



Australian Government

Civil Aviation Safety Authority

**Air Traffic Service Providers—Entry
Control Procedures Manual**

[Civil Aviation Safety Regulation (CASR) Part 172]

Version 2.0: July 2012

Air Traffic Service Providers—Entry Control Procedures Manual

This is an internal CASA policy manual. It contains guidance material intended to assist CASA officers and delegates in carrying out their regulatory responsibilities and may be made available to the public for information purposes only.

Since this is an uncontrolled version of the manual which will not be updated by CASA, it should not be relied upon for any regulatory purpose. The current manual can be viewed at any time via CASA's website at "www.casa.gov.au".

You should always refer to the applicable provisions of the Civil Aviation Act, Civil Aviation Regulations and the Civil Aviation Orders, rather than this manual, to ascertain the requirements of, and the obligations imposed by or under, the civil aviation legislation.

Version 2.0: July 2012

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List of Effective Pages

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Cover and verso	2	1.1	Jul 2012
Table of Contents, List of Effective Pages and Preface	10	1.1	Jul 2012
1. About this Manual	6	1.0	Jul 2012
2. Approval Procedures for ATS Providers	9	1.0	Jul 2012
3. Approved Providers Operations Manual	7	1.0	Jul 2012
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Foreword

As a Commonwealth government authority, CASA must ensure that its decision-making processes are effective, fair, timely, transparent, consistent, properly documented and otherwise in accordance with the requirements of the law.

Most of the regulatory decisions CASA makes are such that conformity with authoritative policy and established procedures will be conducive to the achievement of these outcomes. From time to time, however, decision-makers will encounter situations in which the strict application of policy, in the making of a decision involving the exercise of discretion, would not be appropriate. Indeed, in some cases, the inflexible application of policy may itself be unlawful.

This preface and the following Introduction, explains the way in which the policy and processes set out in this manual are to be used by all CASA's personnel when making decisions in the performance of their functions, the exercise of their powers and the discharge of their duties. It also explains the processes to be followed if it appears that a departure from policy is necessary or appropriate.

Mandatory Use of Policy and Procedure Manuals

This manual is one of the set of manuals and other documents which comprise CASA's authorised document set. The authorised document set contains the policy, processes and procedures with which CASA personnel are expected to comply when performing assigned tasks. All CASA personnel are required to have regard to the policies set out in this manual. Except as described in the Introduction, CASA decision-makers should not depart from these policies, processes and procedures.



John F. McCormick
Director of Aviation Safety

Introduction

Regulatory Decision Making

Where the legislation provides for one, and only one decision—the “correct” decision—is the only decision open to CASA. However, most of the decisions CASA makes involve the exercise of discretion. In such cases, there may well be more than one acceptable or correct decision. In these cases, the law requires that CASA makes the “preferable” decision, that is, the most appropriate decision, having regard to the overriding interests of safety and the obligation to be fair.

In all such cases, CASA is bound to act in accordance with the applicable rules of administrative law. These rules govern how CASA arrives at the ‘preferable’ decision in any given case. Adherence to these rules is a requirement, not an option. Decisions and actions taken in contravention of these rules are unlawful, unenforceable, and in most cases invalid. CASA is legally accountable for the decisions it makes, and CASA decision-makers are obliged to avoid the appearance, as much as the reality, of unlawful decision-making.

Sound and lawful regulatory decision-making is generally governed by the 10 rules of administrative law summarised below. Adherence to these rules is essential to CASA’s obligations of accountability and good governance.

1. **Natural Justice** (Procedural Fairness)

- **Hearing Rule.** Persons affected by CASA’s decisions have a right to be heard. To be meaningful, the hearing rule normally requires that CASA provides persons with notice (usually in advance) that a particular decision is going to be taken, and the reasons for the decision CASA proposes to take. Without notice and a statement of reasons, there may be little point to providing a person with an opportunity to be heard.
 - **Rule Against Bias.** Decision-makers should not have a **personal** or **pecuniary interest** in the outcome of their decisions. Neither may decision-makers prejudge (or **pre-determine**) matters in respect of which they are called upon to make a decision.
2. A decision-maker must not act for **improper purposes**. Even if the purposes for which a particular decision are lawful, the decision may only be taken for the purposes specifically authorised by the law under which the decision has been taken.
 3. A decision-maker must not take any **irrelevant considerations** into account in coming to a decision.
 4. A decision-maker must take all **relevant considerations** into account in coming to a decision.



Note: Applicable Policy is Always a Relevant Consideration.

5. A decision-maker must act on the basis of **evidence**, not mere supposition or speculation.
6. A decision-maker must not formulate requirements in **vague** or **uncertain terms**.
7. A decision-maker must not **inflexibly apply policy** (although departures from policy will normally need to be justified).
8. A decision-maker must not **act under dictation** (although this does not preclude adherence to formal directions, compliance with lawful conditions in relation to the process by which a decision is taken or the obligation to consult in the process of considering a decision).
9. A decision-maker must decide the matter within a **reasonable time**.
10. A decision maker must not act in a way that is manifestly **unreasonable**. A decision must not be so unreasonable that no reasonable person would make such a decision.

Note: The meaning and application of these principles, and related considerations of administrative law, are covered more fully in the induction and orientation training undertaken by all CASA employees. Any questions in relation to these matters should be referred to the Legal Services Division.

Departure from Authorised Policy

Adherence to CASA's authorised policies will almost always produce an appropriate decision. As said, however, from time to time there will be circumstances in which the strict application of policy may not result in the "preferable" decision. In these cases it may be appropriate (and possibly necessary) to depart from otherwise applicable policy.

