Proposed minor amendments to the RPA and model aircraft registration scheme – CD 2113US

# Overview

CASA is seeking feedback on minor amendments to:

* Parts 47, 101 and 202 of the Civil Aviation Safety Regulations 1998 (CASR)
* Part 101 Manual of Standards (MOS).

These amendments are required to implement model aircraft registration as intended by the Australian Government.

Minor changes are also required to address some ambiguities in the existing drone registration and operator accreditation regulations.

A Technical Working Group (TWG) appointed by the Aviation Safety Advisory Panel met on 3 November 2021 to consider the proposed amendments. They considered the changes pragmatic.

## **The proposed amendments**

The proposed changes include:

* amending the commencement date for recreational drone registration and operator accreditation from 1 March 2022 to 1 July 2022
* moving the transitional registration incentive period to follow the new commencement date
* removing registration requirements for remotely piloted aircraft test flights that currently impact on aircraft innovation, development, and manufacturing
* aligning the recreational drone registration provisions so they are registered separately, and expires 12 months after initial issue
* removing ambiguity to reinforce that a person may not sit the operator accreditation quiz, or hold a valid operator accreditation until the person is at least 16 years old (this is implied by the current rules but is not explicitly stated)
* updating Part 101 Manual of Standards (MOS) to require recreational drone operators to update any changes to their contact details, or any other information provided to CASA as part of registration or accreditation. For example, a change of address or new email address.

## **Previous consultations**

In August/September 2017, CASA published a drone discussion paper. Consultation showed that most respondents supported some form of registration, training, and proficiency for the use and operation of drones.

The Australian Government supported the introduction of mandatory registration for all remotely piloted aircraft systems (RPAS), and the requirement for operators to successfully complete a basic online competency test regarding the safe use of RPAS. Accordingly, CASA developed a proposed registration and accreditation scheme for RPA and model aircraft.

In May 2018, CASA published a Review of aviation safety regulation of RPAS.

In November 2018, a technical working group (TWG) was established and included representatives from both the commercial and recreational industry, to consider drone registration and operator accreditation.

The TWG was established by the Aviation Safety Advisory Panel (ASAP), whose role is to support CASA's engagement with industry and seek input on regulatory and associated policy approaches.

The TWG members strongly supported the introduction of a drone registration and operator accreditation scheme. However, there were some concerns expressed about the impact on some model aircraft owners and operators.

Between 25 January and 22 February 2019, CASA consulted publicly on a proposal to introduce remotely piloted aircraft (RPA) and model aircraft registration and operator accreditation. A summary of consultation was released on 30 July 2019.

# Why your views matter

CASA recognises the valuable contribution community and industry consultations make to the policy decision-making process and future regulatory change. We are consulting to ensure that the proposed new rules are clearly articulated and will work in practice and as they are intended.

## **Documents for review**

All documents related to this consultation are attached in the ‘related’ section at the bottom of the page. They are:

* Summary of proposed change on CD 2113US, which provides background on the proposed change
* MS Word copy of online consultation for ease of distribution and feedback within your organisation

*Note: The MS Word document is not to be used as an emailed submission, unless there are extenuating circumstances, and this form of submission has been agreed to by the consultation project lead.*

Comments on the CD 2113US should be submitted through the online response form.

## **What happens next**

When consultation closes, we will review each submission received. We will make all submissions publicly available on the CASA website, unless you request your submission remain confidential. We will also publish a Summary of Consultation which summarises the feedback received, outlines any intended changes and details our plans for the regulation.

All comments on the proposed changes will be considered. Relevant feedback that improves upon the proposed regulations and is consistent with the regulations and other CASA policy, will be incorporated in the final ruling.

CASA expects to make the proposed amendments in December 2021, which will come into effect from 1 July 2022. The feedback we receive from this consultation will also assist CASA in developing implementation and transition plans.

On 3 November 2021, the original TWG was reformed to consider these minor amendments to the drone registration and operator accreditation regulations.

TWG members reiterated earlier comments about the relationship between compliance and realisation of the intended safety objectives and expressed concerns that this could be impacted by a requirement for individual registration of model aircraft. However, it was acknowledged that this will be dependent on the required levy and that this is subject to separate consultation.

The TWG members reacted positively to the initiative on drone test flights. Comments on other matters were neutral and overall, the TWG members considered the changes pragmatic.

## **Post-implementation review**

CASA will monitor and review the new rules during the transition phase and on an ongoing basis. We will also continue work on proposed further changes to the Parts 47 and 101 regulations to better support drone operations.

