensure the proper equipment suffix is entered.  **6.**Upon break􀃯up of the formation flight, the controller initiating the break􀃯up must ensure that all aircraft or flights are assigned their proper equipment suffix.  **4-5-1. VERTICAL SEPARATION MINIMA**  Separate instrument flight rules (IFR) aircraft using the following minima between altitudes:  **a.**Up to and including FL 410 - 1,000 feet.  **b.**Apply 2,000 feet at or above FL 290 between non-RVSM aircraft and all other aircraft at or above FL 290.  **c.**Above FL 410 - 2,000 feet, except:  **1.**In oceanic airspace, above FL 450 between a supersonic and any other aircraft – 4,000 feet.  **2.**Above FL 600 between military aircraft – 5,000 feet. |

**Fact bank 27 –** Extract from UK CAP 493 (Manual of Air Traffic Services – Part 1) – Vertical separation

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| *Content:*  **2-1-13. FORMATION FLIGHTS**  **5. Vertical Separation**  **5A. Vertical Separation Minima**  5A.1 Vertical separation exists when the vertical distance between aircraft is never less than the prescribed minimum. The vertical separation minima are:  (1) Between aircraft flying subsonic:  (a) Up to FL290 apply 1,000 ft;  (b) Above FL290 apply 2,000 ft, except that between FL290 and FL410 inclusive, 1,000 ft may be applied between RVSM approved aircraft operating in airspace designated as being notified for the application of this separation standard.  (2) Between aircraft flying supersonic and between aircraft flying supersonic and aircraft flying subsonic:  (a) Up to FL450 apply 2,000 ft;  (b) Above FL450 apply 4,000 ft.  5A.2 In the event of a pilot advising that their aircraft is no longer capable of RVSM operations, it is particularly important that the first ATSU made aware of the failure performs the necessary co-ordination with subsequent ATSUs.  5A.3 The Mode C of some military aircraft is accurate only to the nearest 400 ft during supersonic flight. On occasions, therefore, military controllers may have to apply 4,000 ft separation at all levels.  5A.4 Controllers are to assess the vertical distance between aircraft by observing the Mode C responses in accordance with the conditions for the use of Mode C specified in Chapter 6 or by obtaining level reports from pilots. |

**Question 9.** Do you think the proposed changes to the standards for vertical separation 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 may have on the proposed policy.

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# Page 11. Policy Topic 9 – Other changes for Part 172 MOS and general comments

Considering the spreadsheet and documents Annexes C through E, showing the full extent of changes proposed within the Part 172 MOS, do you have any comments about any aspect of proposed changes to that document?

Comments

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Do you have any general comments about the proposed policy?

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

Comments

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# Page 12. Your priorities

When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

**Priority 1**

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**Priority 2**

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**Priority 3**

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