# Proposed amendments to Part 101 CASR and MOS - Unmanned aircraft and rockets - (PP 2107US)

# Overview

The drone industry is rapidly expanding. To keep pace with growth and demand in the sector, laws governing drones must be regularly reviewed to provide effective and efficient safety regulations for all airspace users and the community.

In 2016, major amendments were made to the:

* Civil Aviation Safety Regulations (CASR) Part 101 (Unmanned Aircraft and Rockets)
* Part 101 Manual of Standards (MOS).

We have now commenced a regulatory post-implementation review (PIR) of Part 101 of CASR and its MOS.

The aim of the PIR is to recognise what:

* is working well
* could work better
* will be needed in the future to support the rapidly evolving environment.

In addition to Part 101 of CASR and its MOS, CASA also administers several legal instruments in the form of:

* directions
* exemptions
* approval conditions.

The proposed amendments seek to streamline these instruments to create a set of regulations and standards, with built-in flexibility, and provide clarity and consistency for industry.

Improvements have been identified through several sources, including:

* structured policy review and regulatory development within CASA
* formal and informal feedback from industry, Airservices Australia, the recreational sector and the public.

**The proposed new rule set/standards**

The proposed amendments will affect all types of aircraft and rocket operators under Part 101 of CASR.

The proposed changes will:

* have far-reaching positive effects for operators
* increase regulatory efficiencies
* reduce red tape, cost, and administrative burden on industry.

Benefits include:

* using automated systems for low-risk regulatory decision-making
* accurate data points for the measurement of 3NM from controlled aerodromes in CASA-verified drone safety apps
* creating a more efficient and streamlined regulatory suite by integrating several exemptions and other instruments, clarifying definitions, and reducing duplication and conflicting requirements
* deregulating indoor (enclosed) operations, providing further opportunities for operators by reducing red tape and the requirement for additional approvals (i.e. 30 metre rule), and aligning model aircraft and RPA regulations for enclosed operations
* directly supporting innovative operations, such as research, development and testing, through increased flexibility to assess and approve novel operations and technological advancement
* reducing record keeping requirements for low-risk operations and defining ‘significant change’ for operations manuals
* adoption of gender-neutral language
* clarifying requirements across Part 101 of CASR and its MOS.

The rationale for change is set out in the Policy Proposal document.

Amendments have been set out to help you find the information you’re looking for, noting the interdependencies between several CASR and MOS amendments.

**Previous consultations**

CASA receives formal and informal feedback on drone-related issues and pain points from stakeholders including operators, industry bodies and the public. Feedback is collated and reviewed by subject matter experts (SMEs) and forms part of the consultative, policy development and regulatory review process.

Through the Aviation Safety Advisory Panel (ASAP), a formal technical working group (TWG) was established comprising representatives from various areas of the drone industry. This was done to ensure representation of all stakeholders affected by these proposed policies and amendments.

Participants met over video conference on 14, 15 and 20 July 2021 to consider the policies and amendments. The TWG was attended by representatives from:

* Advanced Aerial Solutions
* Airservices Australia
* Australian Association for Unmanned Systems (AAUS)
* Australian Certified UAV Operators (ACUO)
* Aviation Australia
* Fire Rescue Queensland
* HoverUAV
* Innovaero
* Insitu Pacific
* JFP Services
* Model Aeronautical Association of Australia (MAAA)
* Morrison Aerial Robotics
* SUA ROV
* Swoop Aero

The TWG reached general consensus in support of the proposed policies and amendments and recommended that CASA proceed with public consultation. This consultation draft sets out the full policy proposals for Part 101 of CASR and its MOS for public consideration and comment.

**Why your views matter**

We are consulting on these proposed policies and amendments to seek feedback on whether what is proposed meets industry’s needs, and to identify any unforeseen consequences.

We want to ensure the changes are fit for purpose, easing pain-points by reducing red tape (and subsequently reducing cost and administrative burden), while maintaining a high level of safety. Some amendments introduce new administrative requirements, such as the proposed introduction of a Chief RePL Instructor position but ease current requirements in other areas to ensure balance of the overall requirements for training organisations.

**Documents for review**

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

* Policy Proposal 2107US, which provides background on the proposed amendments
* 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.*

Links:

* *[Civil Aviation Safety Regulations 1998](https://www.legislation.gov.au/Details/F2021C01233" \t "_blank)* [(legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233" \t "_blank)
* [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)
* [CASA 55/20 — Operation of Certain Unmanned Aircraft Directions 2020 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C00279)
* [CASA 01/17 - Approval — operation of RPA at night (legislation.gov.au)](https://www.legislation.gov.au/Details/F2017N00016)
* [CASA EX38/21 – Obtaining Experience for Grant of RePL for Medium RPA, and for RePL Upgrade to Different Category of Small or Medium RPA – Exemption Instrument 2021 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021L00432)
* [CASA EX46/21 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Instrument 2021 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021L00505)
* [Drug and alcohol management plans | Civil Aviation Safety Authority (casa.gov.au)](https://www.casa.gov.au/safety-management/drug-and-alcohol-management-plans)
* [DAMP exemption for micro-businesses | Civil Aviation Safety Authority (casa.gov.au)](https://www.casa.gov.au/safety-management/drug-and-alcohol-management-plans/damp-exemption-micro-businesses)

It is important that you read the Policy Proposal (2107US)consultation document before providing your feedback in the online survey.

The survey has been designed to give you the option to provide feedback on the proposed amendments in their entirety or to provide feedback on the policy topics applicable to you.

Comments on the Proposed Policy (2107US) should be submitted through the online response form.

**What happens next**

At the end of the consultation period, we will review each comment and submission received.

Feedback that improves the proposed amendments and is consistent with the civil aviation legislation and CASA policy will be incorporated prior to legislative drafting with the Office of Parliamentary Counsel.

We will make all submissions publicly available on the CASA website, unless you request that your submission remain confidential. We will also publish a summary of consultation, summarising the feedback received, any intended changes, and our plans for the proposed amendments.

CASA anticipates making of the proposed rules from September 2022, some of which will come into effect shortly after. The feedback we receive from this consultation will also assist CASA in developing adequate implementation and transition timeframes.

CASA proposes a transition period for some of the proposed CASR and MOS amendments to ensure that industry has sufficient time to adapt to the new requirements. Timeframes may change depending on the date the draft rules are signed, registered and implemented by CASA.

**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 further proposed changes to the Part 101 of CASR regulations and MOS to support unmanned aircraft 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

* Policy Proposal - PP 2107US, which provides background on the proposed changes
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

**Related Links**

* [Civil Aviation Safety Regulations 1998 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)
* [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)
* [CASA 55/20 — Operation of Certain Unmanned Aircraft Directions 2020 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C00279)
* [CASA 01/17 - Approval — operation of RPA at night (legislation.gov.au)](https://www.legislation.gov.au/Details/F2017N00016)
* [CASA EX38/21 – Obtaining Experience for Grant of RePL for Medium RPA, and for RePL Upgrade to Different Category of Small or Medium RPA – Exemption Instrument 2021 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021L00432)
* [CASA EX46/21 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Instrument 2021 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021L00505)
* [Drug and alcohol management plans | Civil Aviation Safety Authority (casa.gov.au)](https://www.casa.gov.au/safety-management/drug-and-alcohol-management-plans)
* [DAMP exemption for micro-businesses | Civil Aviation Safety Authority (casa.gov.au)](https://www.casa.gov.au/safety-management/drug-and-alcohol-management-plans/damp-exemption-micro-businesses)

# Audience & Interest groups

**Audience**

* Commercial drone operator
* Recreational drone flyer
* Model aircraft enthusiast
* Training organisation representative
* Aerodrome owner/ operator
* Rocket operator
* Rocketry organisation/ member
* Unmanned balloon operators
* CASA staff

**Interest**

* Drones / unmanned aircraft systems
* Model aircraft/ remote control aeroplanes
* First person view (FPV)
* Airspace and infrastructure
* Drug and alcohol management
* Model rocket enthusiast/ operator
* Unmanned balloons

# Page. Consultation Contents

This consultation asks for your feedback on the *proposed amendments to Part 101 of CASR and its associated MOS – Unmanned aircraft and rockets.*

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you. The fact bank below provides you with an overview of the policy topics on each page so that you can decide which questions you would like to provide feedback on without needing to look through each page.

When you have completed the sections, you wish to provide feedback for, select the **‘Finish’** button at the bottom right of this page.