Any departure from policy must be justified in order to ensure that it:

- Is genuinely necessary in the interests of fairness
- Does not inappropriately compromise the need for consistent decision-making; and, of course
- Is not in conflict with the interests of safety.

Without fettering a decision-maker's discretion, it is therefore expected that appropriate consultation will occur before a decision is made that is not the product of the policies and processes set out in this manual. The prescribed consultation process is described below.



Consultation Process

Decision-Maker's Responsibilities

When a decision-maker believes there is a need to depart from policy he or she is expected to consult with his or her direct supervisor. This process should be initiated in writing:

- Setting out the pertinent facts and circumstances
- Identifying the provisions of the policy normally applicable
- Stating why the application of that policy would not result in the making of the “preferable” decision in the circumstances to hand
- Specifying the approach the decision-maker believes is more likely to result in a “preferable” decision.

Supervisor's Responsibilities

In considering a consultative referral, the decision-maker's supervisor should:

- Advise the decision-maker as to whether his or her assessment of the relevant considerations appears to be complete and correct
- If, in the opinion of the supervisor, the circumstances do not warrant a departure from policy, provide the decision-maker with written advice and guidance as to how the decision might more properly be approached within the current policy framework

Note: Reliance on relevant precedent is a sound basis on which to ground such an opinion. It may also be helpful to seek advice from peers, superiors and/or CASA's Legal Services Division.

- If, in the opinion of the supervisor, a departure from policy is warranted, the supervisor should ensure the policy sponsor (normally the relevant Executive Manager) is advised of:
 - i. The intention to depart from the otherwise applicable policy
 - ii. The alternative approach the decision-maker will be taking to the matter.

The supervisor should ensure that a full written record of these actions is made and maintained.



Note: In no case may the terms of decision be dictated to a delegate authorised to exercise discretionary decision-making powers.

If a decision-maker's supervisor or the policy sponsor is not satisfied that the decision the decision-maker intends to make is the correct or preferable decision in all the circumstances, responsibility for that decision should be assumed by, or assigned to, another authorised delegate in accordance with appropriate processes and procedures.

Policy Sponsor's Responsibilities

If the policy sponsor concurs in the proposed departure from policy, he or she should ensure the decision-maker is advised accordingly as soon as possible.

If the policy sponsor does not believe the proposed departure from policy is warranted, he or she should:

- Advise the supervisor accordingly
- Assume responsibility for the decision
- Ensure that the decision-maker and any person affected by the decision (for which the policy sponsor has assumed responsibility) is advised accordingly
- Make the decision in a manner consistent with the applicable policy.

The policy sponsor should ensure that a full written record of these actions is made and maintained.

Nothing in these processes should be interpreted or applied so as to dictate the terms of the decision to be made by a decision-maker authorised to make discretionary decisions under the civil aviation legislation, or to delay unreasonably the making of such decisions.

Revisions to Policies and Manuals

As a result of experience in applying policies and procedures, users will form views as to accuracy, relevance and applicability of the content.

CASA personnel are required to provide recommendations for revisions to policies and processes in this or any other manual should they become aware of shortcomings. In this way the policies and manuals will be continually improved and remain relevant to the tasks being undertaken.



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Preface

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Each policy and manual has a sponsor and recommendations for amendment are to be forwarded to the relevant individual for consideration. The revision process can be accessed via the link:

http://casaconnect/manuals/doc_control/process.htm



1.1 Purpose of the Manual

CASR Part 172. This is an internal CASA procedures manual that is for the guidance of CASA staff involved in assessing entry applications from organisations seeking approval under the provision of Civil Aviation Safety Regulations 1998 (CASR) [Part 172](#) to provide an air traffic service.

1.2 Scope of the Manual

This manual is a part of the CASA document set. It includes procedures, flowcharts, sample forms, letters, ATS Approval Certificate, and a checklist, to assist CASA officers assessing applications for approval as an ATS provider.

The manual includes:

[Part 1](#): Regulatory Basis: the Part 172 Regulatory Requirements

[Part 2](#): Approval Procedures for ATS Providers

[Part 3](#): Contents of an ATS Provider's Operations Manual

[Part 4](#): Sample application form, letters, the certificate and conditions and a certification checklist.

By adhering to the procedures set out in this Manual, a standard and unified approach within CASA, consistent with regulatory requirements, will be created and maintained when assessing and approving organisations as ATS providers.

1.3 Target Audience

The target audience for this manual is CASA staff involved in assessing applications for approval as ATS providers under the provisions of CASR [Part 172](#).

1.4 Definitions and Abbreviations

The following definitions and acronyms apply. (See also the Definitions of CASR Part 172 (172.010)).

Term	Meaning
Air Traffic Service (ATS)	An air traffic service of a kind mentioned in ICAO Annex 11.
ATS provider	A person approved under CASR Part 172 to provide the air traffic services that are covered by the approval.
Manual of Operational Standards Part 172	Document published by CASA titled Manual of Standards Part 172 – standards applicable to the provision of Air Traffic Services.
Operations Manual	In relation to an ATS Provider, the manual prepared and maintained by the provider in accordance with CASR Part 172 .



1.5 Regulatory Basis

1.5.1 Subpart A—General

CASR Part 172 **Subpart A** of Part 172 contains general matters including the contents of the Part, Applicability, Definitions for the Part including the definition of an ATS Provider, and in **172.020**, the basic regulatory requirement that restricts the provision of air traffic services to persons (the term persons in the regulations legally includes organisations) approved by CASA under **Part 172** of the Civil Aviation Safety Regulations.

