



Fatigue – CAO 48.1 Instrument 2019

1 July 2021 Transition Policy

1. Introduction

1.1 In this document, a reference to:

- (a) an Operator means an AOC holder or Part 141 certificate holder;
- (b) CAO, means Civil Aviation Order 48.1 Instrument (2019) unless the context requires otherwise;
- (c) a minor variation means a limited or minor non-compliance with the requirements of a specified provision of the CAO referred to in sub-section 5A of the CAO;
- (d) Compliance Statement means a document confirming the Operator has taken steps to comply with the CAO by the transition date.

1.2 This document sets out CASA's policy for the transition of industry to the CAO by existing AOC holders or Part 141 Certificate holders. This document does not apply to an entity that did not hold an AOC or Part 141 certificate on or before 2 September 2019. Additional guidance for transition and details of how to make applications referenced in this policy is available on CASA's website.

1.3 The CAO applies to all Operators, excluding:

- (a) A foreign air transport AOC holder; and
- (b) Part 141 or Part 142 operators that conduct training **solely and exclusively** in-flight simulation training devices (FSTD).

2. Transition principles

2.1 Operators are expected to comply with the CAO by 1 July 2021. This is unaffected by any changes to existing operations or authorisations, or the issue of a new authorisation, prior to this date.

2.2 Operators are encouraged to opt-in to comply with the CAO before 1 July 2021.

2.3 An Operator, who is not a High Capacity Regular Public Transport (HC RPT) Operator, who elects to adopt Appendix 7 (FRMS) must receive approval from CASA by 1 October 2021 for a trial FRMS. A fully complete application must be submitted by 30 June 2021, earlier submission is strongly encouraged. An operator that does not have CASA approval by 1 October 2021 for a trial FRMS must revert to prescriptive limits in Appendices 1-6 of the CAO from 1 October 2021.

3. How to transition to CAO 48.1 (2019)

3.1 There are three routes for transition to CAO 48.1 (2019)

Transition route	Requirements	CASA approval required	What document/s to submit to CASA and when
Prescriptive	An Operator transitions to prescriptive rules in Appendices 1-6 of the CAO without modification.	No, not before the transition date (1 July 2021). CASA may undertake assessment of Operations Manual and Compliance Statement. CASA will check compliance during future safety oversight activities.	An Operator is required to submit an updated Operations Manual and a Compliance Statement by 30 June 2021.
Prescriptive with modification	An Operator transitions to prescriptive rules in Appendices 1-6 of the CAO with some minor variation.	Yes. An Operator is required to make an application to CASA for approval of the minor variation to the prescriptive rules in Appendices 1-6 of the CAO. CASA will then check compliance during future safety oversight activities.	An Operator is required to apply for a minor variation (which includes an Operations Manual and Compliance Statement). CASA encourages Operators to submit the minor variation application at least 3 months before the minor variation is required to take effect. NB: If the Operator requires the minor variation to take effect on 1 July 2021, the completed application should be submitted by 1 April 2021. Refer to Minor Variations Policy and Minor Variations Application Form.
Fatigue Risk Management System	An Operator transitions to a trial Fatigue Risk Management System.	Yes. An Operator is required to make an application to CASA for approval of an FRMS. CASA will then check compliance during future safety oversight activities.	An Operator (who is not a HC RPT) is required to apply (with all supporting documents) to CASA for approval of an FRMS by 30 June 2021. An Operator (who is a HC RPT) was required to apply for an FRMS by 30 November 2019 and must obtain approval from CASA by 30 June 2021. Refer to the FRMS Process Manual and FRMS Handbook for in-depth information.



Prescriptive: Operators who elect to comply with prescriptive limits in Appendices 1-6 of the CAO

- 3.2 Operators are required to:
- (a) review the CAO to identify new obligations applicable to their operations;
 - (b) review Appendices 1-6 inclusive of the CAO to identify the most appropriate Appendix or Appendices that corresponds to their operations;
 - (c) develop and implement fatigue management policies and procedures in accordance with the CAO and the selected Appendix or Appendices;
 - (d) update their Operations Manual to reflect the CAO, the selected Appendix or Appendices, and the limits established for their operations; and
 - (e) deliver training to staff on any requirements.

CASA has published guidance on the CASA website to assist Operators identify the changes required to the Operations Manual to comply with Appendices 1-6 of the CAO, develop fatigue management policies and procedures and develop training material.

- 3.3 Existing Operators will be required to submit a Compliance Statement and their Operations Manual (updated to note the Appendix or Appendices the operator will comply) to CASA noting the changes from the existing Operations Manual by 30 June 2021.
- 3.4 Once submitted, CASA will review the Compliance Statement for completeness and may decide to conduct a detailed assessment to verify the Compliance Statement. CASA may request further information from an Operator to clarify or confirm the proposed approach to compliance.
- 3.5 The Operator must comply with the Operations Manual (updated as noted in 3.2 above) from 1 July 2021.

Prescriptive with modification: Operators who elect to comply with prescriptive limits in Appendices 1-6 of the CAO with minor variation

- 3.6 Operators are required to review Appendices 1-6 inclusive of the CAO to identify the most appropriate Appendix or Appendices that correspond to their operation.
- 3.7 If an Operator elects to comply with one or multiple of the Appendices 1–6 and has identified that a minor variation is required for their operation, the Operator must obtain approval from CASA for the minor variation.
- 3.8 If the minor variation is required to take effect by 1 July 2021, the Operator must obtain approval from CASA by 30 June 2021.
- 3.9 Operators should consider the Minor Variations Policy before making an application for approval of a minor variation.
- 3.10 An application for a minor variation must be accompanied by the required information, updated Operations Manual and Compliance Statement. CASA may request further information from an Operator to clarify or confirm the proposed approach to compliance.
- 3.11 Refer to the Minor Variations Policy which outlines the process for applying for a minor variation to the prescriptive rules in the Appendices 2–6 of the CAO.
- 3.12 Operators should allow at least 3 months for CASA to assess an application. Accordingly, Operators should submit an application at least 3 months prior to when the variation is needed.

FRMS - Operators that elect to adopt Appendix 7 (Fatigue Risk Management System (FRMS))

- 3.13 The FRMS processes have not substantially changed under CAO 48.1 (2019).



- 3.14 All Operators proposing to operate under an FRMS must submit a completed FRMS application to CASA. Refer to the FRMS Process Manual and FRMS Handbook for in-depth information.
- 3.15 Once submitted, CASA will review and assess the application. CASA may request further information from an Operator to clarify or confirm the proposed approach to compliance.

Note: If CASA has not issued an FRMS trial implementation approval by the transition date (1 July 2021 for HC RPT Operators or 1 October 2021 for non-HC RPT Operators and Part 141 Operators), the Operator must comply with prescriptive rules (Appendices 1-6 of the CAO) until the approval is issued.

Non-HC RPT Operators and Part 141 Operators must apply by 30 June 2021.

HC RPT Operators will have applied by 30 November 2019.

4. CASA compliance processes

- 4.1 Review and assessment of compliance with the CAO will be conducted during a future surveillance event, regulatory service or certificate renewal for the Operator.
- 4.2 All non-compliances with the CAO instrument will be handled in accordance with CASA's regulatory philosophy and its compliance and enforcement procedures.

5. Early Opt-in

- 5.1 Operators may give CASA written notice that they intend to comply with CAO 48.1 (2019) before the 1 July 2021 transition date. The notice must specify the date the Operator proposes to opt in from (opt-in date), which must be before 1 July 2021.