**Fact Bank:** Table identifying policy topics on each page

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| 4 | Category 2 – Enclosed/sheltered operations | * 3.3.1 and 3.3.2 Enclosed operations (indoors) and sheltered operations |
| 5 | Category 3 – EVLOS/ BVLOS/ Risk Assessment | * 3.4.1 Operations that meet acceptable risk management frameworks * 3.4.2 Research and development * 3.4.2 Excluded RPA, research, and development * 3.4.3 Remove multiple approvals for simple BVLOS (EVLOS) operations * 3.4.3 BVLOS remote pilot requirements * 3.4.4 Orientation, height, and lateral distance of an RPA in an EVLOS operation * 3.4.5 Radio and telephone communications in EVLOS operation class 2 |
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| 7 | Category 5 – Direction instrument CASA 55/20 | * 3.6.1 Incorporate requirements of CASA 55/20 * 3.6.2 RPA operations near people * 3.6.3 Operation of more than one unmanned aircraft at a time * 3.6.5 Weather and day limitations * 3.6.6 RPA night operations   Additional policy amendment for information   * 3.6.4 Remove requirement for approval to operate in prescribed area |
| 8 | Category 6 – Enforcement provisions/ Operations outside of Australia | * 3.7.1 Delegation – Direct a person to provide identification and/or to immediately land/cease operating an unmanned aircraft * 3.7.3 Part 11 CASR– Automated decision making * 3.7.4 Variation or suspension of RePL/ ReOC authorisations * 3.7.5 Suspension or cancellation of excluded category operations * 3.7.6 Suspension or cancellation of approval * 3.7.7 RPAS operations outside Australian territory   Additional policy amendment for information   * 3.7.1 Clarify CASA’s power to monitor the use of RPA for safety purposes |
| 9 | Category 7 – Aerodromes/ Airspace | * 3.8.1 CASA relevant authority for operations near aerodromes * 3.8.2 CASA discretion in issuing NOTAMs * 3.8.1 Offence provision for unauthorised operations near aerodromes * 3.8.4 and 3.8.5 Replace term ‘movement area’ with ‘3 nautical miles of a centreline’ * 3.8.6 No-fly zone of a controlled aerodrome   Additional policy amendment for information   * 3.8.7 Amend Regulation 101.085 requirements for operations above 400 ft AGL |
| 10 | Category 8 – Record keeping/ Manuals/ Documentation | * 3.9.1 Requirement to keep records or give information to CASA * 3.9.3 Amend reference from ‘operator’s manuals’ to ‘operator’s proposed documented practices and procedures’ * 3.9.4 Chief executive officer responsibilities and requirements * 3.9.5 Operator to ensure operations are carried out IAW approved documented practices and procedures * 3.9.7 Reduced record-keeping requirements for low-risk operations * 3.9.8 New definition for ‘significant change’   Additional policy amendments for information   * 3.9.2 Amendment to title of Division 101.F.5 to reflect former change * 3.9.6 Amendment to remove duplicated record-keeping requirements |
| 11 | Category 9 – Clarifying / Definitions | * 3.9.9 and 3.9.10 Terminology shift from ‘unmanned’ to ‘uncrewed’   Additional policy amendments for information   * 3.9.9 and 3.9.10 Amendment to Part 101 to incorporate gender neutral and plain English language * 3.9.11 Amendment to clarify intent of ‘gross weight’ for types of RPA * 3.9.12 Amendment to clarify where RPA can be operated * 3.9.13 Amendment to remove term ‘restricted aerodrome’ |
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| 13 | Category 11 – Training/ MOS/ Schedules | * 3.11.2 Definition of examiner and examiner requirements * 3.11.2 Definition of examiner and examiner requirements, General English Language Proficiency assessments * 3.11.2 Change from ‘examiner’ to ‘assessor’ * 3.11.4 Clarify aeronautical knowledge standards and practical competency standards * 3.11.4 Clarify practical competency standards, section 2.06 * 3.11.4 CASA may approve a subset of practical competency standards * 3.11.6 Definitions for ‘operation only’ and ‘theory and operation’ training * 3.11.7 Clarify student contact time requirements * 3.11.8 Simplify and provide for the student ratio during actual operation of the RPA under instruction * 3.11.9 Nominated remote pilots to perform EVLOS proficiency checks * 3.11.13 Certification of RePL training course completion * 3.11.15, 3.11.16 and 3.11.17 Remove certain variables due to physical location of training * 3.11.19 Amend prescribed distances to ‘an appropriate distance’ * 3.11.24 Remove requirement for a training organisation to conduct training with various sized RPA   Additional policy amendments for information   * 3.11.1 and 3.11.2 RePL training course definition * 3.11.3 Aeronautical Radio Operator Certificate (AROC) * 3.11.5 Clarify resit requirements (MOS) * 3.11.10 Remove requirement for 80-question minimum * 3.11.11 Include aeronautical knowledge requirement for operating RPA * 3.11.12 Amendments corresponding to approved examinations and CASA EX46/21 instrument * 3.11.14 Amend title and clarify references * 3.11.18 Add ‘if applicable’ to certain items * 3.11.22 Change of term ‘attitude mode’ * 3.11.23 Remove tethered operations from practical competency units * 3.11.25 Clarify referencing in Schedule 6 |
| 14 | Category 12 – Machinery | Machinery policy amendments for information   * 3.12.1 Table Formatting issues rectified in Schedule 6 Part 101 MOS * 3.12.2 Amend incorrect reference in subsection 9.01 (1) Part 101 MOS * 3.12.3 Remove redundant wording for micro RPA * 3.12.4 Amend note in regulation 101.280 (2) CASR to reference correct regulation * 3.12.5 Replace ‘Division’ with ‘Chapter’ and amend incorrect references in Part 101 MOS |
| 15 | Category 13 – Rockets/ Balloons/ Fireworks | * 3.13.1 Remove visual line of sight requirement for unmanned free balloons * 3.13.2 Increase notice period for launch approval of unmanned balloons * 3.13.3 Increase notice period for launch approval of high-power rockets * 3.13.4 Increase notice period for fireworks displays and tethered balloon operations |

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# 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*

RePL holder

ReOC holder

RPAS maintenance organisation/ provider

Drone/ Model aircraft retailer

Model aircraft enthusiast

Model aircraft association member

Emergency services employee or volunteer

Excluded category operator

FPV pilot/ enthusiast

RPAS training organisation

Education and/or research organisation

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

# Page 3. Policy category 1 – Alcohol and other drugs

## **Proposed policy 3.2.1 – Alcohol and drug testing**

CASA proposes to conduct drug and alcohol testing on a person performing an unmanned aircraft-related Safety Sensitive Aviation Activity (SSAA), namely, individuals who are:

1. operating a model aircraft
2. operating an RPA
3. essential to the control and navigation of the RPA.

**Link:** For Part 99 - Drug and alcohol management plans and testing – see Volume 3 of the [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 1:** Do you agree that CASA should have the ability to conduct alcohol and other drug testing of individuals as listed above?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 2:** Are there other related activities that should be considered for testing?

Comment

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## **Proposed policy 3.2.1 – Drug and Alcohol Management Plan (DAMP)**

CASA proposes to amend Part 99 CASR to require ReOC holders to develop and maintain a DAMP or micro-business DAMP. Further information on DAMP requirements is available here: [Drug and alcohol management plans | Civil Aviation Safety Authority (casa.gov.au)](https://www.casa.gov.au/safety-management/drug-and-alcohol-management-plans)

**Question 3:** Do you agree that **all** ReOC holders should be required to develop and maintain a DAMP or micro-business DAMP?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 4:** Do you agree that **only** ReOC holders operating **medium and large** RPA should be required to develop and maintain a DAMP or micro-business DAMP?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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# Page 4. Policy category 2 - Enclosed/ sheltered operations

## **Proposed policy 3.3.1 and 3.3.2 – Enclosed operations (indoors) and sheltered operations**

CASA proposes to deregulate operational spaces where the likelihood of the unmanned aircraft escaping and posing a hazard to other airspace users is removed. CASA considers other regulatory requirements and standards will mitigate risk to people or property in ‘enclosed’ spaces.

A sheltered operation would allow the operation of unmanned aircraft within 30 metres of a person who is sheltered.

Note: These definitions will not apply to rockets, balloons, or kites.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** Proposed draft regulations 101.026 and 101.027 CASR

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| 101.026 Meaning of enclosed operation  The operation of an unmanned aircraft, other than a large RPA is an enclosed operation if the operation complies with the following requirements:  (a) the unmanned aircraft is operated inside a structure that can prevent the unmanned aircraft, or any part of   the unmanned aircraft, from exiting the structure; and  (b) in the event of a collision between the unmanned aircraft and the structure, any person located outside the   structure at the time of the collision is not likely to be injured because of the collision.  101.027 Meaning of sheltered operation  The operation of an unmanned aircraft is a sheltered operation if it complies with the following requirements:  (a) the operation takes place outside a structure that prevents the unmanned aircraft, or any part of the   unmanned aircraft, from entering the structure;  (b) in the event of a collision between the unmanned aircraft and the structure, any person located inside the   structure at the time of the collision is not likely to be injured because of the collision. |

**Question 5:** Do you agree that indoor spaces should be deregulated where risks associated with the unmanned aircraft escaping are managed?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 6:** Do you agree that the above proposed definitions of ‘enclosed operation’ and ‘sheltered operation’ suitably reflect the policy intent and manage the risks appropriately?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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# Page 5. Policy category 3 - EVLOS/ BLVOS/ Risk Assessment

## **Proposed policy 3.4.1 – Operations that meet acceptable risk management frameworks**

Flexibility is required for CASA to be able to respond to novel circumstances and changing technology to support innovative, but safe operations. CASA may issue exemptions to the rules but would prefer to regulate the industry by level of risk in such circumstances. A new provision will provide CASA discretion to approve operations that meet acceptable risk management frameworks (such as the Specific Operations Risk Assessment methodology).

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** (Existing) regulation 101.029 CASR

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| 101.029 Approvals for Part 101  (1) If a provision in this Part refers to a person holding an approval under this regulation, the person may apply to CASA for   the approval.  (2) Subject to regulation 11.055, CASA must grant the approval if:  (a) for an approval relating to a training course:  (i) the course covers the units of competency (if any) prescribed by the Part 101 Manual of Standards for the course;   and  (ii) the course meets the standards (if any) prescribed by the Part 101 Manual of Standards for the course; or  (b) for an approval relating to any other thing for which requirements are prescribed by the Part 101 Manual of   Standards—the prescribed requirements are met. |

**Question 7:** Do you agree that CASA should have flexibility within the regulatory framework to approve operations that meet acceptable risk management frameworks?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.4.2 – Research and development**

CASA seeks to clearly define the term ‘research and development’. This may include experimental and university research for the purposes of science, technology, engineering, and mathematics (STEM) related activities or classes. CASA seeks feedback on what activities would fit within the definition, and if there are any consequences from inclusion/ exclusion of certain activities.

Please provide any comments you may have in respect of a definition for research and development.

