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Australian Government
Civil Aviation Safety Authority

SUMMARY OF PROPOSED CHANGE

Part 101 Manual of Standards (Chief Remote Pilot Licence Instructor and Other Matters) Amendment Instrument 2024

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Overview

Between 15 December 2021 and 21 February 2022, CASA invited public comment on proposed amendments to drone rules, following a regulatory post-implementation review (PIR) of Part 101 of the *Civil Aviation Safety Regulations 1988* (CASR) and its Manual of Standards (MOS). The proposed amendments sought to streamline various instruments to create a set of regulations and standards with built-in flexibility, as well as provide clarity and consistency for industry.

We asked you to comment on the [Policy Proposal 2107US](#), which provides information on the proposed amendments. One of the proposed amendments was the introduction of the Chief Remote Pilot Licence (RePL) Instructor (CRI) position for Remotely Piloted Aircraft Operator's Certificate (ReOC) holders who are approved to conduct RePL training.

Seventy-six percent of respondents for this proposal supported the introduction of the chief RePL instructor role and the delay in the commencement of RePL training instructor qualification requirements, scheduled to commence 10 April 2024.

CASA has reviewed your feedback and has developed further proposed amendments detailing the introduction of, and change to, the prescribed functions and duties of the CRI position, the Chief Remote Pilot (CRP) and qualification requirements for RePL instructors. Proposed transition timeframes for these new provisions and additional criteria are also set out in this consultation.

This summary of proposed change (SPC) will provide, for stakeholder consideration and comment, the suggested changes to the Part 101 MOS instructor qualification framework. This framework will address industry feedback and progress a more appropriate qualification structure for remote pilot licence instructors.

We are also making minor and machinery changes to the Part 101 MOS to clarify and remove ambiguity.

Why are we consulting

We are proposing to amend the Part 101 MOS to provide more fit-for-purpose standards and flexibility within the RePL instructor qualification framework, and to seek stakeholder feedback on the implementation and any consequential matters or impacts to training organisations and their personnel that may arise from these proposed changes.

This proposal outlines the key features of the CRI position, implementation and transitional considerations, and other details to illustrate how the changes would affect training organisations, instructing personnel and CRPs.

We have prepared a consultation draft instrument of the proposed MOS changes; your feedback will make a valuable contribution to our policy decision-making process and help to inform any future regulatory changes.

Responses should be submitted through the online response form by 6 March 2024.

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Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Artwork: James Baban.

1 Reference material

1.1 Acronyms

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

Table 1. Acronyms

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>
CRI	Chief Remote Pilot License Instructor
CRP	Chief Remote Pilot
DPP	documented practices and procedures
MOS	Manual of Standards
PIR	post implementation review
PMI	principles and methods of instruction
ReOC	remotely piloted aircraft operator certificate
RePL	remote pilot licence
RPA	remotely piloted aircraft
RPAS	remotely piloted aircraft system
TWG	technical working group

1.2 Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

Table 2. Definitions

Term	Definition
remote pilot	The person who manipulates the flight controls of a remotely piloted aircraft, or who initiates and monitors the flight, and is responsible for its safe conduct during flight time.
remotely piloted	An aircraft is remotely piloted when controlled from a pilot station that is not on board the aircraft.

remotely piloted aircraft (RPA) A remotely piloted aircraft, other than a balloon, a kite, or model aircraft.

1.3 References

Legislation

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

Table 3. Legislation references

Document	Title
Part 101 of CASR	Part 101 of the Civil Aviation Safety Regulations 1998, as published on the Rules page on the CASA website.
Part 101 MOS	Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (as amended) published on the Rules page on the CASA website.

2 Overview

2.1 Purpose

In 2021, we consulted on the proposal to create a CRI role for ReOC holders who hold an approval to conduct RePL training. The introduction of the CRI position is the first step of a broader instructing framework that will likely see the later introduction of other specific and tailored RePL training modules for the remotely piloted licencing industry. The purpose of the framework is to provide greater flexibility for training organisations and RePL instructors, allowing more suitable remote pilot instructor qualifications without affecting the overall standards of RePL instructors.

The duties and functions of the CRI position would be to:

- conduct periodic review of documented RePL training courses
- review all changes to the documented RePL training courses
- conduct regular checks of nominated instructors in both theory and operational aspects
- hold the relevant qualifications
- adhere to any requirements set out in the Part 101 MOS.