# **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 Documents**

List of documents to attach to the consultation

* Summary of proposed change on CD 2113US, which provides background on the proposed change
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

# **Audience & Interest groups**

**Audience**

* Sports aviation operators
* Drone operators
* Self-administering Aviation Organisations
* Drone manufacturers
* Drone repairers
* CASA staff

**Interest**

* Drones / unmanned aircraft systems
* Sport and recreational aviation
* Own drone or model aircraft
* Carers of children who own drones

# Page. About this consultation

This consultation asks for your feedback on the Proposed minor amendments to the RPA and model aircraft registration scheme – CD 2113US

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

Our **website** contains more information on making a submission and what we do with your feedback.

# 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?

*Please select only one item*

[ ]  Model aircraft owner

[ ]  Remotely piloted aircraft owner

[ ]  Drone owner

[ ]  Carer/s of children who own drones or model aircraft

[ ]  Remote Pilot Licence holder

[ ]  RPA accreditation holder

[ ]  Prospective recreational accreditation holder

[ ]  Drone manufacturer

[ ]  Drone repairer

[ ]  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.

Information about how we consult and how to make a confidential submission is available on the [**CASA website**](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public) **<**https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public*>* .

# Page 3. Feedback on the proposed changes to the implementation of a recreational drone (model aircraft) registration and operator accreditation scheme

Owners/operators of recreational drone (model aircraft) who wish to operate from anywhere other than an approved model aircraft site would be required to register that aircraft and pay any required levy (levy subject to separate consultation).

The proposed policy changes under amendments to CASR and the Part 101 MOS are:

## **Proposed policy change 1.**

Amendment of the legislated commencement date for recreational drones (model aircraft) registration and operator accreditation from “1 March 2022” to “1 July 2022”.

* Current regulations prescribe model aircraft registration and operator accreditation will be implemented on 1 March 2022. Proposed amendments to regulation 202.229 would instead prescribe a 1 July 2022 commencement date.
* The discretion of the CASA Director of Aviation Safety to delay that date by legislative instrument would be retained to provide flexibility to postpone implementation (e.g., pandemic related challenges).

Please provide any comments you may have on proposed policy change 1.

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## **Proposed policy change 2.**

Amending accreditation provisions would clarify and preclude persons under 16 years old from completing the operator accreditation quiz.

* Subregulation 101.374E (2) explicitly states an applicant is eligible for an accreditation if the applicant is at least 16 years old. CASA seeks to amend the MOS to prescribe requirement that a person must also be at least 16 years old to complete the accreditation course.

*Please select only one item*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Undecided / Not my area of expertise

Please provide any comments you may have on proposed policy change 2.

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## **Proposed policy change 3.**

Removing registration requirements for certain aircraft flown for test flights in relation to manufacturing, development and repair. Registration before test flight prior to sale/return to the client has been identified as an impediment to business and it’s proposed that the following aircraft are no longer required to be registered:

* RPA or model aircraft built, and test flown without a defined end user at date of manufacture.
* RPA or model aircraft built, and test flown for export.
* RPA built and test flown for a military customer (would never feature in a civil register).
* RPA test flight post-repair (would normally have already been registered by owner).
* Model aircraft generally where the test flight is post-repair (commercial activity of the test flight as part of a repair conducted for payment in this case would warrant registration as an RPA).

There would be a requirement for manufacturers/repairers to keep auditable records of test flights that demonstrate the bona fide nature of the test flight as a function of the manufacture, repair, etc.

*Please select only one item*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Undecided / Not my area of expertise

Please provide any comments you may have on proposed policy change 3.

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## **Proposed policy change 4.**

Include model aircraft owners in the requirement to update any changes to their contact details, or any other information provided to CASA as part of registration or accreditation.

* A consequence of adding a requirement for model aircraft to be registered is including a requirement for registration (owner’s name and address) details to be kept up to date.

Please provide any comments you may have on proposed policy change 4.

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## **Proposed policy change 5.**

Amendment of the commencement date for model aircraft registration from 1 March 2022 to 1 July 2022 requires amendment to the registration incentive period.

* Early registrants would be provided an extended registration period for the first year to encourage early registration; on a sliding scale this benefit would taper to last minute registrations receiving the normal 12 months.

Please provide any comments you may have on proposed policy change 5.

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## **Proposed policy change 6.**

Model aircraft/recreational drones should be subject to the same registration validity periods as RPA.

* Each model aircraft registration would have its own registration certificate with a 12-month validity period as is the case for the registration validity period for RPA.
* The consequence of this change is that each model aircraft/recreational drone would be subject to a registration levy (currently set an NIL – consultation on increasing levy to be conducted in 1st quarter 2022).

*Please select only one item*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Undecided / Not my area of expertise

Please provide any comments you may have on proposed policy change 6.

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## General comments

Do you have any additional comments about the proposed policy?

(This should not include points you have already raised)

Please include in these comments 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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