1.5.2 Subpart B—Approval as an ATS Provider

Subpart B establishes the general processes involved in application and approvals, including applicant eligibility, the certification process, the content of the Certificate, and variations to Certificates. This Subpart is general; the specific requirements and processes are contained in **Subpart F** relating to Administration of applications.

1.5.3 Subpart C—Requirements to be Complied with by ATS Providers

Subpart C specifies the organisational, technical and personnel requirements and technical standards for prospective or approved providers of ATS. It also establishes the regulatory requirement for a service provider's Operations Manual. Assessment of an application by CASA's technical specialists will centre on this Subpart.

1.5.4 Subpart D—Telling CASA about Changes

Subpart D provides that an ATS provider must advise CASA of any changes that materially affect its capacity to provide any of its services, or of intention to discontinue service provision.

As this Subpart relates to approved providers, it will not be of interest in entry control.

1.5.5 Subpart E—Miscellaneous

Subpart E establishes that an ATS provider must not provide a service unless its approval is in force and covers the particular type of ATS.

1.5.6 Subpart F—Administration

Subpart F describes the specific administrative rules in relation to applications and the approval process for ATS providers. CASR Part 11 specifies the more generic administrative rules. The procedures in this Manual reflect the regulatory provisions of Subpart F and CASR Part 11.



1.5.7 Reference Material

- [Civil Aviation Act 1988](#), Part II, Section 9, CASA's functions
- Civil Aviation Act 1988, Part VII, Section 98, Regulations etc., in particular, 98(3)(s).
- [Manual of Standards Part 172](#), Air Traffic Services
- ICAO Annex 11
- ICAO Annex 10 Vol II
- ICAO PANS ATM (Doc 4444)
- ICAO Regional Supplementary Procedures (Doc 7030)

1.6 Introduction to ATS Regulatory Requirements

1.6.1 Operational Requirement for ATS

The operational objective of the services provided by ATS are specified by ICAO Annex 11 to be:

- To prevent collisions between aircraft
- To prevent collisions between aircraft on the manoeuvring area and obstructions on that area
- To expedite and maintain an orderly flow of air traffic
- To provide advice and information useful for the safe and efficient conduct of flights
- To notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required.

The **Air Traffic Services** comprise three separate services, identified as follows:

- The **Air Traffic Control (ATC) service**, which is sub-divided into three distinct types of control function, as follows:
 - **Approach control service:** the provision of ATC for arrival and departure flights to accomplish (a) and (c) above.
 - **Aerodrome control service:** the provision of ATC for aerodrome traffic to accomplish (a), (b) and (c) above.
 - **Area control service:** the provision of air traffic control service for controlled flights excepting that provided by the approach control service or the aerodrome control service
- The **flight information service**, to accomplish (d) above
- The **alerting service**, to accomplish (e) above.

1.6.1.1 *Assessing the Applicant*

In making applications for approval, an organisation must clearly indicate which of these services the application covers.

In assessing applications, CASA officers must ensure that the applicant has the organisational structure, ATS facilities and equipment, appropriately licensed personnel, and the external data and co-ordination interfaces necessary to provision of the nominated services.

This will entail assessing officers working through the checklist provided herein to ensure that all of the regulatory requirements in CASR [Part 172](#) and the MOS [Part 172](#) are covered in a systematic way. An approval should not be given unless every one of the regulatory requirements/standards has been assessed, and each adequately addressed and met by the applicant.

1.6.2 Regulatory Standards and Procedures for the Provision of ATS

CASR
[172.065](#)
[172.070](#)
[172.075](#)

The standards and procedures under which any ATS is to be provided must be in accordance with the following:

- The Civil Aviation Safety Regulations
- The standards in the [MOS Part 172](#)
- The standards in ICAO Annex 11
- The procedures in ICAO PANS ATM (Doc 4444)
- The procedures in ICAO Regional Supplementary Procedures (Doc 7030)
- The radiotelephony procedures set out in Parts 1 and 2 of the AIP
- The standards for the procedures for aeronautical telecommunications set out in Vol II of Annex 10
- As varied by the AIP.

1.6.3 Operations Manual

In making application for approval, prospective providers are required to provide CASA with a copy of their proposed Operations Manual. This initially forms the basis of the submission for application assessment. The Operations Manual may vary depending upon the type of service and its complexity. For example, a national provider such as Airservices Australia would have an Operations Manual of significant content and complexity, whereas the Operations Manual of a local aerodrome operator that applies to operate a small control tower may be comparatively simple.

Prospective providers will need to establish procedures that address the regulatory requirements in CASR [Part 172](#) and in the [MOS Part 172](#).

The content of the Operations Manual is specified in Division 1 of the MOS Part 172.

