

SUMMARY OF PROPOSED CHANGE



Proposed minor amendments to the RPA and model aircraft registration scheme

Proposed minor amendments to CASR Parts 47, 101 and 202 and the Part 101 MOS

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Introduction

Minor amendment to Parts 47, 101 and 202 of the *Civil Aviation Safety Regulations 1998* (CASR) and the Part 101 Manual of Standards (MOS) is required to implement registration of model aircraft as intended by the Australian Government.

Some machinery changes are also required to address minor drafting inconsistencies and ambiguities in the existing drone¹ registration and drone operator accreditation regulations.

¹ In this document the word “drone” is used as a collective expression to include:
(a) remotely piloted aircraft (RPA) being drones used for a commercial purpose; and (b) model aircraft being drones used for a recreational or educational purpose.
The word drone is a popular term but does not feature in any relevant legislation.

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Reference material

Acronyms

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

Acronym	Description
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
MOS	Part 101 Manual of Standards
RPA	Remotely Piloted Aircraft (aircraft only)
RPAS	Remotely Piloted Aircraft System (aircraft, command and control radio link, and associated ground station)

References

Legislation

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

Document	Content
CASR Part 47	Sets out the requirements for the registration of Australian aircraft (including RPA and model aircraft).
CASR Part 101	Sets out the requirements for the operation of unmanned aircraft (including RPA and model aircraft). CASR Part 101 includes remote pilot licensing for professional operators, remote pilot accreditation for defined non-complex uses of RPA in the workplace, and accreditation for recreational drone users.
CASR Part 101 MOS	Prescribes matters required or permitted by the regulations, or necessary or convenient to be prescribed for carrying out or giving effect to the regulation.
CASR Part 202	Sets out the Transitional provisions for the CASR with Subpart 202.BF containing the transitional provisions for Part 47
Civil Aviation (Unmanned Aircraft Levy) Regulations 2021	Sets out the levy for registration of an RPA or model aircraft

Purpose and scope of the proposed amendments

In 2019, the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019 introduced a remotely piloted aircraft (RPA) and model aircraft registration and operator accreditation scheme.

Background

On 30 September 2020, RPA registration and operator accreditation requirements were introduced for commercial operations. It became mandatory on 28 January 2021.

The new mandatory requirements included:

- registration of all RPA, regardless of weight, including micro and excluded RPA
- operator accreditation for micro and excluded RPA operators.

Drone registration and operator accreditation requirements for model aircraft (drones) has not commenced.

Registration and accreditation requirements will not apply to drones flown for sport or recreation that are:

- 250 grams or less
- or
- flown only at CASA-approved model airfields
- or
- operated exclusively indoors.

Proposed minor amendments

CASA proposes minor amendments to regulations that seek to:

- amend the commencement of recreational drone registration and operator accreditation from 1 March 2022 to 1 July 2022
- amend the transitional registration incentive period to follow the revised commencement date
- align the registration provisions for recreational drones with the registration provisions of commercial RPA
- clarify and remove 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
- remove the requirement to register certain aircraft.

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 supported² 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 remotely piloted aircraft systems](#).

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 publicly³ 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.

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.

² [Government Response – Parliament of Australia \(aph.gov.au\)](#)

³ [Proposed new remotely piloted aircraft \(RPA\) registration and RPAS operator accreditation scheme \(PP 1816US\) - Civil Aviation Safety Authority - Citizen Space \(casa.gov.au\)](#)

Impact on industry

Impacts on the aviation and general community for each of the proposed legislative amendments are summarised as follows:

Neutral impacts

- a. Recreational drone owners would be required 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.
- b. Recreational drones would be subject to the same 12-month registration validity periods as commercial RPA.
- c. Amending accreditation provisions would clarify and preclude persons under 16 years old from completing the operator accreditation quiz. However, persons under 16 years may continue to operate a drone if supervised by an accredited adult (18 years or older).

Positive impacts

- a. Amending the legislated commencement date for recreational drone registration and operator accreditation from 1 March 2022 to 1 July 2022 would delay the requirement to register and seek operator accreditation.
- b. Amending the transitional registration incentive period to follow the revised commencement date will provide operators with an incentive to register their recreational drone early in exchange for an extended period of their first registration term (normally 12-months).
- c. Removing the requirement to register commercial RPA flown for test flights related to manufacturing, development, or repair.

Safety risk analysis

The proposed amendments do not have any negative impacts on safety.

Regulation impact statement

A Regulation Impact Statement (RIS) 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) and the current amendments are consistent with the policy outlined in that RIS.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the proposed minor amendments to the RPA and model aircraft registration scheme should be submitted through the online response form by close of business 18 November 2021.

Appendix A

Implementation of a recreational drone/model aircraft registration and operator accreditation scheme - Amendments to Parts 47, 101 and 202 of CASR and Part 101 MOS

A.1 Implementation of a recreational drone (model aircraft) registration and operator accreditation scheme

- a. 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).
- b. Amendment of the legislated commencement date for recreational drones (model aircraft) registration and operator accreditation from “1 March 2022” to “1 July 2022”.
 - i. The effect of the above two amendment regulations is already in place in CASR but would have been implemented on 1 March 2022. Proposed amendments to regulation 202.229 would instead prescribe a 1 July 2022 commencement date for model aircraft registration.
 - ii. The discretion of the CASA Director of Aviation Safety to vary (delay) that date by legislative instrument would be retained (this provides flexibility to delay implementation e.g., pandemic related challenges).
- c. Amendment would clarify and prevent persons under 16 years of age completing the RPA or model aircraft operator accreditation quiz.
 - i. Subregulation 101.374E (2) of CASR 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.
- d. Removing registration requirements for certain aircraft flown for test flights in relation to manufacturing, development and repair. For the following use cases, registration before test flight prior to sale/return to the client is an impediment to business and it is proposed that an exception to the requirement to register be provided.
 - i. RPA or model aircraft built, and test flown without a defined end user at date of manufacture.
 - ii. RPA or model aircraft built, and test flown for export.
 - iii. RPA built and test flown for a military customer (would never feature in a civil register).
 - iv. RPA test flight post-repair (would normally have already been registered by owner).
 - v. 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).
 - vi. There would be an associated requirement for manufacturers 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.
- e. 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.
 - i. A consequence of adding a requirement for model aircraft to be registered is including a requirement for registration details to be kept up to date.
- f. Amendment of the commencement date for model aircraft registration from 1 March 2022 to 1 July 2022 necessitates amendment to the transitional registration incentive period.
 - i. To provide less load to registration/accreditation IT systems and a smoother process for clients, it is necessary to have a scheme that provides flexibility of

- registration timeframes. 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 nominal 12 months. This approach spreads the peak period when people will likely engage with the IT systems across several weeks rather than days.
- ii. It would become an offence to operate a model aircraft that is not registered (other than regulated exceptions), or for someone to operate a model aircraft if not accredited or appropriately licensed from 1 September 2022.
 - iii. Registrations made between 1 July 2022 and 15 July 2022 would cease at the end of 29 September 2023.
 - iv. Registrations made between 16 July 2022 and 29 July 2022 would cease at the end of 22 September 2023.
 - v. Registrations made between 30 July 2022 and 12 August 2022 would cease at the end of 15 September 2023.
 - vi. Registrations made between 13 August 2022 and 31 August 2022 would cease at the end of 31 August 2023.
 - vii. Registrations made on and after 1 September 2022 would cease 12 months after registration was initiated.
- g. Model aircraft should be subject to the same registration validity periods as RPA
- i. 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.