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## **Proposed policy 3.4.2 – Excluded RPA, research, and development**

CASA considers the risks posed by conducting research and development with micro, very small and small RPA can be sufficiently mitigated if operated in accordance with the requirements for excluded category RPA under the standard operating conditions in regulation 101.238 of CASR.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** new subregulation to 101.237 CASR - Meaning of excluded RPA

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| A micro RPA, very small RPA or a small RPA is an excluded RPA if it is being operated:   1. by a person solely for the purpose of research and development involving testing of the RPAS for the manufacturer of the RPAS; and   (b) in accordance with the manufacturer’s documented procedures; and  (c) after having conducted a risk assessment; and  (d) in the standard RPA operating conditions. |

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.237 CASR

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| 101.237 Meaning of excluded RPA  (1) This regulation sets out what is an excluded RPA.  *Note*: A remote pilot licence is not required to operate an excluded RPA. An accreditation is sufficient—see   regulation 101.252 and Subpart 101.FA.  (3) A very small RPA is an excluded RPA if it is being operated in standard RPA operating conditions.  (4) A small RPA is an excluded RPA if it is being operated:  (a) by or on behalf of the owner of the RPA; and  (b) over land owned or occupied by the owner of the RPA; and  (c) in standard RPA operating conditions; and  (d) for the purposes of one or more of the following:  (i) aerial spotting;  (ii) aerial photography;  (iii) agricultural operations;  (iv) aerial communications retransmission;  (v) the carriage of cargo;  (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; and  for which no remuneration is received by the operator or the owner of the RPA, the owner or occupier of the   land or any person on whose behalf the activity is being conducted.  (6) A small RPA is an excluded RPA if it is being operated in standard RPA operating conditions by:  (a) a person for the sole purpose of meeting the experience requirement mentioned in paragraph 101.295 (2) (c) for   the grant of a remote pilot licence; or  (b) the holder of a remote pilot licence for the sole purpose of getting practical experience and gaining competency   in the operation of an RPA of a category that is specified in the licence.  *Note*: For paragraph (b), for example, if a remote pilot licence states that the holder is authorised to operate a small   RPA with a gross weight of not more than 7 kg that is an aeroplane, a small RPA with a gross weight of 10 kg   that is an aeroplane may be an excluded RPA when operated by that holder. However, a small RPA (of any   weight) that is a helicopter cannot be an excluded RPA when operated by that holder, because an aeroplane   is not of the same category of RPA as a helicopter (see the definition of category in Part 1 of the Dictionary).  (7) A medium RPA is an excluded RPA if it is being operated:  (a) by or on behalf of the owner of the RPA; and  (b) by a person who holds a remote pilot licence that authorises the person to operate the RPA; and  (c) over land owned or occupied by the owner of the RPA; and  (d) in standard RPA operating conditions; and  (e) for the purposes of one or more of the following:  (i) aerial spotting;  (ii) aerial photography;  (iii) agricultural operations;  (iv) aerial communications retransmission;  (v) the carriage of cargo;  (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; and  for which no remuneration is received by the operator or owner of the RPA, the owner or occupier of the land or   any person on whose behalf the activity is being conducted.  (8) An RPA is an excluded RPA if it is being operated:  (a) by a person solely for the purpose of the person receiving training from an RPA operator who holds a certificate   under Division 101.F.4 that authorises the operator to conduct operations using the RPA; and  (b) in accordance with the operator’s documented training procedures. |

**Question 8:** Do you agree research and development of micro, very small and small RPA should be included within the meaning of excluded RPA?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.4.3 – Remove multiple approvals for simple BVLOS (EVLOS) operations**

The overlap between regulation 101.073 and subregulation 101.300 (4) of CASR duplicates the approval requirement for ReOC and RePL holders and generates confusion in industry as to who needs to hold the approval to operate beyond visual line of sight (BVLOS).

CASA proposes to streamline the application and approval process for operating BVLOS and remove the requirement to issue separate approvals to the ReOC holder and RePL holder to operate an RPA BVLOS.

CASA would prefer to issue one approval to the ReOC holder; the ReOC holder would then be required to submit and hold CASA-approved documented procedures and ensure that remote pilots are trained and competent in the BLVOS procedures.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.073 and subregulation 101.300 (4) CASR

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| 101.073 Operation must generally be within visual line of sight  *Unmanned aircraft must be operated within visual line of sight*  (1) A person commits an offence of strict liability if:  (a) the person operates an unmanned aircraft; and  (b) the aircraft is not operated within the person’s visual line of sight.  Penalty: 50 penalty units.  *Exception—CASA approval*  (2) Subregulation (1) does not apply if:  (a) the person holds an approval under regulation 101.029 to operate the unmanned aircraft beyond the   person’s visual line of sight; and  (b) the conditions (if any) imposed on the approval are complied with.  101.300 Conditions on remote pilot licences  …  (4) It is a condition of a remote pilot licence that an RPA must be operated within the visual line of sight of the   licence holder unless he or she:  (a) has passed:  (i) an aeronautical knowledge examination (within the meaning of Part 61) for the grant of an instrument   rating under Part 61; or  (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent   requirement for the grant of an instrument rating under regulation 202.274; or  (iii) an approved examination; and  (b) either:  (i) holds both a certificate as an RPA operator under Division 101.F.4 and an approval under regulation   101.029 to operate the RPA beyond the person’s visual line of sight; or  (ii) is a member of an RPA operator’s personnel and the RPA operator holds both a certificate as an RPA   operator under Division 101.F.4 and an approval under regulation 101.029 for the operator’s personnel to   operate RPA beyond their visual line of sight. |

**Question 9:** Do you agree with the proposal to issue the BVLOS approval to the ReOC holder?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.4.3 – BVLOS remote pilot requirements**

On 29 April 2021, *CASA EX46/21 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Instrument 2021* came into effect, expiring at the end of 30 April 2023, that exempts remote pilots from compliance with regulation 101.073 and paragraph 101.300 (4) (a) of CASR, subject to the conditions set out in the instrument.

CASA proposes to prescribe requirements for the supervising remote pilot set out in CASA EX46/21 within the Part 101 MOS. Conditions within subregulation 101.300 (4) of CASR may be better placed in the MOS, relevant to the type of BVLOS operation being performed. The conditions placed on a remote pilot licence by subregulation 101.300 (4) of CASR may no longer be required, as they would be provided for by regulation 101.073 of CASR and the requirements would be prescribed within the Part 101 MOS.

Please see fact bank ‘regulation 101.073 and subregulation 101.300 (4) of CASR’ above for information.

**Question 10:** Do you agree with the incorporation of the requirements of CASA EX46/21 and the conditions in subregulation 101.300 (4) of CASR in the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.4.4 – Orientation, height, and lateral distance of an RPA in an EVLOS operation**

CASA proposes to amend section 5.11 of the MOS to prescribe, through an assessment policy, how safety margins can be maintained and how the applicant can monitor the control link performance in flight and take necessary actions if the control link degrades too far.

A difficulty with paragraph 5.11 (1) (a) of the MOS is that most manufacturers do not identify link performance relevant to flight below 500ft AGL. Instead, manufacturers will typically base the control link performance on a clear day and clear line of sight from the controller to the RPA.

Rather than relying on prescriptive measures, it may be more reasonable to use outcome-based provisions when controlling this component of the flight, as environmental factors and atmospheric conditions may reduce or increase the distance that the RPA can be safely flown and controlled.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** Section 5.11 Part 101 MOS

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| 5.11 Orientation, height and lateral distance of an RPA in an EVLOS operation  (1) In an EVLOS operation, an RPA must not be flown at a distance from the remote pilot that is more than   80% of:  (a) the manufacturer’s control link performance figure for flight below 500 ft; or  (b) another demonstrable control link performance figure that:  (i) takes account of the prevailing atmospheric conditions and applicable terrain of the operation; and  (ii) is recorded in the certified RPA operator’s documented practices and procedures.  (2) In an EVLOS operation:  (a) the RPA must not be flown at a distance that is more than 1500 m from the relevant observer whose   duty it is to keep the RPA constantly within VLOS or to know the exact location of the RPA (the   relevant observer); and  (b) the location, direction of flight and approximate height of the RPA must be known to the relevant   observer and the remote pilot at all stages of the operation; and  (c) if any part of the operation is conducted within 3 NM of the movement area of an aerodrome, including   an aerodrome that is an HLS — the height of the RPA must be referenced to the aerodrome or HLS   elevation as published in the AIP from time to time; and  (d) the minimum number of GPS satellite locks for the RPAS, as specified in the certified RPA operator’s   documented practices and procedures for the EVLOS operation, must be continuously available   before and during the operation; and  (e) if any of the requirements mentioned in paragraphs (a) to (d) are not met or complied with, the EVLOS   operation must not commence or continue, as the case requires. |

**Question 11:** Do you agree that section 5.11 of the MOS should be amended to be more outcome-based?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.4.5 – Radio and telephone communications in EVLOS operation class 2**

CASA proposes to remove the prescriptive provisions for communication devices to allow an applicant the ability to demonstrate a system that may be acceptable to CASA (radio and telephone communications in an EVLOS operation class 2). Changing the wording to a more outcome-based requirement will allow CASA to prescribe assessment policy and update this policy relatively quickly, to keep pace with technological advancements.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** Section 5.10 Part 101 MOS

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| 5.10 Radio and telephone communications in an EVLOS operation class 2  (1) For an EVLOS operation class 2, the radio or telephone communication system (the *primary communication   system*) used by the remote pilot and each observer must be supported by an alternative or backup radio or   telephone communication system (the *secondary communication system*) that is immediately activated if the   primary communication system fails.  (2) If a mobile telephone is the primary communication system, a second mobile telephone is not a secondary   communication system. |

**Question 12:** Do you agree with the proposed amendments to section 5.10 of the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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# Page 6. Policy category 4 – Micro/ Excluded/ SOC/ Large RPA

## **Proposed policy 3.5.2 - Gaining experience on medium RPA for RePL upgrade**

In April 2021 *CASA EX38/21 – Obtaining Experience for Grant of RePL for Medium RPA, and for RePL Upgrade to Different Category of Small or Medium RPA – Exemption Instrument 2021* came into effect, making it more practical for RePL holders to gain experience in operating other RPA with a view to obtaining a licence upgrade for a different type or category of RPA. The exemption instrument allows relevant operating experience for a type or category flight test to be obtained without committing an offence under subregulation 101.252 (2) of CASR and without the need to be a ReOC holder.