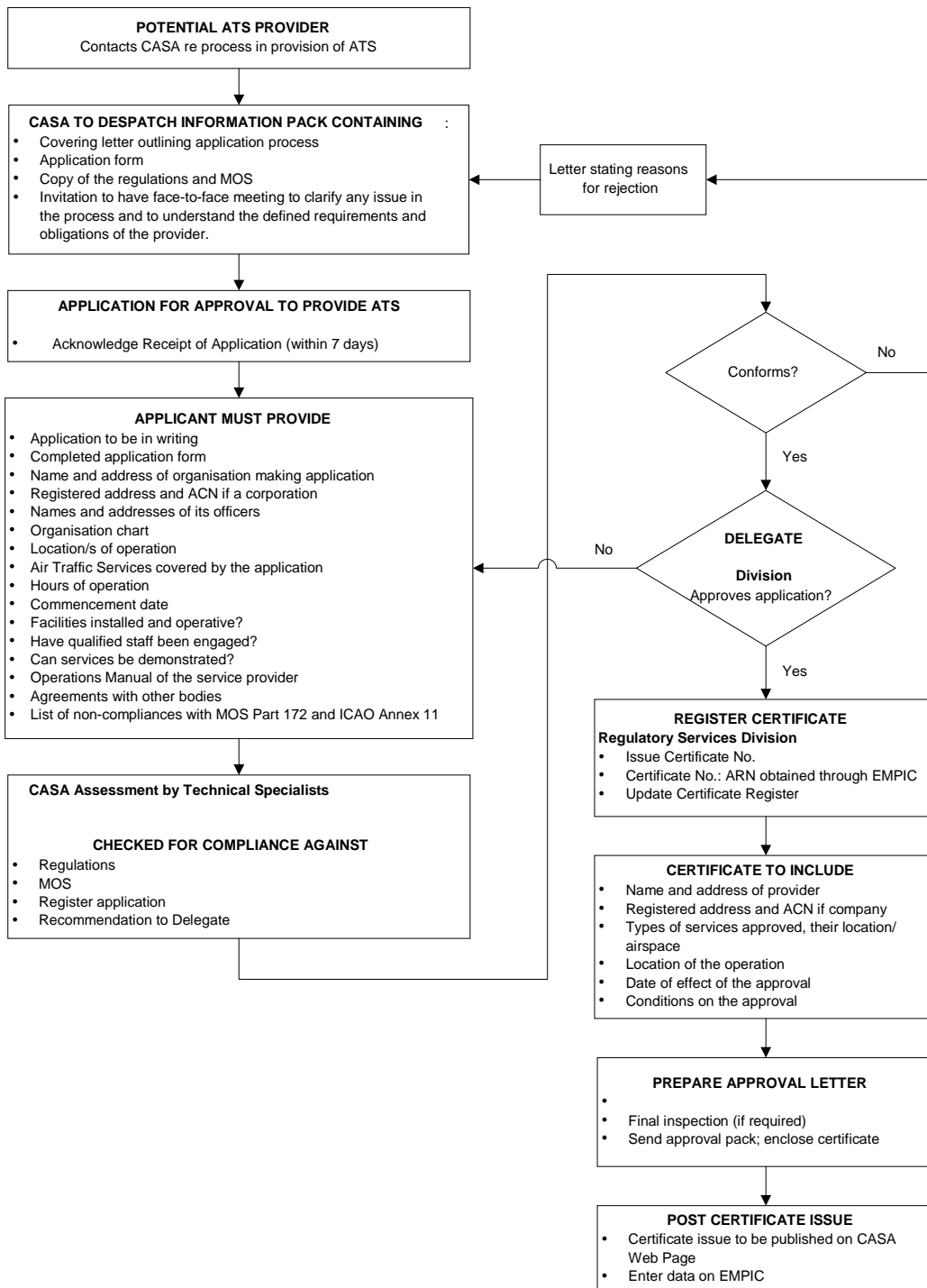


1.6.4 Preparation by CASA Assessing Officers

CASR Part 172 Before undertaking consideration of an application, CASA assessing officers should prepare by becoming familiar with the content of:

- CASR Part 172
- Manual of Standards Part 172
- ICAO PANS ATM (Doc 4444)
- ICAO Regional Supplementary Procedures (Doc 7030)
- Relevant ICAO Annexes.

2.1 Approval Procedures for ATS Providers—Flowchart



2.2 Initial Enquiries Regarding Application and Approval of ATS Providers

2.2.1 Handling Initial Enquiries

When handling initial enquiries from a prospective applicant, consideration should be given to the items in paragraphs 2.2.2 to 2.2.6 below.

2.2.2 When is an ATS Provider Certificate Required?

CASA approval to operate must be obtained by a prospective ATS provider before any service can be delivered. The instrument of approval is an ATS Provider Certificate, issued under CASR Part 11 regulation 11.110.

CASR
172.015
11.110

2.2.3 Who May Make an Application?

- CASR Part 11 Subpart 11B 172.205 172.215
- Any individual person or corporation that has the necessary capabilities, qualified personnel and facilities.
 - A joint application purportedly made by a partnership, or by two or more persons jointly, is not an acceptable application.

2.2.4 What is Required?

The application for a certificate to operate must be made in writing. The following details and documents are required with an application:

CASR Part 11 Subpart 11B 172.215

- If the applicant is an individual, the individual's name and address
- If the applicant is a corporation, the applicant's registered address and ACN, and the names and addresses of its officers
- A list of the ATS services for which the application is being made
- A statement of the location from which each service is to be provided
- The airspace in which each service will be provided, if the service is to be provided within particular airspace allocated to the applicant by the airspace authority
- The aerodrome for which the service will be provided, if the service is to be provided for an aerodrome allocated to the applicant by the airspace directorate
- The hours of the day during which each ATS is proposed to be available
- A listing of any non-compliance with any of the standards in the MOS Part 172 or ICAO Annex 11, and the reasons for, and consequences of, each listed non-compliance



- The proposed commencement date for service provision
- A copy of the organisation's draft Operations Manual for certification assessment and retention. The Operations Manual must be a controlled document.

2.2.5 Content of Operations Manual

CASR 172.060 The required contents of an Operations Manual of an approved provider are specified in [Chapter 2, MOS Part 172](#). These requirements are amplified in [Part 3](#) of this Manual. The Operations Manual forms the technical basis of any application.