The CRI would be a key personnel position for training organisations and would be assessed and approved by CASA. A training organisation may nominate an appropriately qualified person to be the CRI by submitting the nomination through a CASA form process. CASA will assess that the nominee has the necessary qualifications, experience and expertise to fulfill the CRI role. Depending on the size of the training organisation, the nominated person may be the CRP or another suitably qualified person.

2.2 Background

The CRP of a RePL training organisation is responsible for ensuring records relating to RePL training courses are maintained and all training activities are conducted in accordance with the approved practices and procedures, and relevant regulations. However, there are additional responsibilities relevant to a RePL training provider which are not covered by the defined CRP role.

During the on-site assessment of an organisation seeking an initial grant of RePL training approval, CASA assesses the operator's experience and competency in delivering training. The operator may nominate a person, who may or may not be the CRP, to demonstrate this competency.

If it is not the CRP, CASA recognises that nominated person as the operators' subject matter expert in training delivery. However, this position is not formally recognised in the regulations. CASA proposes to formalise this position as the CRI to ensure oversight is maintained.

CASA received Ministerial support for the proposed amendments to Part 101 of CASR and its MOS in [Policy Proposal 2107US](#). The proposed end state would have the CRI position formally accounted for in Part 101 of CASR as key personnel for a ReOC, while the responsibilities of the position would be itemised in the Part 101 MOS. Until CASA can amend Part 101 of CASR, which would rely on drafting by the Office of Parliamentary Council, the CRI role and its responsibilities would be in the Part 101 MOS.

The CRI responsibilities would include maintaining documented RePL training course material and oversight of RePL training delivery. The position would also oversee the competency of the RePL instructors through relevant RPA currency checks and checking the competency of instructors and their training delivery.

The soon to come into effect (10 April 2024) qualification requirements for RePL instructors were introduced into the Part 101 MOS in April 2019, based on the training and instructing qualifications available at the time. As industry and technology has developed, CASA has identified the qualification requirements in subparagraphs 2.30 (2) (c) (i) - (iii) of the Part 101 MOS may not be fit-for-purpose for the type of RePL training being delivered, and may be beyond what is necessary for every RePL instructor to hold. CASA has determined there is still value in at least one person within the training organisation to hold these qualifications and be responsible for maintaining the training material and other RePL instructor standards.

CASA proposes the creation of the Chief RePL Instructor (CRI) position, who would be responsible for maintaining the standards of all competency-based RePL training. This role would require a qualification such as those listed in section 2.30 of the Part 101 MOS.

For all other RePL instructors, if experience requirements listed in the MOS are met, internal training as documented in the organisation's practices and procedures would be acceptable. A staged commencement to implement these changes is recommended.

3 Proposed amendments

Create a new position in the Part 101 MOS of Chief RePL Instructor (CRI), who will be responsible for ensuring instructors meet an appropriate standard.

Duties and responsibilities of a CRI

General obligations

- (1) For the purpose of conducting a RePL training course for a type of RPA, an RePL training organisation must ensure that its CRI performs and discharges the duties and responsibilities of a CRI that are mentioned in this MOS, including those mentioned in this section.
- (2) The CRI must safely manage the conduct of each RePL training course of the organisation.

RePL training courses

- (3) The CRI must ensure that each RePL training course is conducted in a professional and systematic manner, in accordance with principles of competency-based training that are set out in detail in the organisation's documented practices and procedures.
- (4) The CRI must ensure that the organisation complies with all aspects of the civil aviation legislation that relate to the conduct of each RePL training course, in particular the Part 101 of CASR and the Part 101 MOS.

Note: See also the wide definition of civil aviation legislation in subsection 1.04(2) and section 3 of the Civil Aviation Act 1988.

- (5) The CRI must regularly report to the CEO and the CRP on the discharge of the duty under subsection (4).
- (6) The CRI must ensure that the organisation's documented practices and procedures for each RePL training course are suitable for competent and effective training of applicants in each course.
- (7) The CRI must ensure that sufficient numbers of RePL training instructors, and RPA that are appropriate for the training course, are deployed and allocated to allow for competent and effective training of each applicant in each RePL training course.