**[Link:](https://www.legislation.gov.au/Details/F2021L00432" \t "_blank)** [CASA EX38/21 – Obtaining Experience for Grant of RePL for Medium RPA, and for RePL Upgrade to Different Category of Small or Medium RPA – Exemption Instrument 2021 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021L00432" \t "_blank)

**Question 13:** Do you agree the intent of CASA EX38/21 should be incorporated into the regulations?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.5.3 – Demonstration of an RPAS**

Demonstrating an RPAS for sale to a prospective customer is a commercial operation requiring a ReOC, which can have a significant impact on resources and subsequent cost for an operator. CASA proposes to include these activities within the meaning of excluded RPA, which would remove the ReOC requirement.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** Proposed new subregulation to 101.237 CASR - Meaning of excluded RPA

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| An RPA is an excluded RPA if it is being operated:  (a) by a person solely for the purpose of demonstrating an RPAS for sale to a prospective customer by or on behalf of   the manufacturer of the RPAS; and  (b) in accordance with the sales agent or manufacturer’s documented procedures; and  (c) the remote pilot has conducted a risk assessment for the flight; and  (d) the RPA is being operated in the standard RPA operating conditions; and  (e) if the RPA is a medium RPA – the person holds a remote pilot licence that authorises the person to operate the RPA. |

**Question 14:** Do you agree this type of activity should be included within the meaning of excluded RPA?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.5.3 – RPAS testing after maintenance or repair**

Testing RPAS after maintenance or repair is a commercial operation requiring a ReOC, which can significantly impact resources and subsequent costs for an operator. CASA proposes to include these activities within the meaning of excluded RPA, which would remove the ReOC requirement.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** Proposed new subregulation to 101.237 CASR - Meaning of excluded RPA

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| An RPA is an excluded RPA if it is being operated:  (a) by a person solely for the purpose of RPAS testing after maintenance or repair for the manufacturer by an authorised   maintainer or repairer of the RPAS; and  (b) in accordance with the authorised maintainer or repairer documented procedures; and  (c) the remote pilot has conducted a risk assessment for the flight; and  (d) the RPA is being operated in the standard RPA operating conditions; and  (e) if the RPA is a medium RPA – the person holds a remote pilot licence that authorises the person to operate the RPA. |

**Question 15:** Do you agree that this type of activity should be included within the meaning of excluded RPA?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.5.4 – Standard RPA operating conditions (SOC)**

Regulation 101.238 of CASR sets out the SOC under which an excluded RPA operation must be conducted. Several of these conditions are not required as they are superfluous or covered in another regulation.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.238 CASR

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| 101.238 Meaning of standard RPA operating conditions An RPA is operated in standard RPA operating conditions if, at all times during the operation:  (aa) the RPA is operated in Australian territory; and  (a) the RPA is operated within the visual line of sight of the person operating the RPA; and  (b) the RPA is operated at or below 400 ft AGL by day; and  (c) the RPA is not operated within 30 m of a person who is not directly associated with the operation of the RPA; and  (d) the RPA is not operated:  (i) in a prohibited area; or  (ii) in a restricted area that is classified as RA3; or  (iii) in a restricted area that is classified as RA2 or RA1 otherwise than in accordance with regulation 101.065; or  (iv) over a populous area; or  (v) within 3 nautical miles of the movement area of a controlled aerodrome; and  (e) the RPA is not operated over an area where a fire, police or other public safety or emergency operation is being   conducted without the approval of a person in charge of the operation; and  (f) the person operating the RPA operates only that RPA. |

**Question 16:** Do you agree there is benefit in streamlining the SOC by removing unnecessary or duplicated conditions?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.5.4 – Clarify person with duties essential to control or navigation of RPA**

The wording of paragraph 101.238 (c) of CASR includes the phrase ‘a person who is not directly associated with the operation of the RPA’. This is ambiguous, particularly when it comes to the subject of an RPA’s camera. The paragraph should refer to a person who does not have duties essential to the control or navigation of the RPA.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation101.238 CASR

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| 101.238 Meaning of standard RPA operating conditions  An RPA is operated in standard RPA operating conditions if, at all times during the operation:  (aa) the RPA is operated in Australian territory; and  (a) the RPA is operated within the visual line of sight of the person operating the RPA; and  (b) the RPA is operated at or below 400 ft AGL by day; and  (c) the RPA is not operated within 30 m of a person who is not directly associated with the operation of the RPA;   and  (d) the RPA is not operated:  (i) in a prohibited area; or  (ii) in a restricted area that is classified as RA3; or  (iii) in a restricted area that is classified as RA2 or RA1 otherwise than in accordance with regulation   101.065; or  (iv) over a populous area; or  (v) within 3 nautical miles of the movement area of a controlled aerodrome; and  (e) the RPA is not operated over an area where a fire, police or other public safety or emergency operation is   being conducted without the approval of a person in charge of the operation; and  (f) the person operating the RPA operates only that RPA. |

**Question 17:** Do you agree regulation 101.238 of CASR to be amended to remove ambiguity?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.5.5 – Subpart 101.F of CASR to apply to micro RPA**

In 2019 amendment was made to the applicability of Subpart 101.F of CASR, predominately to account for changes to excluded RPA and micro RPA (a micro RPA is not an excluded RPA).

A consequential issue has been identified in that a ReOC holder cannot operate a micro RPA under their ReOC. This proposed amendment would allow an excluded operator to operate a micro RPA (only) within 3NM of a controlled aerodrome.

**Link:** Regulations 101.235, 101.237 and 101.270 CASR – see Subpart 101.F in Volume 3 of the [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 18:** Do you agree that Subpart 101.F of CASR should apply to micro RPA?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendment for information**

## **Policy amendment 3.5.1 – Operation of large RPA**

**Fact bank:** Amend operation of large RPA (Amendment 3.5.1)

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| CASA intends to amend and repeal duplication and unnecessary provisions for requirements to operate large RPA. Regulation 101.270 of CASR requires that an operator must hold a ReOC to operate any RPA, however this does not apply to the operation of an excluded RPA or a micro RPA (as Subpart F does not apply to micro RPA). Regulation 101.275 of CASR duplicates these requirements for the application and approval to operate large RPA, though subregulations 101.275 (1B) and (3) of CASR have not historically been exercised, as approvals to operate large RPA would not be granted unless the operator held a ReOC (regulation 101.270 of CASR). |

Please provide any comments you may have on the additional amendment described above in the comments box below.

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# Page 7. Policy category 5 – Direction instrument CASA 55/20

## **Proposed policy 3.6.1 – Incorporate requirements of CASA 55/20**

CASA Direction 96/17 expired at the end of September 2020 and was renewed as CASA Direction 55/20, which expires at the end of March 2022. CASA intends to incorporate the instrument’s provisions into the regulations and MOS to provide an integrated legislative framework. As well as providing policy clarity, integration of the provisions in CASA Direction 55/20 would overcome some duplication, definitional issues, and conflicting requirements.

**Link:** [CASA 55/20 — Operation of Certain Unmanned Aircraft Directions 2020 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C00279)

**Question 19:** Do you agree CASA Direction 55/20 should be incorporated into Part 101 of CASR and the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.6.2 – RPA operations near people**

Subregulation 101.245 of CASR requires an RPA be kept at least 30 metres away from a second person who is *‘not directly associated with the operation of the RPA*’*.*  This last phrase is ambiguous as it may include, for example, the subject of a camera shot by an RPA. However, RPA crew, other than the remote pilot, may need to be close to the aircraft at times while it is operating.

CASA Direction 55/20 uses the wording ‘duties essential to the control or navigation of the aircraft’ to identify the RPA crew. This removes ambiguity when identifying who would be classified as this second person from where the RPA can operate within 30 metres.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subregulations 101.245 (1) and 101.395 (2) CASR

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| 101.245 Operation near people  (1) Subject to subregulations (2) and (3), a person must not operate an RPA within 30 metres of a person (the second   person) who is not directly associated with the operation of the RPA.  101.395 Keeping model aircraft away from people  (2) Subject to subregulations (3) and (4), somebody who is operating a powered model aircraft must ensure that, while   the model aircraft is in flight, or is landing or taking off, it stays at least 30 metres away from anyone not directly   associated with the operation of model aircraft. |

**Question 20:** Do you agree to the proposed amendments to remove ambiguity in respect of operations near people and to prescribe requirements in the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.6.3 – Operation of more than one unmanned aircraft at a time**

CASA proposes to move requirements of subregulation 101.300 (5) of CASR and section 10 of CASA Direction 55/20 into a new chapter in the Part 101 MOS (operating more than one unmanned aircraft at a time). CASA seeks to include a provision in the MOS that allows the holder of a remote pilot licence for a particular category and type, to gain experience on operating more than one RPA at a time under standard RPA operating conditions.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subregulation 101.300 (5) CASR

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| 101.300 Conditions on remote pilot licences  (5) It is a condition of a remote pilot licence that the licence holder must not operate more than 1 RPA at a time   unless:  (a) he or she holds an approval under regulation 101.029 to operate more than 1 RPA at a time; and  (b) the conditions (if any) imposed on the approval are complied with. |

**Question 21:** Do you agree the requirements of subregulation 101.300 (5) of CASR and section 10 of CASA Direction 55/20 to be prescribed in the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.6.5 – Weather and day limitations**

Paragraph 101.095 (1) (a) of CASR which restricts the operation of unmanned aircraft ‘in or into cloud’, is redundant for RPA and model aircraft, as operating in or into cloud would involve flying in conditions which are not VMC, and paragraph 101.095 (1) (c), restricts the operation of unmanned aircraft ‘in conditions other than VMC’. CASA considers that these requirements were based around conventionally piloted aircraft and does not cleanly translate to RPA and model aircraft. We intend to disapply paragraphs 101.095 (1) (a) and (c) of CASR to RPA and model aircraft.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subregulation 101.095 (1) CASR

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| 101.095 Weather and day limitations  (1) A person may operate an unmanned aircraft:  (a) in or into cloud; or  (b) at night; or  (c) in conditions other than VMC;  only if permitted by another provision of this Part, or in accordance with an air traffic control direction. |

**Question 22:** Do you agree the requirements in paragraphs 101.095 (1) (a) and (c) of CASR should no longer be applicable to RPA and model aircraft?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.6.6 – RPA night operations**

CASA intends to place the conditions for RPA to fly at night, in the Part 101 MOS (proposed new Chapter 6).