2.2.6 Confidentiality of Information Provided

Any organisational or corporate-related information provided by an applicant for a [Part 172 Certificate](#), including the Operations Manual of the applicant, used in the context of the assessment of the application is to be treated as '*Commercial-in-Confidence*' and is not to be disclosed to any party outside CASA, unless the applicant has approved the release of the information in writing.

2.2.7 Assessment and Approval Process

CASR Part 11
Subpart 11B
Subpart 11BA
[Part 172](#)
Subpart F

On receipt of an application, after initial desk-top assessment of the application and the Operations Manual, the CASA assessment officer should if necessary invite the applicant to a meeting to clarify requirements.

An initial desk-top assessment will be directed toward establishing to what extent the requirements specified in CASR [Parts 11 and 172](#) and [MOS Part 172](#) have been met.

After the initial assessment is undertaken, the face-to-face meeting with the applicant should be directed at explaining any areas of shortfall in the applicant's Operations Manual and indicating what further supporting information must be provided before CASA can continue with the assessment. If appropriate, where the applicant has already established the facilities and equipment, and personnel, including licensed ATS personnel, necessary for service provision, CASA should raise with the applicant the possible requirement for the proposed services to be actually demonstrated.



2.3 Approval Process

2.3.1 On Receipt of a Written Request Form from an Applicant

CASR Part
11
Subpart 11B
Subpart
11BA
Part 172
Subpart F

On receipt of a written application, carry out the following:

- Record the request in TRIM, if required.
 - Raise a new electronic file and attach the applicant's correspondence to the relevant file.
- Undertake a complete and thorough desk-top assessment of the applicant's Operations Manual for compliance against all the applicable requirements and standards of Civil Aviation Safety Regulations 1998 (CASR) [Parts 11 and 172](#) and the [MOS Part 172](#). Use the [ATS Provider Certification Checklist \(form 1136\)](#) to record the results of this assessment.

2.3.2 CASA May Ask for Demonstration of a Service

CASR
11.045
[172.230](#)

When considering an application for approval, CASA may, in writing, ask the applicant to demonstrate procedures or equipment to determine whether the applicant can properly provide the air traffic services. Decide on the necessity for a demonstration of the proposed service(s). A demonstration will normally be requested if the necessary facilities are in place. If a demonstration is required, advise the applicant accordingly in writing.

It will be the normal procedure to request such a demonstration before an approval is finally given, as one of the final steps in the assessment process. If an applicant has not established the necessary facilities, equipment and personnel, final approval will normally be withheld until these are in place and the service can be demonstrated to CASA's satisfaction.

2.3.3 CASA May Ask the Applicant for More Information

CASR
[11.040](#)

Decide on whether more information than has been provided by the applicant can reasonably be required, including any further information to be included in the Operations Manual, in order to complete the assessment of the application.

If it is necessary to require the applicant to provide more information or further documentation, advise the applicant accordingly in writing, clearly stating the information that is required.



2.3.4 Matters to Take into Account

CASR
11.032
11.050

In assessing and making a decision on any application, CASA may take into account:

- Anything in the application
- Anything in any other document submitted by the applicant
- The results of any demonstration of a service
- Anything that CASA has in its records about the applicant.

However, before taking into account anything in CASA records about an applicant, CASA must inform the applicant in writing of the substance of the information, and invite the applicant to make a written submission about such matter, within a specified, reasonable, time.

If an applicant has previously been approved as an ATS provider, and the approval was cancelled by CASA for contravention of the Act or the Regulations, the applicant must provide any available evidence tending to show that the applicant could now properly provide the air traffic services applied for.

2.3.5 Prepare a Letter of Approval and the Certificate

CASR Part
11
Subpart
11BA

- Prepare the letter of approval (see section 4.3) and the ATS Provider Certificate (see section 4.5) for the CASA delegate's approval.



2.4 ATS Approved Provider Certificate

2.4.1 Content of an ATS Approved Provider Certificate

An ATS Approved Provider Certificate is to include the following details:

- The identity of the approved provider (name and address, and if a corporation, its ACN and registered office)
- A list of those ATS services approved under the certificate, together with details of their location, and aerodrome and airspace, as applicable
- The date of approval of the Certificate
- Conditions on the Certificate; including the condition that CASA has the right to undertake a safety audit of the provider's operation at any time.

Note: Samples of the Certificate and Conditions are provided in Chapter 4.

CASA staff can access the template for the Certificate (form 1134) in CASAconnect (manuals\templates.htm). Print page 1 of the Certificate on stationery 401 and print page 2 (Conditions) on stationery 402.

2.4.2 Conditions to be Specified on the Certificate

CASR Part
11
Subpart
11BA

As a minimum, the following conditions are to be specified on the certificate:

- CASA's right to undertake safety audits as specified
- CASA's right to cancel the certificate where it considers that it is justified for aviation safety.

2.4.3 Issue of a Certificate Cannot be Refused if CASA is Satisfied

CASR
172.260

If a person/organisation has applied for a Certificate as an ATS Approved Provider and the applicant has demonstrated compliance, CASA must grant an approval if:

- CASA considers that the approval would not be likely to have an adverse effect on the safety of air navigation
- All the requirements under CASR [Parts 11 and 172](#) in relation to the application have been satisfied
- No provision in [Parts 11 or 172](#) forbids CASA approving the applicant, or makes the applicant ineligible.



However, approval would normally be withheld, where an ATS is already approved by CASA and is operating in the same airspace or the same aerodrome as that service which the applicant proposes to provide. An example of this possibility is the provision of an aerodrome control service at an aerodrome where another approved provider already provided a control service.

