



Australian Government  
Civil Aviation Safety Authority

# SUMMARY OF PROPOSED CHANGE



## Proposed policy amendments to Part 101 MOS registration, accreditation and transitional provisions

Manual of Standards Part 101

<b>Date</b>	September 2020
<b>Project number</b>	US 18/09
<b>File ref</b>	D20/368204

## Introduction

CASA is proposing to amend the Part 101 Manual of Standards (MOS) to provide technical specification to give effect to the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation) Regulation 2019*. The proposed amendments detail two transitional provisions that will provide arrangements for remote pilot licence (RePL) courses commenced before 10 October 2020 and the requirements for completion. An extension to the commencement of RePL training instructor qualification requirements is also proposed.

The proposed Part 101 amendments would provide detailed requirements to support the registration and accreditation scheme for:

- the operation of foreign-registered drones under a permission in Australian territory
- the proper conduct of online examinations (accreditation)
- registration holders to display CASA-generated registration marks (legibly at all times)
- the acceptable modification of registered drones and criteria when any modified drone must be re-registered.

By incorporating the notification into the RPA registration process, CASA is also proposing to reduce red-tape to simplify excluded RPA notification requirements, as well as including definitions to support these amendments.

## Reference material

### Acronyms

The acronyms and abbreviations used in this AC are listed in the table below.

Acronym	Description
AC	advisory circular
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
MOS	Manual of Standards
RePL	remote pilot licence
RPA	remotely piloted aircraft

### References

#### Regulations

Regulations are available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
Part 47 of CASR	Registration of aircraft and related matters
Part 101 of CASR	Unmanned aircraft and rockets
CASA Instrument 96/17	Direction - operation of certain unmanned aircraft

#### Advisory material

CASA's advisory circulars are available at <http://www.casa.gov.au/AC>

CASA's Civil Aviation Advisory Publications are available at <http://www.casa.gov.au/CAAP>

Document	Title
AC 101-03	Unmanned aircraft and rockets - model aircraft
AC 101-10	Remotely piloted aircraft systems - operation of excluded RPA (other than model aircraft)

## Purpose and scope of the proposed amendments

In July 2019, the Australian Government passed legislation to introduce a mandatory remotely piloted aircraft (RPA) registration and operator accreditation scheme (the scheme). The registration and operator accreditation scheme for RPA flown for commercial or professional use (any operation other than sport or recreation) will commence on 30 September 2020 and be required by 28 January 2021.

CASA is proposing to amend the Part 101 Manual of Standards (MOS) to provide technical specification to give effect to the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation) Regulation 2019*. The proposed amendments detail two transitional provisions that will provide arrangements for remote pilot licence (RePL) courses commenced before 10 October 2020 and the requirements for completion. An extension to the commencement of RePL training instructor qualification requirements is also proposed.

The proposed Part 101 amendments would provide detailed requirements to support the scheme for:

- the operation of foreign-registered drones under a permission in Australian territory
- the proper conduct of online examinations (accreditation)
- registration holders to display CASA-generated registration marks (legibly at all times)
- the acceptable modification of registered drones and criteria when any modified drone must be re-registered.

By incorporating the notification into the RPA registration process, CASA is proposing to reduce red-tape to simplify excluded RPA notification requirements, as well as including definitions to support these amendments.

In April 2020, CASA made an urgent amendment to the Part 101 MOS to extend the date that training organisations were required to transition to the new training syllabi and MOS requirements. This 6-month extension from 10 April 2020 to 10 October 2020, was provided due to the impact of COVID-19 on the RPAS industry and the training organisations ability to meet the transition requirements.

In relation to RePL training courses, CASA is proposing additional relief to students and RePL training organisations in the form of a transitional amendment to Chapter 2 of the Part 101 MOS.

The first proposed transitional provision will allow any student who commenced a RePL course on or after 3 April 2020 and before 10 October 2020, will have, under the relevant syllabi as is in force before 10 October 2020, until not later than 31 January 2021, to complete all aspects of the course including examinations and assessments.

Any course commenced on or from 10 October 2020 must be completed against the new relevant syllabi.