Note An RPA is not appropriate for a particular the training course if, for example, it is not capable of performing and enduring the manoeuvres required by the relevant practical competencies under this MOS.

- (8) The CRI must set, monitor and maintain the organisation's standards for its RePL training courses, in accordance with the organisation's documented practices and procedures.
- (9) The CRI must establish, implement and manage the organisation's procedures to identify and rectify deficiencies in RePL training course training outcomes.

RePL training instructors

- (10) The CRI must ensure that each RePL training instructor is provided with the training, information and documentation required to deliver competent and effective training in each RePL training course.
- (11) The CRI must ensure that each RePL training instructor is initially assessed, and subsequently regularly assessed, in accordance with the organisation's documented practices and procedures, to determine that they are competent to commence, and continue, to conduct the training or examining assigned to them.
- (12) The CRI must ensure that RePL training instructors remain competent to perform their duties, and that any competency refresher training that may be required is appropriate for its purpose.

RePL Instructor qualification requirements

Prescribed qualification requirements on RePL instructors currently listed in 2.30 (2) (c) will be removed. The standard of instructors will be managed through internal check and training under the oversight of the CRI, in accordance with the operator's documented practices and procedures. CASA intends to provide guidance material to RePL training organisations on what it considers acceptable for internal training and checking of RePL instructors.

Minor and machinery changes to the MOS

The following minor and machinery changes are sought to be included in the MOS, to improve readability and consistency.

Topic	Reason
Change of movement area definition	Consequence of change of legislation. The present MOS refers to a repealed definition.
Definition of RPA	Aligning with CASR and removing an ambiguity.
Inclusion of airside area as part of the no-fly zone of controlled aerodromes	There is an unintended consequence in the current Part 101 MOS that allows RPA and model aircraft weighing not more than 250 grams to operate over the airside area, in some cases including the movement area, of larger controlled aerodromes.
Addition of model aircraft to chapter 9	<p>Chapter 9 of the MOS is intended to cover model aircraft. It presently does so by using a definition of 'RPA' that includes model aircraft. This definition of 'RPA' differs from the CASR.</p> <p>For consistency, the proposed MOS amendment is removing the difference in the definition of RPA between the CASR and MOS.</p> <p>To facilitate this change, Chapter 9 of the MOS needs to specifically refer to model aircraft.</p>
Enable certain RPA and model aircraft operations near non-controlled aerodromes during relevant events	To better align with Chapter 4 and the risk profile, the proposed MOS amendment replicates the Chapter 4 permission, allowing RPA and model aircraft weighing not more than 250 grams to operate in the no-fly zone of a non-controlled aerodrome during a relevant event conditional on the aircraft remaining outside of the approach and departure paths, and the movement areas.

4 Key considerations

4.1 Transitional timeframes

Due to the RePL instructor qualification requirements in subparagraphs 2.30 (2) (c) (i) - (iii) of the Part 101 MOS commencing 10 April 2024, we propose to commence the CRI position on and from 10 April 2024.

Transitional provisions and a fee waiver are also proposed to alleviate the administrative and financial burden for training organisations.

It should be noted that the CRI would be considered a key personnel position.

4.1.1 Proposed transitional timeframes

On and from 10 April 2024

- CRI position commences in the MOS
 - CRPs are automatically deemed to also be the CRI
 - Training organisations that would prefer separate personnel to hold the CRP and CRI positions may submit a CRI nomination (CASA will provide industry guidance on this). The nominee will need to undergo CASA assessment and must:
 - hold a RePL for each type of RPA for which the RePL training organisation conducts training that also covers each make and model of the type
 - meet all the requirements under subsection 2.30 (2) of the Part 101 MOS to be a RePL training instructor
 - hold one or more of the following:
 - » a pilot instructor rating issued under Part 61 of CASR
 - » a Certificate IV in Training and Assessment issued by an approved educational institution
- or
- » a tertiary level qualification in teaching that is recognised as such by a State or Territory government.

A training organisation may choose to have the CRI position held by the same person who holds the CRP position where that person is provided sufficient time and resources to satisfactorily undertake both roles.

On and from 10 October 2024

Where a training organisation has not nominated a separate CRI, and the CRI position is being held by the CRP as deemed on 10 April 2024, the deemed CRI would be required to meet the following for the CRI role:

- hold a RePL for each type of RPA for which the RePL training organisation conducts training that also covers each make and model of the type
- meet all the requirements under subsection 2.30 (2) of the Part 101 MOS to be a RePL training instructor.