2.4.4 When the Decision about an Application Must be Made

CASR
172.265
11.040

CASA must make a decision about an application within 6 months after receiving it. If a decision is not taken in 6 months, regulation 172.265 provides that CASA is taken to have refused the application. Note that the 6 months assessment period may be extended if CASA has made a request under 11.040 for further information. The time between when CASA makes the request and when the applicant gives CASA the information does not count in the six-month period.

2.4.5 Grounds for Suspension or Cancellation of Approval

CASR
172.310,
CAR (1988)
315, 320

CASA may suspend or cancel an approval if the Regulation is breached. However, CASA must be able to justify the suspension or cancellation.

Suspension is by a 'show cause' notice to the provider.

Cancellation requires CASA to provide the facts and circumstances in a show cause notice. The show cause notice must invite the provider to show in writing within a reasonable period why the approval should not be cancelled.

All proposed actions to suspend or cancel a Certificate should be coordinated with the CASA Office of Legal Counsel.

2.5 Issue of ATS Approved Provider Certificate

2.5.1 Delegate Actions

Following assessment of the application and completion of the compliance/entry control checklist—[ATS Provider Certification Checklist \(form 1136\)](#)—the ATS Approved Provider Certificate and the covering letter of approval are to be forwarded to the CASA [Part 172](#) delegate for signature.

If the [Part 172](#) delegate is satisfied that all requirements have been met, he/she will sign the approval letter.

CASA retains:

- One copy of the approved provider's Operations Manual
- A copy of the Air Traffic Service Provider Certificate.

The following documents are sent to the applicant by registered mail with a covering letter:

- CASA's approval letter
- The approved Air Traffic Service Provider Certificate.

See section [4.3](#) and section [4.4](#) respectively for the following sample letters:

- Letter of Approval of Application for Issue of an ATS Provider Certificate
- Letter of Refusal to Grant an ATS Provider Certificate.

2.6 Term of Air Traffic Service Provider Certificate

Certificates will not have an expiry date included. However, a date for the review of any conditions placed on the certificate is to be included. That date will be dependent on the type and extent of the conditions that are initially placed on the Certificate, but will not be in excess of three years after the date of original issue of the Certificate.

2.7 Changes to Certificate

2.7.1 Replacement Certificate and Imposing and Varying Conditions on a Certificate

CASR Part
11
Subpart 11D
11.115
[172.055](#)

If it is necessary to vary anything on a Certificate, a replacement Certificate should be issued. This will be the case where:

- An approved provider wants to vary its Certificate
- There is a change in the service(s) provided by an approved provider, and CASA has approved the change
- CASA considers it necessary to add a condition or to vary any of the conditions on a Certificate.

Such a proposed change to an approved service is to be processed by CASA as a variation of the original approval. This is to be authorised by re-issue of the Air Traffic Service Provider Certificate with the amended or additional entries covering:

- The change to a service
or
- A new service
or
- The change to a condition
or
- A new condition.

It will be necessary in such cases for the approved provider to enclose any variation documentation to support the amendment to its Operations Manual.



3.1 Operations Manual to Contain or Refer to Information

3.1.1 Content

CASR
172.060

The content of an Operations Manual must meet the requirements specified in [Subpart C](#) of Civil Aviation Safety Regulations 1998 (CASR) [Part 172](#), and the Manual of Standards (MOS) [Part 172](#).

The items that must be included in an Operations Manual, together with a short description of the type of information to be included for each item, are listed in the following paragraphs.

CASR [Part 172](#) requires that an ATS approved provider must ensure that any service is provided in accordance with its Operations Manual. Therefore, the importance of an applicant having an Operations Manual that adequately and appropriately addresses the mandatory contents cannot be overstated.

3.1.2 Reference to Other Documents

CASR
172.080

It is CASA policy that a requirement to include particular information in an applicant's Operations Manual may be satisfied by making reference in the Manual to that information in another document held by the applicant.

3.2 Organisational Structure and Functions

3.2.1 Organisational Chart

An organisational chart of the service provider in the Operations Manual should include:

- A chart or other means of describing the provider's organisational structure
- The names and relevant qualifications, experience and positions of the principals (officers) of the organisation
- A description of the chain of command to be established by the provider with a statement of the duties and responsibilities of the supervisory positions within the organisational structure
- A statement showing how the provider determines the number of operational staff required, including the number of operational supervisory staff.

3.3 Proposed Air Traffic Services

3.3.1 Types of Proposed Services

The Operations Manual should include:

- A statement setting out the Air Traffic Services, and the related functions, that the provider proposes to perform under CASR [Part 172](#).
- The proposed hours of operations of each service.
- The airspace within which each service is to be provided. This may be by reference to the Designated Airspace Handbook or an aeronautical chart such as a VTC, ERC, etc.
- The specific location or locations in the case of distributed facilities, from which each service is to be provided.
- If the proposed service is an ATS for a controlled aerodrome:
 - A chart of the manoeuvring area of the aerodrome showing all runways, taxiways, parking areas, etc.
 - Extract(s) from the Aerodrome Emergency Plan (AEP) relevant to the ATS functions.
 - A copy of the procedures as set out in the aerodrome manual for preventing unauthorised entry of persons or things onto the movement area of the aerodrome.
 - A copy of the procedures as set out in the aerodrome manual for the control of surface vehicles on or in the vicinity of the manoeuvring area.
- A duty statement including the functions, responsibilities, and hours of operation, of each operating position.

3.3.2 Assessment of Standards

It is important that CASA compliance officers make an assessment of the relevance and adequacy of the above standards for each service. In particular, attention should be given to organisational structure and the provision of sufficient operational staff, both at supervisory and functional level, to provide the proposed services.