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** proposed Part 101 MOS Chapter 6

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| Proposed new Chapter 6 - Operation of RPA at night:  6.01 Purpose  For subregulation 101.095 (1), CASA is proposing a new chapter to prescribe the requirements relating to the operation in conditions other than VMC, below 400ft AGL, of an unmanned aircraft.  6.02 Definitions  6.03 Operations of RPA at night  1. A certified operator is approved to conduct an RPA operation at night if the requirements of this section are complied with.  2. The operator must have documented practices and procedures specific to operating RPA at night, which cover the following items:  a. training and testing of individuals; and,  b. risk assessment and mitigation processes; and,  c. Minimum equipage requirements.  3. The operator must ensure that the RPA is operated by only:  a. the chief remote pilot; or  b. a remote pilot authorised by the chief remote pilot.  4. Before authorising a remote pilot to operate the RPA at night, the chief remote pilot must be satisfied that the remote pilot:  a. has the knowledge and practical abilities to operate the RPA at night; and,  b. has received appropriate training and testing in relation to the operation of the RPA at night; and,  c. has been authorised by the operator to operate the RPA in accordance with the operator’s documented practices and procedures.  5. The operator and the authorised remote pilot must ensure the launch and landing areas are illuminated so that the position of the RPA can be established and maintained by the authorised remote pilot by visual reference.  6. The operator and the authorised remote pilot must ensure that the RPA is fitted with the following:  a. serviceable equipment for a GPS hold and return to home function; and,  b. orientation lighting when the RPA is in flight.  7. The operator and the authorised remote pilot must not operate the RPA:  a. in rain; or  b. if thunderstorms are observed or reported within 5 kilometres of the location of the proposed operation; or,  c. cloud is predicted below 1000 ft AGL on official weather forecast: or  d. fog is present. |

**Question 23:** Do you agree that RPA night operations should be prescribed in the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendment for information**

## **Policy amendment 3.6.4 – Remove requirement for approval to operate in prescribed area**

**Fact bank:** Remove requirement for approval to operate in prescribed area

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| CASA intends to remove Division 9.2 (sections 9.07, 9.08 and 9.09) of the MOS in entirety, as no approval is required to operate in controlled airspace (although this is specified in this division). The intent of this provision is to add a no-fly zone to provide a buffer to stop operations accidentally penetrating controlled airspace. This is not required as there are no approval requirements to operate in controlled airspace. The provision is also unnecessarily restrictive and does not add any safety benefit. |

Please provide any comments you may have on the additional amendment described above in the comments box below.

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# Page 8. Policy category 6 – Enforcement provisions/ Operations outside of Australia

## **Proposed policy 3.7.1 – Delegation – Direct a person to provide identification and/or to immediately land/cease operating an unmanned aircraft**

CASA is proposing to include a delegable power (to CASA Inspectors), where, in relation to a person who having been detected via surveillance as being the person operating the unmanned aircraft, and CASA having reasonable suspicion in relation to the person operating the aircraft in a manner that endangers other aircraft or persons or property, or in contravention of a provision in the aviation legislation – to direct the person (including offence of 50 penalty units for non-compliance) to produce identification, being a RePL or other official photo identification.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** New CASR Subpart

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| The new subpart would create a separate delegable power of CASA in relation to a person – who having been detected via surveillance as being the person operating the unmanned aircraft, and CASA having reasonable suspicion in relation to the person operating the aircraft in a manner that endangers other aircraft or persons or property, or in contravention of a provision in the aviation legislation – to direct the person (including offence of 50 penalty units for non-compliance) to produce identification, being:   * the person’s remote pilot licence (see regulation 101.252 CASR)   or   * other documents that include a photograph of the holder showing the holder’s full face and that was issued within the previous 10 years by the government or a government authority in Australia or a foreign country (see subregulation 61.340 (2) of CASR as an example).   It would also create a separate delegable power of CASA to direct the person (mentioned above) to immediately land the unmanned aircraft and to cease operating the unmanned aircraft (including offence of 50 penalty units for non-compliance). |

**Question 24**: Do you agree CASA should hold a specific power to direct a person to provide identification where CASA has reasonable grounds, they are operating an unmanned aircraft unlawfully?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 25**: Do you agree CASA should hold a specific power to direct a person to immediately land/cease operating an unmanned aircraft where CASA has reasonable grounds, they are operating unlawfully?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.7.3 – Part 11 CASR– Automated decision making**

CASA proposes to permit automated decision making (e.g., automated renewal of ReOC in the myCASA portal). As technology advances CASA seeks to utilise efficiencies and reduce red tape for operators to conduct low risk operations that do not require individual assessment (such as 3 NM approvals).

**Link:** For Part 11 - Automated decision making, see Volume 1 of [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 26:** Do you agree CASA should have the ability to use computer programs for low risk decision making?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / Not my area of expertise

Comment

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## **Proposed policy 3.7.4 – Variation or suspension of RePL/ ReOC authorisations**

When considering enforcement options, or when conducting/reviewing surveillance or a complaint, CASA does not have an option to vary or suspend separate authorisations on a RePL or ReOC.

**Link:** Regulations 101.320 and 101.365 CASR, see Subpart 101.F. Volume 3 of [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 27:** Do you agree CASA should be able to partially vary or suspend a separate authorisation on a RePL or ReOC?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.7.5 – Suspension or cancellation of excluded category operations**

When considering enforcement options, or when conducting/reviewing surveillance or a complaint, CASA does not have an option to suspend or cancel excluded category operations. Part 101 of CASR does not provide for the suspension or cancellation of excluded category operations, as the pilot is not the holder of an authorisation (other than a medium excluded RPA which is the holder of a RePL).

**Link:** Please see Subpart 101.F.1 CASR Volume 3, where proposed provision will be placed [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 28:** Do you agree CASA should be able to suspend or cancel excluded category operations?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.7.6 – Suspension or cancellation of approval**

When considering enforcement options, or when conducting/reviewing surveillance or a complaint, CASA does not have an option to suspend or cancel an approval (e.g., 3 NM approval, EVLOS). Part 101 of CASR does not fully support the suspension or cancellation of an approval as a complete instrument, or in part. CASA proposes to amend the regulations to provide a specific power to vary, suspend or cancel an approval or part thereof.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.029 CASR

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| 101.029 Approvals for Part 101 CASR  (1) If a provision in this Part refers to a person holding an approval under this regulation, the person may apply to   CASA for the approval.  (2) Subject to regulation 11.055, CASA must grant the approval if:  (a) for an approval relating to a training course:  (i) the course covers the units of competency (if any) prescribed by the Part 101 Manual of Standards for the   course; and  (ii) the course meets the standards (if any) prescribed by the Part 101 Manual of Standards for the course; or  (b) for an approval relating to any other thing for which requirements are prescribed by the Part 101 Manual of   Standards—the prescribed requirements are met. |

**Question 29:** Do you agree CASA should be able to vary, suspend or cancel RPAS approvals (or part thereof)?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.7.7 – RPAS operations outside Australian territory**

CASA proposes to allow for suitably qualified RPA Operator’s Certificate holders with arrangements in place with local CAAs to be approved by CASA to conduct operations in Australian territory using foreign aircraft (see s.28A of the Civil Aviation Act 1988 for equivalent regime but for manned aircraft).

The difference in CONOPS between the smaller size classes of RPA, and a large RPA capable of operations between countries or extended operations over the high seas, requires that both the following activities should be separately specified on the ReOC certificate document to allow CASA to consider and/or approve each function separately.

Text

Description automatically generated

**Link:** For Regulations 101.238, 101.300 and 101.340 CASR – see Volume 1 of [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 30:** Do you agree with the proposal to allow ReOC holders to operate Australian registered RPAs outside Australian territory?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendment for information**

## **Policy amendment 3.7.1 Clarify CASA’s power to monitor the use of RPA for safety purposes**

**Fact Bank:** Clarify CASA’s power to monitor the use of RPA for safety purposes

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| CASA intends to amend Part 101 CASR to enable CASA to conduct surveillance using electronic means or electronic devices to monitor RPA and model aircraft in the interests of aviation safety, including the safety of persons or property on the ground. CASA uses existing CAR 288 detention powers in the Civil Aviation Regulations and delegation instruments for electronic surveillance to monitor RPA activity. CASA would be empowered to share personal information collected under this power for law enforcement purposes with an enforcement body. The MOS would be empowered to detail requirements for the installation, use and maintenance of surveillance equipment as well as the use of retention, destruction and security of data. |

Please provide any comments you may have on the additional amendment described above in the comments box below.

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# Page 9. Policy category 7 – Aerodromes/ Airspace

## **Proposed policy 3.8.1 – CASA relevant authority for operations near aerodromes**

For flight in areas identified in subregulations 101.075 (1) or (3), the existing process and procedures are managed between CASA and Airservices Australia requires operators must first get permission from CASA, not ATC. For operation at controlled aerodromes, once CASA approval has been received, permission is then required, from ATC. CASA coordinates with ATC as appropriate.

For RPA and model aircraft operations, CASA would be the relevant authority for all approvals near aerodromes.

**Link:** For regulations 101.075 and 101.080, Subpart 101.C of CASR, see Volume 3 - [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 31:** Do you agree CASA should be the relevant authority for RPA and model aircraft operations near aerodromes?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.8.2 – CASA discretion in issuing NOTAMs**

CASA proposes to amend requirements in regulation 101.030 of CASR from ‘must’ to ‘may’, to provide for discretion to issue a NOTAM rather than requiring one to be published on issuance of an area approval under this regulation (see subregulations 101.030 (7) and (8) of CASR). CASA should have discretion to only publish a NOTAM in circumstances where it would provide a safety benefit or reduce risk to other airspace users.

Subregulations 101.030 (7) and (8) of CASR also provide for a process that cannot be met, as issuing a NOTAM inclusive of any approval conditions is not possible. The NOTAM format is determined by the NOTAM Office within Airservices Australia.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.030 CASR

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| 101.030 Approval of areas for operation of unmanned aircraft or rockets  (1) A person may apply to CASA for the approval of an area as an area for the operation of:  (a) unmanned aircraft generally, or a particular class of unmanned aircraft; or  (b) rockets.  (2) For paragraph (1) (a), the classes of unmanned aircraft are the following:  (a) tethered balloons and kites;  (b) unmanned free balloons; (c) RPA;  (d) model aircraft.  (3) In considering whether to approve an area for any of those purposes, CASA must consider the likely effect   on the safety of air navigation of the operation of unmanned aircraft in, or the launching of rockets in or over, the   area.  (4) An approval has effect from the time written notice of it is given to the applicant, or a later day or day and time   stated in the approval.  (5) An approval may be expressed to have effect for a particular period (including a period of less than 1 day), or   indefinitely.  (6) CASA may impose conditions on the approval in the interests of the safety of air navigation.  (7) If CASA approves an area under subregulation (1), it must publish details of the approval (including any condition)   in NOTAM or on an aeronautical chart.  (8) CASA may revoke the approval of an area or change the conditions that apply to such an approval, in the   interests of the safety of air navigation, but must publish details of any revocation or change in NOTAM or on an   aeronautical chart.  (9) CASA must also give written notice of the revocation or change:  (a) to the person who applied for the approval of the area; or  (b) if that person applied for that approval as an officer of an organisation concerned with unmanned aircraft or   rockets, and no longer holds that office—to the person who now holds the office.  (10) In the case of an approval of an area as an area for the operation of model aircraft:  (a) subregulation (7) does not apply; and  (b) subregulation (8) does not require the publication of any details of a revocation or change in NOTAM or on an   aeronautical chart. |

**Question 32:** Do you agree CASA should have discretion in issuing/ publishing NOTAMs associated with approval areas for operation of unmanned aircraft or rockets?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 33:** Do you agree CASA should be able to publish advice to airspace users via alternative methods such as through an aeronautical chart or in a CASA-verified drone safety app/web application (PP ref: 3.8.3)?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.8.1 – Offence provision for unauthorised operations near aerodromes**

The penalty units prescribed in the offence provisions within regulation 101.075 of CASR (25 penalty units) should be aligned with the 50 penalty units associated with breaches of the directions in section 5 and 6 of direction instrument CASA Direction 55/20 (a breach under regulation 11.255 of CASR is 50 penalty units).