On and from 10 April 2025

Where a training organisation has not nominated a separate CRI, and the CRI position is being held by the CRP as deemed on 10 April 2024, the deemed CRI would be required to hold one or more of the following:

- a pilot instructor rating issued under Part 61 of CASR
- a Certificate IV in Training and Assessment issued by an approved educational institution

or

- a tertiary level qualification in teaching that is recognised as such by a State or Territory government.

If a person does not satisfy the proposed requirements above, within the proposed timeframes, they would no longer be eligible to be the CRI.

Training organisations would be required to self-suspend from operating until a suitable and qualified CRI is nominated, assessed, and approved by CASA.

4.1.2 Nomination of CRI process

To ease the transition burden, the establishment of the CRI position and initial filling of the position by the CRP will not constitute a significant change. Unless nominating a CRI, training organisations will have 6 months to make the relevant changes to their documented practices and procedures to account for the position and its duties. Where the only change to an organisation's documented practices and procedures relate to the new CRI position, submission of the updated documented practices and procedures will be deemed a non-significant change by CASA, which will void a significant change fee.

When an organisation nominates a CRI that is not the CRP, it would need to submit updated documented practices and procedures that incorporate the CRI position as part of the initial CRI nomination. The CRI assessment fee and the significant change fee (related to the documented practices and procedures) would be waived for organisations who nominate a CRI by 10 October 2024.

4.1.3 Nomination of CRI timeframes

CASA intends to approve persons as the CRI who currently hold the position of CRP within a training organisation without assessment (through deeming provisions), as they would have been approved for similar roles and responsibilities during the CRP assessment process.

Training organisations may nominate a CRI at any time from 10 April 2024. The nominated CRI must meet the qualification requirements and would be assessed by CASA. The CRP (deemed CRI as of 10 April 2024) will hold the CRI position until assessment of a nominated CRI is complete. Assessment of applications will occur in line with CASA's nominal assessment times.

For CRI nominations submitted prior to 10 October 2024 by organisations who were approved to conduct RePL training on 10 April 2024, CASA will not charge a fee for assessing the nominee

Organisations receiving initial approval to conduct RePL training on or after 10 April 2024 would have the nominated CRI assessed as part of the approval of the training organisation and will not be eligible for a fee waiver. The nominated CRI would be required to meet the qualification requirements.

4.2 Fee waiver

Opening 6 December 2023, and closing 18 January 2024, CASA released the [Proposed Part 101 MOS Chief RePL Instructor assessment fee consultation](#). The summary of consultation provides the results of industry feedback.

The purpose of this consultation was to gauge views on a proposed fixed fee that will cover the assessment of an individual's application for the appointment to the CRI position of an approved RePL training organisation. The proposed fee is \$623.00 (no GST). This fee will be charged under the *Civil Aviation (Fees) Regulations 1995* and would be charged for any new nomination to the CRI position.

The proposed fee was developed in accordance with the Government Cost Recovery Policy and guidelines. The estimated costs for a proficient officer to undertake the activity, were mapped with a subject matter expert and treated as a direct cost for the service. It was deemed appropriate to charge a fixed fee to give industry certainty of CASA fees.

Following the initial appointment of the CRP to the CRI, or the first nominated CRI that is not the CRP, transitional and fee waiver arrangements will be implemented by CASA. This is proposed to minimise the financial and administrative burden of the change on existing approved RePL training organisations only.

The fee would be payable upon the introduction of the new CRI, at which time the nominee will be assessed to determine their suitability to hold the CRI position for the RePL training organisation. It is proposed that the financial burden of the new fee on approved RePL training organisations is offset by the removal of prescribed qualification requirements of RePL instructors, the most common being the Certificate IV in Training and Assessment which generally costs over \$1000 per instructor and several months to complete.

5 Submitting your views and what's next

We would like to hear your views on the amendments we have presented. Please review the proposal and provide your feedback and any additional concerns not covered in this SPC.

Your feedback will make a valuable contribution to CASA's policy decision-making process and help to fully inform CASA of the perceived impacts (positive and negative) on the aviation community regarding the proposal.

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on this consultation should be submitted through the online response form by close of business 28 February 2024.