



Australian Government
Civil Aviation Safety Authority

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.068 and 65.033 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]

Pip Spence
Director of Aviation Safety

31 July 2023

Part 65 (Air Traffic Service Licensing) Amendment (Fatigue Rules) Manual of Standards 2023

1 Name of instrument

This instrument is the *Part 65 (Air Traffic Service Licensing) Amendment (Fatigue Rules) Manual of Standards 2023*.

2 Commencement

This instrument commences on the commencement of the *Part 172 (Air Traffic Service Providers) Amendment (Fatigue Rules) Manual of Standards 2023*.

3 Amendment of the Manual of Standards for Part 65

Schedule 1 amends the Manual of Standards issued by CASA under regulation 65.033 of CASR.

Note See the definition of *Manual of Standards* in regulation 65.010 of CASR.

Schedule 1 Amendments

[1] Section 1.2, table, after the table row relating to the definition of “endorsement”

insert

Fatigue	See Section 14.01.
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[2] **After Chapter 13**

insert

CHAPTER 14: CONDITIONS ON LICENCES FOR FATIGUE MANAGEMENT

14.01 Definitions for Chapter 14

In this Manual of Standards:

fatigue, for the holder of an ATC licence or a flight service licence, means a physiological state of reduced alertness or capability to perform mental or physical tasks, which:

- (a) may impair the ability of the person to perform the person's safety-related duties; and
- (b) is caused by one or more of the following:
 - (i) the person's lack of sleep;
 - (ii) the person's extended wakefulness;
 - (iii) the person's circadian phase at any time;
 - (iv) the person's workload of mental activities, or physical activities, or mental and physical activities at any relevant time.

Note Chapter 4 of the Manual of Standards issued for Part 172 of CASR (the ***Part 172 MOS***) provides for ATS providers to have and implement a fatigue risk management system (FRMS), approved by CASA, for the management of fatigue in its provision of air traffic services. See the definition of ***fatigue risk management system*** in section 4.02 of the Part 172 MOS.

flight service licence: see the CASR Dictionary.

14.02 Obligation on ATC licence holder not to be fatigued

For the purposes of regulation 11.068 of CASR, it is a condition on an ATC licence that its holder must not begin to perform an air traffic control function if, due to fatigue, the holder is, or is likely to be, unfit to perform a task that the holder must perform for that function.

14.03 Obligation on flight service licence holder not to be fatigued

For the purposes of regulation 11.068 of CASR, it is a condition on a flight service licence that its holder must not begin to perform a flight service function if, due to fatigue, the holder is, or is likely to be, unfit to perform a task that the holder must perform for that function.

Note Under paragraph 4.03(c) of the Part 172 MOS, an ATS provider has an obligation to ensure that an ATC licence holder or a flight service licence holder, that is a member of the provider's personnel, complies with a requirement imposed on the person by section 14.02 or 14.03 of this Manual of Standards.