**Link:** For Subpart 101.C of CASR, see Volume 3 [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Question 34:** Do you agree the penalty units in regulation 101.075 of CASR should be aligned with the penalty units for a breach of CASA Direction 55/20 for unlawful operations near aerodromes?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.8.4 and 3.8.5 – Replace term ‘movement area’ with ‘3 nautical miles from the centreline’**

A digital, readily available, central source of data for the movement area of any aerodrome does not exist. While aerodrome operators are required to keep records for individual aerodromes, including the areas that fall within the movement area, that information is not held centrally and there is no requirement for it to be defined in a digital way (for example, it is not published as part of a standard Airservices Australia aerodromes dataset).

This causes issues when considering areas that rely on the definition for a movement area, for example applications for RPA operations near controlled aerodromes. Without a clear definition of an aerodrome’s movement area, it is not possible to easily reproduce this 3NM using the movement area as the starting point.

CASA proposes to remove references to ‘movement area’ throughout Part 101 of CASR (except for regulations 101.440 and 101.495 of CASR which are to remain as is) and instead reference ‘3 nautical miles from the centreline of the threshold of a runway’.

**Link:** For regulation 101.238 and subregulation 101.300 (3) CASR - see Volume 3 [*Civil Aviation Safety Regulations 1998* (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C01233)

**Link:** See Sections 4.02, 5.11 and 9.02 Part 101 MOS - [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)

**Question 35:** Do you agree amending references of ‘movement area’, to instead reference ‘3 nautical miles from the centerline of the threshold of a runway’ will improve clarity and not introduce any unintended consequences?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.8.6 – No-fly zone of a controlled aerodrome**

The light grey shaded area in Figure 4.05 (1) -1 of the MOS, does not provide the intended safety benefit. It was identified during TWG discussions that change is required for greater clarity. The grey area is used to identify where and how high a micro RPA could fly around a controlled aerodrome. The height of 150 ft above aerodrome height is also the limit on the height of the RPA when a tether is attached, out to 3 nautical miles from the aerodrome.

CASA proposes to amend subsections 4.04 (2) and 4.04 (3) of the MOS with requirements for tethered operations and update Figure 4.05 (1) – 1 of the MOS.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subsections 4.04 (2) and (3) Part 101 MOS

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| 4.04 Approval to operate an RPA in a no-fly zone of a controlled aerodrome  (2) The requirements are that the RPA may only be operated in:  (a) an indoors operation; or  (b) a tethered operation in accordance with subsection (3).  (3) For paragraph (2) (b):  (a) the tether must be 1 of the following:  (i) if the RPA is flown below 150 ft in the area that is shaded grey for the aerodrome —no longer than 150 ft;  (ii) if the RPA is flown within the area that is shaded black for the aerodrome and at least 3 NM away from the   aerodrome — no longer than 150 ft;  (iii) if the RPA is flown within the area that is crosshatched for the aerodrome — no longer than 300 ft;  (iv) if the RPA is flown within the area that is within 3 NM from the aerodrome but outside the approach and   departure paths — 150 ft; and  (b) the RPA must be flown within:  (i) the area that is shaded grey for the aerodrome and below 150 ft; or  (ii) the area that is shaded black for the aerodrome, provided that the flight is at least 3 NM from the   aerodrome; or  (iii) the area that is crosshatched for the aerodrome; or  (iv) the area that is within 3 NM from the aerodrome but outside the approach and departure paths; and  (c) the RPA flight must be conducted within VLOS; and  (d) the RPA flight must be conducted in accordance with the certified RPA operator’s documented practices   and procedures for operations under this Division; and  (e) ATC clearance must be obtained before the RPA takes off, and the RPA flight must be flown in accordance   with the clearance and any related ATC instructions.  *Note 1* Controlled aerodromes are in controlled airspace and have instrument approach procedures.  *Note 2* The designation of controlled aerodromes and controlled airspace is made in the *Determination of   airspace and controlled aerodromes etc.*, as in force from time to time. This is a legislative instrument revised and   reissued by CASA approximately every 6 months. Controlled aerodrome information in the Determination in force   at any particular time is also published by Airservices Australia in the *Designated Airspace Handbook*. |

**Question 36:** Do you agree with the amendments to subsections 4.04 (2) and (3) of the MOS?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendment for information**

## **Proposed policy 3.8.7 – Operation of unmanned aircraft above 400 ft**

**Fact bank:** Amend Regulation 101.085 of CASR requirements for operations above 400 ft AGL

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| CASA proposes to amend regulation 101.085 of CASR so operations of unmanned aircraft above 400 ft are permitted, if operating in accordance with an authorisation or exemption issued by CASA or in accordance with a MOS provision that permits the operation above 400 ft. CASA intends to prescribe such requirements in the MOS. |

Please provide any comments you may have on the additional amendment described above in the comments box below.

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# Page 10. Policy category 8 - Record keeping/ Manuals/ Documentation

## **Proposed policy 3.9.1 – Requirement to keep records or give information to CASA**

A new provision, (to be inserted after regulation 101.060 of CASR) is proposed to provide for the head of power for the requirement to keep records or give information to CASA. It is proposed this new regulation will replace regulation 101.272 of CASR. This will move the head of power from Subpart 101.F to Subpart 101.C of CASR to be applicable to the operation of unmanned aircraft of all kinds. References to regulation 101.272 of CASR in the MOS will amended to the proposed regulation 101.062 of CASR.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** proposed regulation 101.062 CASR

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| 101.062 Requirement to keep records or give information to CASA  (1) The Part 101 Manual of Standards may require a person who operates, or proposes to  operate, unmanned aircraft to do either or both of the following:  (a) keep records, in accordance with the requirements prescribed by the Part 101 Manual of Standards;  (b) give information to CASA, in accordance with the requirements prescribed by the Part 101 Manual of Standards.  (2) A person commits an offence of strict liability if:  (a) the person is subject to a requirement under subregulation (1); and  (b) the person does not comply with the requirement.  Penalty: 50 penalty units. |

**Question 37:** Do you agree with the proposed regulation 101.062 and repeal of regulation 101.272 of CASR?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.9.3 – Amend reference from ‘operator’s manuals’ to ‘operator’s proposed documented practices and procedures’**

The use of the term ‘operates’ in Part 101 of CASR often causes confusion about what an RPA operator certificate holder does and what the remote pilot does. CASA proposes amending subregulation 101.330 (1A) to reflect the wording in subregulation 101.290 (1A) of CASR to say that a person may apply to CASA, in writing to, ‘conduct RPA operations’. The reference to ‘operator’s manuals’ would be better expressed as the ‘applicant’s proposed documented practices and procedures’, as described in other Part 101 regulations (such as in regulation 101.342 of CASR).

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subregulations 101.330 (1A) and 101.330 (2) and paragraph 101.342 (d) CASR

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| 101.330 Application for certification as RPA operator  (1A) A person may apply to CASA, in writing, for certification as an RPA operator.  …  (2) The application must be accompanied by a copy of each of the applicant’s manuals relevant to the operation of   RPA.  101.342 Functions and duties of chief remote pilot  For paragraph 101.340(1)(a), the functions and duties of a chief remote pilot are as follows:  …  (d) maintaining a complete and up-to-date reference library of operational documents required by CASA under   subregulation 101.335 (1) for the types of operations conducted by the operator. |

**Question 38:** Do you agree with amendment to regulations 101.290, 101.330 and paragraph 101.340 (d) of CASR to provide clarity?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.9.4 – Chief executive officer responsibilities and requirements**

CASA proposes to include a new subregulation (before regulation 101.342 of CASR), ‘chief executive officer responsibilities and requirements’ which will include the functions and duties as detailed in the Policy Proposal.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.340 and paragraph 101.342 (d) and new CASR provision for CEO

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| A proposed new paragraph to subregulation 101.340 (1), ‘maintains within its organisation a position of chief executive officer (however called), having at least the functions and duties set out in regulation 101.xxx (a new subregulation)'.  Proposed new subregulation (before 101.342):  For paragraph 101.340 [new subregulation], the functions and duties of a chief executive officer are as follows:  (a) ensure the safe conduct of the operator’s Part 101 activities in accordance with civil aviation legislation,   authorisation, and operator-approved procedures;  (b) advise CASA of any changes to the operator’s name or address;  (c) advise CASA of any change to the nominated personnel, including the nomination of new chief remote pilot or   maintenance controller;  (d) respond to any safety related surveys or questionnaires as requested by CASA. |

**Question 39:** Do you agree with the proposed new subregulation for a chief executive officer responsibilities and requirements and amendment to subregulation 101.340 (1) of CASR?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment:

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## **Proposed policy 3.9.5 – Operator to ensure operations are carried out IAW approved documented practices and procedures**

Regulation 101.340 of CASR requires the operator to comply with the operator’s documented practices and procedures, and regulation 101.370 of CASR requires a member of the operator’s personnel to comply. CASA is proposing amendment to ensure that the operator is responsible for ensuring that the personnel comply with the practices and procedures.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** regulation 101.340 CASR

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| 101.340 Conditions on certification  (1) It is a condition of the certification of a person as an RPA operator that the person:  (a) maintains within its organisation a position of chief remote pilot having at least the functions and duties set out   in regulation 101.342; and  (b) employs as its chief remote pilot a person who holds a remote pilot licence under Division 101.F.3 and who is   competent to carry out those duties and perform those functions; and  (c) either:  (i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in an   advisory circular issued by CASA from time to time; or  (ii) has an arrangement with another qualified and competent person to carry out those functions and duties; and  (d) if it maintains within its organisation a position of maintenance controller—employs as its maintenance   controller a person who is competent to carry out the duties and perform the functions of a maintenance   controller; and  (e) complies with the operator’s documented practices and procedures.  (4) Without limiting regulations 11.056 and 11.067, a condition may:  (a) allow the person to operate RPA of only specified kinds; or  (b) allow the person to operate RPA only for specified purposes; or  (c) limit the areas where the person may operate RPA; or  (d) allow the person to operate RPA only in VMC; or  (e) limit the number of RPA that an RPA operator may operate. |

**Question 40:** Do you agree ReOC holders should be responsible for ensuring personnel comply with practices and procedures?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.9.7 – Reduced record-keeping requirements for low-risk operations**

With amendments to Chapter 10 of the MOS, record-keeping requirements for low-risk operations will be reduced.