As a further COVID-19 related measure, CASA is proposing to extend the effective date for the Part 101 MOS paragraph 2.30 (2) (c) in Division 2.7 RePL Training Course Instructors. This extension will provide remote RePL training instructors an additional 18 months, to 10 April 2022, to obtain instructor qualifications which have been difficult to obtain in the uncertain COVID-19 environment. This is in addition to the existing technical and licence requirements.

## Previous consultations

Responding to recommendations made by the Senate Rural and Regional Affairs and Transport Committee, the Government passed in July 2019, the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation) Regulation 2019 legislation. It introduced an RPA and model aircraft registration and operator accreditation scheme.

Between 25 January and 22 February 2019, CASA consulted on this proposal, receiving 4 236 on-line submissions from respondents categorised as either hobbyists, commercial operators, non-pilots or other.

The proposed charges for drone, or remotely piloted aircraft, regulatory services was opened for consultation on 25 August 2020, and will close 13 September 2020. The proposed charges include an initial fee-free registration period for commercial drones, or RPA, registered before 30 June 2021 and the introduction of a simplified fee structure for other drone or RPA services.

CASA also previously consulted with the community and industry on drone registration and accreditation.

In November 2018, a group of drone industry experts met to consider drone registration and accreditation. This technical working group, made up of industry representatives, was established by the Aviation Safety Advisory Panel (ASAP) to direct our engagement with industry and seek input on regulatory and associated policy approaches. The group strongly supported the introduction of a scheme. However, there some concerns were expressed about the impact on some model aircraft owners and operators.

In August/ September 2017, CASA published a drone discussion paper. When the weight of the drone was taken into account most respondents supported some form of registration, training or proficiency testing.

## Impact on industry

CASA has evaluated these proposed amendments as minor and not burdensome to industry. The amendments are required to give effect to legislation that has already been made, with additional transitional provisions designed to reduce red-tape and to provide relief to industry due to the impact of COVID-19.

The proposed amendment for appropriate conduct when completing accreditation and as part of the online accreditation process, applicants will be required to complete an integrity declaration.

To reduce red-tape, CASA is proposing to incorporate the excluded notification requirements into the registration process. This will save applicants time and reduce the potential for misinterpretation around when and how to notify CASA of intent to operate, before the first operation, in the excluded category.

From 28 January 2021, a person who wants to operate a foreign registered RPA in Australian territory will be required to obtain permission from CASA, instead of a registration certificate. To reduce the potential for misinterpretation and confusion regarding requirements to operate RPA and model aircraft in Australia, CASA has opted to keep the permission for foreign registered RPA process consistent with the RPA registration process.

The amendment regarding modifications to registered RPA and model aircraft is proposed to provide flexibility to owners and operators, for drones that may require minor maintenance and part replacement, such as rotors or wings. When subjected to an unacceptable modification, and the associated criteria and definitions for these requirements, the proposed amendment provides for the event that a drone must be re-registered.

The consequences of COVID-19 have impacted the delivery of some of these educational courses and qualifications. The proposed delayed commencement of paragraph 2.30 (2) (c) of the MOS will result in RePL training instructor's ability to continue to instruct beyond 10 October 2020, to work towards gaining the relevant qualifications over an additional 18-month period.

The proposed transitional provision regarding RePL training courses seeks to provide clarity for courses commenced prior to, but not completed by, 10 October 2020 and clarity of compliance with the relevant course syllabi.

## **Safety risk analysis**

The proposed amendments are assessed as minor and give effect to the registration and accreditation legislation that was made in July 2019.

The delayed commencement of paragraph 2.30 (2) (c) regarding RePL training instructor qualifications will not adversely affect aviation safety. The qualification requirements will further enhance the existing technical/ licence requirements for RePL instructors, expanding on skills and knowledge in methods of teaching and instruction.

## **Regulation impact statement**

A Regulation Impact Statement was prepared for the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation) Regulation 2019 legislation for the introduction of the RPA and model aircraft registration and operator accreditation scheme (OBPR id: 24246). The amendments relating to registration and accreditation to the MOS are minor and do not alter the requirements that were outlined in the RIS and therefore changes to the original RIS are not required.

For the transitional amendments, CASA will prepare a Preliminary Impact Assessment and prepare a Regulation Impact Statement if required by the Office of Best Practice Regulation.

## **Closing date for comment**

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the draft Part 101 MOS should be submitted through the online response form by close of business 23 September 2020.