3.4 Information Necessary for Service Provision

3.4.1 Input Data

The Operations Manual should include a description of the arrangements made or proposed to be made by the applicant to ensure that it has, and will continue to receive, the information necessary for providing each service.

- This requirement includes information that is both internally and externally sourced.
- The description should nominate the information requirement, its use in service provision, its source, and the means of its transfer, receipt and display.
- The integrity levels of the data should also be defined, and be consistent with its operational criticality.
- Data that is sourced from another approved Part 172 provider, or is in electronic form from an approved Part 171 provider, can be considered to be adequate in respect to integrity.

Examples of Data Sources

Examples of data sources normally required are:

- AIS
- NOTAM
- Meteorological information
- Voice coordination with adjacent Part 172 providers
- Aerodrome works and administration coordination
- Local and remote radar data
- Information concerning volcanic activity
- AFTN
- Flight notification
- Meteorological warning service
- Information on aerodrome conditions and the operational status of facilities and navigation aids
- ARFFS coordination
- Information on unmanned free balloons
- Information concerning radioactive material and toxic chemical clouds.



3.4.2 Output Data

The Operations Manual should include a description of the arrangements made or proposed to be made by the applicant to ensure that it can, and will continue to be able to, provide the information in relation to its air traffic services to other organisations whose functions reasonably require that information (e.g. other ATS units and centres).

- The description should nominate the information requirement and recipient, and the means of its transfer.
- The integrity levels of the data should also be defined, and be consistent with the provider's operational criticality.
- Examples of data recipients could normally be:
 - AIS
 - Adjacent Part 172 providers
 - Aerodrome administration
 - ARFFS
 - The Part 171 provider
 - Other Government Agencies.

3.4.3 Provider's Record Keeping System

The Operations Manual must include the requirement for a record keeping system that covers identification, collection, indexing, storage, security, maintenance, access and disposal of records necessary for the provision of air traffic services.

The records systems must provide an accurate chronicle of ATS activities for the purpose of reconstruction of events for air safety investigation or for system safety analysis within the Safety Management System.

The type of records to be kept, and the time of retention, is specified in the MOS.

Assessing officers should ensure that the applicant has a system in place that will cover all the record types required, including operational voice records.

3.5 Agreements with Other Organisations

An Operations Manual must contain a copy of any agreement with other bodies entered into by the provider in relation to the provision of any of the air traffic services.

The following agreements will normally be required:

3.5.1 Provider Agreement

An agreement with a Part 171 provider, or a prospective Part 171 provider, that provides, or is proposing to provide, the aeronautical telecommunication facilities required for ATS provision. This will not be applicable in the situation where the Part 171 applicant is also the applicant for the supporting Part 171 service.

3.5.2 Aerodrome Operator Agreement

Such an agreement will be necessary in the situation where the Part 172 applicant is proposing to provide an air traffic service at a controlled aerodrome. The provider must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles, boats, and people on the manoeuvring area of the aerodrome. Where the facilities necessary for ATS provision, such as a control tower, are the property of the aerodrome, the use of the facilities by the applicant should also be covered by the agreement.

CASA should not approve a Part 172 provider that intends to use aerodrome-owned facilities unless there is an agreement with the owner.

3.6 Safety Management System

The Safety Management System (SMS) described in the Operations Manual and adopted by the organisation must comply with all the standards encompassed in [MOS Part 172](#).

The SMS is an important component of an ATS provider's operation. It should be an indication of the safety culture of an organisation as it defines the policies, procedures and practices for managing the safety of the provision of ATS, and managing any changes in the provision.

The SMS should include the processes proposed for management review of its SMS, and the implementation of corrective action as necessary.

CASA assessing officers should take into account the type of service that is proposed by the provider in considering the adequacy of the SMS.

3.7 Security Program

CASR (172.155) An applicant must establish a security program that minimises the risk of unauthorised access, entry by animals or malicious damage to a service or facilities. The security program is to be in accordance with the standards in CASR 172.155, and [Chapter 8 of MOS Part 172](#).

Where an aerodrome owner primarily controls the security of an ATS facility, the Operations Manual should include that as an element of the security program.

3.8 Disseminating Information to Staff

The Operations Manual must contain a description of the procedures and documentation to be adopted and used by the applicant to provide its staff with information on:

- The relevant standards for service provision, including the ICAO standards in Annex 11 and Annex 10 Vol II, ICAO PANS ATM (Doc 4444) and [Chapter 10 of MOS Part 172](#)
- Operational instructions to staff
- Operational changes that are to be conveyed to staff.

3.9 Provider's Training and Checking Program

CASR (Part 65 Part 143) The Operations Manual must detail a provider's training and checking program and provide assurance that any individual performing any functions in air traffic services is competent to perform that function.

It is important that the applicant's proposed training and checking program covers all elements in [Chapter 5 of MOS Part 172](#) and requirements of CASR Parts 65 and 143.

3.10 Commissioning New Facilities, Equipment and Services

Under this requirement, the Operations Manual should describe the processes for the installation, commissioning and transition into service phases of new facilities, equipment and services, and provide evidence, arguments and assumptions for acceptance of the operational performance and the safety of the facility, equipment, procedure or service.

The safety issues must establish that the design objectives in respect to performance and safety have actually been met, or if not met, that appropriate corrective actions and/or risk mitigation has been implemented.

There should be a process for sign-off authorisation by authorities responsible for the design, performance, operation and maintenance of the new system, prior to it being commissioned.