**Link**: See Chapter 10 - [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)

**Fact bank –** Proposed amendment to Chapter 10 of the MOS – Record Keeping for Certain RPA

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| CASA proposes the following amendments:  Substitute subparagraph 10.04 (1) (e) (ii) with the following:  *“the maximum height (AGL) permitted for the operation”*  Amend paragraph 10.04 (1) (g) to read:  *“if an individual who is not a remote pilot for the operation is assigned duty in relation to the operation — the individual’s full name and the position as per the operator’s documented practices and procedures”*  Insert note after paragraph 10.04 (1) (g):  *“identifying the crew members position, provided the duties and responsibilities are identified in the operator’s operations manual, will satisfy this requirement”.*  Substitute paragraph 10.04 (1) (j) to read (words to the effect):  *“the serviceability of the RPA to be used for the operation”*  Amend subsection 10.04 (2) to read:  *“An RPA operation must not commence until the RPAS operational release has been approved by a person authorised under the certified operator’s documented practices and procedures”*  Add a note at subsection 10.04 (2) that explains the copy of the operational release can be provided via electronic means e.g., through a software program or email.  Repeal subsection 10.04 (4).  Repeal paragraph 10.05 (1) (i).  Amend paragraph 10.05 (1) (k) to read:  *“Whether the RPA became unserviceable during the operation*  Amend the note below paragraph 10.05 (1) (l) to read such that the RPAS operational log may be a confirmation that no records had changed from the operational release; if records had changed, these may be identified individually as to the change and not require a separate operational log to be completed.  Amend paragraph 10.07 (c) (iii) to read:  *“the maximum gross weight of the RPA for operations (including with payload where applicable);”*  Amend paragraph 10.17 (3) (g) to read:  *“a significant change in the operator’s documented practices and procedures”.* |

**Question 41:** Do you agree the proposed amendments will appropriately reduce record-keeping requirements?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.9.8 – New definition for ‘significant change’**

There is some confusion as to what changes within an operator’s documented practices and procedures require approval by CASA. CASA is proposing to define significant and non-significant changes to reduce the burden on operators to submit manuals to CASA for any changes.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** New MOS provision [draft below]

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| Significant change for a certified RPA operator, means:  (a) A change in relation to any of the following:  i. The operators nominated personnel;  ii. The formal reporting line for managerial or operational position reporting directly to any of the nominated   personnel;  iii. the qualifications, experience and responsibilities required by the operator for any of the nominated   personnel;  iv. The operator’s process for making changes to the documented practices and procedures;  v. The addition or removal of operational or managerial positions within the organisation;  vi. A change to the types of RPA being operated by the operator;  (b) A change to any of the following that does not maintain or improve, or is not likely to maintain or improve,   aviation safety:  i. The procedures by which the operator performs an RPA operation;  ii. Training and checking conducted by the operator;  iii. The way the operator manages operational risk and the methodology for this process;  iv. The way the operator manages the risk of fatigue in its personnel;  v. The procedures by which the operator manages the maintenance of the RPA used;  (c) Any change that will result in the reissue of the RPA operator’s certificate.  Note: A change to the type or category of RPA that is listed on the ReOC, or a change to the type of operations such as RePL training, will require the ReOC to be reissued. |

**Question 42:** Do you agree the drafted definition of ‘significant change’ reflects the policy intent?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendments for information**

**Fact bank –** Amendments to reduce or remove requirements, clarify, and align terminology.

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| **Amendment to title of Division 101.F.5** **to reflect former change (PP ref: 3.9.2)**  The application of Division 101.F.5 was changed by the 2019 amendment to Part 101, to apply to all excluded RPA, but the title of this regulation does not reflect the change. The amendment is proposed to align the title.  **Amendment to remove duplicated record-keeping requirements (PP ref: 3.9.6)**  Multiple record keeping requirements exist throughout MOS chapters in addition to requirements prescribed in chapter 10. CASA proposes to remove duplicated record keeping requirements by centralising them in Chapter 10 removing requirements in Chapter 2. |

Please provide any comments you may have on the additional amendments described above in the comments box below.

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# Page 11. Policy category 9 – Clarifying/ Definitions

## **Proposed policy 3.9.9 and 3.9.10 – Terminology shift from ‘unmanned’ to ‘uncrewed’**

As well as incorporating gender neutral language into Part 101 of CASR (for example by replacing instances of ‘he or she’ with ‘they’ or ‘a person’), CASA also proposes to reduce or eliminate language that reflects intentional or unintentional bias such as with the term ‘unmanned’.

**Question 43:** Do you agree with replacing the term ‘unmanned’ to ‘uncrewed’ (or something similar) and the use of more inclusive language more generally?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendments for information**

**Fact bank:** Amendments to clarify and provide plain English terminology

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| **Amendment to Part 101 to incorporate gender neutral and plain English language (PP ref: 3.9.9 and 3.9.10)**  Part 101 will be amended to incorporate gender neutral plain English language.  **Amendment to clarify intent of ‘gross weight’ for types of RPA (PP ref: 3.9.11)**  CASA will clarify the policy intent of ‘gross weight’ (regulation 101.022 of CASR).  **Amendment to clarify where RPA can be operated (PP ref: 3.9.12)**  CASA will clarify where RPA can be operated by removing duplication and ambiguity by repealing regulation 101.250 CASR.  **Amendment to remove term ‘restricted aerodrome’ (PP ref: 3.9.13)**  Section 9.06 of the MOS makes use of the term ‘restricted aerodrome’ (non-controlled).Part 139 of CASR only makes mention of ‘certified’ aerodromes. Proposal to align terminology. |

Please provide any comments you may have on the additional amendments described above in the comments box below.

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# Page 12. Policy category 10 – RePL holders/ Instructors

## **Proposed policy 3.10.2 – Eligibility for RePLs: remove outdated provisions**

Paragraph 101.295 (2) (b) (ii) of CASR provides for a person to be eligible for a remote pilot licence if, before 1 June 2017, the person completed a training course in the operation of a category of RPA that the person proposes to operate, conducted by the RPA’s manufacturer or agent of the manufacturer. CASA proposes to remove this outdated provision, as it was intended to be a limited window of opportunity - between 29 September 2016 and 1 June 2017.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subparagraph101.295 (2) (b) (ii) CASR

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| 101.295 Eligibility for remote pilot licence  (2) Subject to regulation 11.055, CASA must grant a remote pilot licence to the applicant if he or she:  …  (b) has completed:  …  (ii) before 1 June 2017, a training course in the operation of a category of RPA that he or she proposes to   operate, conducted by the RPA’s manufacturer or an agent of the manufacturer; or |

**Question 44:** Do you agree to the repeal of subparagraph 101.295 (2) (b) (ii) of CASR?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.2 - Eligibility for RePLs: experience requirement**

The current flight experience requirements, in paragraph 101.295 (2) (c) of CASR, require applicants to have at least 5 hours experience operating an RPA under standard operating conditions. CASA proposes to clarify this subregulation further by changing “an” to “any”.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** paragraph101.295 (2) (c) CASR

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| 101.295 Eligibility for remote pilot licence  (2) Subject to regulation 11.055, CASA must grant a remote pilot licence to the applicant if he or she:  …  (c) has at least 5 hours experience in operating an RPA under standard RPA operating conditions. |

**Question 45:** Do you agree to the amendment to 101.295 (2) (c) of CASR?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.3 – General competency requirements for RePL holders**

CASA proposes a new regulation that would require RePL holders to be competent or to maintain competency to exercise the privileges of an RePL. A ReOC holders operations manual has a soft requirement for remote pilots to be competent and current, but this doesn’t affect RePL holders not working for a ReOC i.e., medium category excluded RPA. A RePL holder would be authorised to exercise the privileges of their RePL only if they are competent in operating the RPAS in accordance with standards specified in the MOS.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** proposednew regulation and new subregulation in 101.300 CASR

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| [NEW] 101.XXX Limitations on exercise of privileges of remote pilot licences—general competency requirement  (1) The holder of a remote pilot licence is authorised to exercise the privileges of the RePL only if the holder is   competent in operating the RPAS to the standards specified in the Part 101 MOS.  Add new subregulation to 101.300:  (1A) Subregulation (1B) applies if the holder of a remote pilot licence also holds a type rating for a medium of large   RPA.  (1B) The holder is authorised to exercise the privileges of their remote pilot licence in an activity involving an RPAS   only if the holder is competent in operating the RPA in the activity to the standards mentioned in the Part 101  Manual of Standards (if any) for:  (a) the class or type to which the RPA belongs; and  (b) the activity.  A penalty provision would be applicable to this provision. |

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** proposed new Part 101 MOS provision

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| The standards for competency for an RePL holder to operate an RPA are the standards prescribed in the Part 101 MOS for the category and type to which the aircraft belongs, including in all the following areas:  (a) operating the aircraft’s navigation and operating systems;  (b) conducting all normal, abnormal, and emergency flight procedures for the aircraft;  (c) applying operating limitations;  (d) weight and balance requirements;  (e) applying aircraft performance data, including take-off and landing performance data, for the aircraft. |

**Question 46:** Do you agree there should be a general competency requirement for RePL holders?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 47:** Do you agree with the proposed standards in the MOS in relation to competency?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 48:** In line with the general competency requirement, do you agree there should be a penalty provision for exercising the privileges of a RePL when a person is not competent?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.4 – Remove condition requirements on a RePL**