Advisory Circular CAAP 1 provides guidance on when a safety case may be required.



3.11 Revising the Operations Manual


An applicant must include in the Operations Manual the processes proposed for the preparation, authorisation and issue of amendments to its Operations Manual.

The Operations Manual must be a controlled document and, therefore, the amendment process must similarly be controlled.



4.1 ATS Provider Application Form

This application form ([form 1135](#)) can be accessed on the CASA Website.

		Air Traffic Service Provider — Application Reference: CASR Part 172	
SECTION A: APPLICANT DETAILS			
Person/Company Name	Registered Address	ACN	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Names of Officers if Company	Postal Address	Telephone No.	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
SECTION B: OPERATIONAL DETAILS TO BE PROVIDED TO CASA WITH APPLICATION			
Location of proposed Part 172 operation:			
<input type="text"/>			
Air Traffic Service(s) to be provided:			
<input type="text"/>			
Daily hours of service:			
<input type="text"/>			
Proposed commencement date:			
<input type="text"/>			
Organisation Chart:	Provided	Yes / No	
Operations Manual:	Provided	Yes / No	
Are facilities installed and operative?	Yes / No		
Has staff been engaged?			
<input type="text"/>			
Can services be demonstrated?			
<input type="text"/>			
<i>Documentary evidence in support of all matters in this application may be requested</i>			
SECTION C: LIST OF NON-COMPLIANCES WITH CASR 172			
Reference (Attach list if insufficient space)	Details and reason for non-compliance		
<input type="text"/>	<input type="text"/>		
<input type="text"/>	<input type="text"/>		
SECTION D: DECLARATION			
On behalf of _____.			
I hereby apply for CASA approval as an ATS Approved Provider.			
Signed: _____			
My authority to act on behalf of the applicant is: _____			
Name of person making the declaration: _____			
Date: ____ / ____ / ____			
Form 1135 10/2002 ATS - application - air traffic service provider application Page 1 of 1			

4.2 Letter of Response to Application for a Certificate

CASA can access templates for the sample letters, certificate and conditions below on CASAconnect. (Follow the links **Forms + Manuals** then **Certificates and Templates**.)

Title:
Microsoft Word - form1131_sample.doc
Creator:
PScript5.dll Version 5.2
Preview:
This EPS picture was not saved
with a preview included in it.
Comment:
This EPS picture will print to a
PostScript printer, but not to
other types of printers.



4.3 Letter to Grant an ATS Provider Certificate



4.4 Letter of Refusal to Grant a Certificate



4.5 Air Traffic Service Provider Certificate

Title:
Microsoft Word - form1134_sample.doc
Creator:
PScript5.dll Version 5.2
Preview:
This EPS picture was not saved
with a preview included in it.
Comment:
This EPS picture will print to a
PostScript printer, but not to
other types of printers.



4.6 Conditions of Approval for the Air Traffic Service Provider Certificate


This EPS picture was not saved with a preview included in it.
Comment:
This EPS picture will print to a PostScript printer, but not to other types of printers.

4. Sample Documents

Approved by Executive Manager, Aviation Regulatory Services Division Version 2.0: July 2012

4.7 ATS Provider Certification Checklist

This application form can be accessed on the CASA Website.



ATS Provider Certification Checklist

Reference: CASR Part 172 and MOS Part 172

The processing officer(s) must complete this checklist to ensure that each step of the application process is completed prior to the issuing a Certificate to an ATS provider.
Tick each box to indicate the satisfactory completion of the assessment task. Also note the date of completion of each task against the box.
Sign and date this form and file it on the appropriate file when the process is completed.

File Raised	File No.	Compliance with MOS Chapters	
1	Acknowledgment of applicant's application within 7 days	<input type="checkbox"/>	<input type="checkbox"/>
2	Face-to-face meeting	<input type="checkbox"/>	<input type="checkbox"/>
3	Operations Manual provided by applicant	<input type="checkbox"/>	<input type="checkbox"/>
4	Application checked for completeness	<input type="checkbox"/>	<input type="checkbox"/>
5	Documentation assessed against CASR Part 172 and MOS 172	<input type="checkbox"/>	<input type="checkbox"/>
6	Demonstration of service required/not required, and provided/not provided by applicant	<input type="checkbox"/>	<input type="checkbox"/>
7	Applicant assessed as being able to provide a service	<input type="checkbox"/>	<input type="checkbox"/>
8	Certification granted/declined	Compliance with CASR Part 172	
9	Applicant advised of outcome	(ref) <input type="checkbox"/>	
10	Certificate issued		
11	Operations Manual acknowledged and returned		
12	RSD Division notification completed and data entered on ASSP		
13	Notify Compliance Division of new provider to be included in their audit schedule		
14	New provider listed on the CASA web page		
15	Ensure compliance with entry in Air Navigation Documentation— e.g. ERSAs/NOTAM		
16			

Signed: _____ Date: ____ / ____ / ____

Name and Position: _____ Assessing Officer

Form 1135 10/2002
ATSP - checklist - ATS provider certification checklist
Page 1 of 1

Air Traffic Service Training Providers—Entry Control Procedures Manual

Revision History

Approved by Executive Manager, Regulatory Services Division Version 2.0: July 2012

Version No.	Date	Part/Section	Details
Version 2.0	July 2012	Entire Manual	Changes to entire manual. Updated old information
Version 1.1	November 2010	Table of Contents	New Preface added.
Version 1.0	July 2002	Entire Manual	First release of the Air Traffic Service Training Providers—Entry Control Procedures Manual.

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Air Traffic Service Training Providers—Entry Control Procedures Manual

Revision History

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