CASA proposes to remove the 2.06 (1) Note in the MOS which will remove the condition requirements on a RePL.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subsection 2.06 (1) Note Part 101 MOS

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| 2.06 Practical competency standards  (1) The practical competency component of a RePL training course for a category of RPA (including with a   liquid-fuel system or otherwise) must be for 1 of the following:  (a) the automated operation mode — for an applicant for a RePL for automated operation mode only;  (b) both the automated operation mode and the manual mode — for an applicant for a RePL for the   manual operation mode.  *Note* A condition to the effect of the relevant operational mode limitation will be imposed on the RePL   under regulation 11.056 and paragraph 101.300 (2) (a) of CASR. If a RePL for a category of RPA is granted   with a condition limiting RPA operations to automated operation only, the condition may be removed and the   limitation lifted only if the applicant successfully completes the practical competency component of a RePL   training course for the same RPA category. |

**Question 49:** Do you agree with the removal of condition requirements on a RePL, noting that a competency requirement will be introduced?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.5 – Requirements for RePL training units based on length of time since RePL last issued**

CASA is proposing to remove subsections 2.05 (6), (7) and (8) of the MOS relating to an involved RPA participant. The requirement for an applicant to re-sit all theory components of a RePL course is not reasonable or practical. As an analogy, a private pilot or commercial pilot is not required to re-sit examinations once they have successfully passed.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subsections 2.05 (6), (7) and (8) Part 101 MOS

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| 2.05 Aeronautical knowledge standards  …  (6) If:  (a) on a particular date — a person was granted a RePL in a category of RPA; and  (b) not more than 3 years after the particular date — the person is an applicant for a RePL in a different   category or for a medium or large RPA;  then, the person is deemed to have completed training and assessment in the common units of the   aeronautical knowledge component for the RePL training course.  (7) If:  (a) on a particular date — a person was granted a RePL in a category of RPA; and  (b) more than 5 years after the particular date — the person is an applicant for a RePL in a different   category or for a medium or large RPA; and  (c) the person is an involved RPA participant;  then, the person is deemed to have completed training and assessment in the common units of the   aeronautical knowledge component for the RePL training course.  (8) For subsection (7):  ***involved RPA*** ***participant*** means a person whose logbooks and RPA operator records show that the   person, as a chief remote pilot or RePL holder, has performed chief remote pilot duties or flown RPA, during   not less than 50% of the total number of completed weeks between:  (a) first qualifying for the RePL; and  (b) the date of application for a RePL in a different category or for a medium or large RPA. |

**Question 50:** Do you agree with the removal of the requirement for an applicant to re-sit all theory components of an RePL course?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.6 – Ability for CASA to approve sub-set of flight test standards**

CASA proposes a mechanism for accepting alternate practical competency standards for RePL training and the ability to accept alternate flight test standards derived from these alternate training standards.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** new paragraph after subsection 2.31 (2) Part 101 MOS

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| “CASA may approve an alternative of the flight test standards as required by this section, or, an alternative flight test where it is satisfied that an equivalent or higher level of aviation safety would be achieved.” |

**Question 51:** Do you agree CASA should have the ability to approve a sub-set of flight test standards?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.7 and 3.10.8 –CASA to set aeronautical knowledge examinations**

CASA requires the ability to set aeronautical knowledge examinations for the issue of remote pilot licences, ratings, and endorsements. CASA is currently working through the development of an exam for beyond visual line of sight (BVLOS) ratings. The BVLOS competencies and syllabus will be published in the MOS.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** New Part 101 CASR

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| 101.301 Aeronautical knowledge examinations—general  (1) CASA may set aeronautical knowledge examinations for the grant of a remote pilot  licence, rating, or endorsement in accordance with the aeronautical knowledge  standards mentioned in the Part 101 Manual of Standards for the licence, rating or  endorsement.  (2) A RePL training organisation may invigilate aeronautical knowledge examinations  for the grant of:  (a) a remote pilot licence; or  (b) a remote pilot rating; or  (c) a remote pilot endorsement.  (3) However, a RePL training organisation may invigilate an aeronautical knowledge  examination only if:  (a) the examination is set in accordance with the aeronautical knowledge  standards mentioned in the Part 101 Manual of Standards for the licence,  rating, or endorsement; and  (b) the operator holds an approval under regulation 101.029 to invigilate the  examination.  (4) The examinations may be conducted at the times and places, and in accordance  with arrangements, decided by the body setting or invigilating the examination.  101.302 Aeronautical knowledge examinations—pass standards  (1) A requirement in this Part for a person to have passed an aeronautical examination  for a remote pilot licence, rating or endorsement is met if the person meets the  standards mentioned in the Part 101 Manual of Standards for the examination.  (2) However, a person is taken to have passed an aeronautical knowledge examination  only if the person passes all parts of the examination within a period of 2 years.  (3) If on 3 occasions a person attempts, but fails to pass, an aeronautical knowledge  examination, or a part of an examination, the person is not permitted to attempt the  examination or part again within 3 months beginning on the day the person attempts  the examination or part for the third time.  (4) If on 4 occasions a person attempts, but fails to pass, an aeronautical knowledge  examination, or a part of an examination, the person is not permitted to attempt the  examination or part again until CASA is satisfied that the person has completed  appropriate training.  101.303 Aeronautical knowledge examinations—knowledge deficiency reports  (1) This regulation applies if a candidate for an aeronautical knowledge examination:  (a) passes the examination with a score of less than 100%; or  (b) fails the examination with a score of at least 51%.  (2) The body that conducts the examination must:  (a) prepare a report about the competency standards in which the candidate’s  knowledge is deficient; and  (b) give a copy of the report to the candidate; and  (c) if the examination was not conducted by the candidate’s training provider—give  a copy of the report to the candidate’s training provider. |

**Question 52:** Do you agree CASA should have the ability to set aeronautical knowledge examinations?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.9 – Remove Division 2.5 of the MOS and streamline course requirements for RePL upgrade**

Due to proposed changes to 2.05 and 2.06 of the MOS, CASA is proposing to streamline the requirements of RePL training courses to upgrade a RePL, by removing Division 2.5 of the MOS (except for the definition of ‘relevant RPA’ which is to be moved to Chapter 2 Definitions). A Chief Remote Pilot of a certified RPA operator would be permitted to assess competency for RePL upgrade.

**Link:** sections 2.05, 2.06 and Division 2.5 Part 101 MOS - See Chapter 2 - [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)

**Question 53:** Do you agree the Chief Remote Pilot of a ReOC holder should assess competency for a RePL upgrade?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.11 – New regulation for Chief RePL Instructor role**

A new regulation is proposed for the functions and duties of a new Chief RePL Instructor role for ReOC holders who hold an approval to conduct RePL training. The nominated person may be the CRP or other suitably qualified person and must be approved by CASA.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** new provision for Chief RePL instructor role

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| CASA proposes the following functions and duties of a Chief RePL Instructor:  (a) conducts periodic review of documented RePL training course;  (b) reviews all changes to the documented RePL training course;  (c) conducts regular checks (every 6 months) of nominated instructors in both theory and operational aspects; and  (d) adheres to any requirements set out in the Part 101 MOS. |

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** new provision for Chief RePL instructor role requirements

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| CASA proposes the following qualifications for the Chief RePL Instructor:   * Meet the standards in Part 101 MOS sections 2.30 (2) (a), (b), (d), (e) and (f). * Hold a qualification listed in Part 101 MOS sections 2.30 (2) (c) (i), (ii) or (iii). |

**Question 54:** Do you agree with the creation of the Chief RePL instructor role and the proposed functions and duties?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 55:** Do you agree with the proposed qualifications required of the Chief RePL instructor role?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.12 and 3.10.13 –Qualifications for RePL instructors and Chief RePL instructor**

In accordance with Section 1.03 of the MOS, the qualification requirements for RePL training instructors (prescribed in paragraph 2.30 (2) (c) of CASR), take effect on 10 April 2022. The identified qualifications in subparagraphs 2.30 (2) (c) (i), (ii) and (iii) of CASR are acceptable higher-level qualifications but require significant time and effort to achieve and may not be an ideal requirement for a pure instructor role. Subparagraph 2.30 (2) (c) (iv) of CASR, a ‘*certificate of successful completion of a training program in the principles and methods of instruction (PMI) issued by a person approved in writing by CASA’,* was intended to be the most appropriate option for a RePL instructor who is not responsible for developing and maintaining the documented RePL training course. However, the PMI course is not commonly available to applicants who are not participating in the full course of a Part 61 flight instructor rating.

CASA proposes the creation of a Chief RePL Instructor (CRI) role, to be responsible for maintaining the documented RePL training course and the standard of all delivered competency based RePL training. This role would require a higher-level qualification such as those listed in subparagraphs 2.30 (2) (c) (i) - (iii). For all other RePL instructors, if experience requirements listed in the MOS are met, internal training as documented in the organisation’s procedures would be acceptable. This may be changed in the future when a training program in the PMI has been developed and approved by CASA.

*Note: The Chief Remote Pilot will remain accountable for ensuring all operations are conducted in accordance with the civil aviation legislation, monitoring the operational standards and proficiency of each person operating RPA for the operator and maintaining the complete up-to-date reference library of operational documents required by CASA.*

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** section 1.03 (item 1A) and subsection 2.30 (2) Part 101 MOS

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| 1.03 Provisions which take effect later than on commencement  A provision of this MOS mentioned in column 1 of an item in the following Table takes effect on the day mentioned in column 2 for the item.  Item This provision: Takes effect on:  (Column 1) (Column 2)  1A Paragraph 2.30 (2) (c) in Division 2.7 of Chapter 2 10 April 2022  2.30 Requirements for RePL training instructors  (1) A RePL training course for a type of RPA may only be conducted by a RePL training instructor who   satisfies the requirements of this section.  (2) The RePL training instructor must comply with the following requirements:  (a) be employed by the RPA training organisation which is delivering the RePL training course;  (b) hold a RePL for the type of RPA for which he or she instructs;  *Note* Under regulation 202.455 and subregulation 202.461 (3) of CASR, if before 29 September 2016, a   person was certified as a UAV controller, the certification has effect as if it were the grant of a RePL.  (c) have 1 or more of the following:  (i) a pilot instructor rating issued under Part 61 of CASR;  (ii) a Certificate IV in Training and Assessment issued by an approved educational institution;  (iii) a tertiary level qualification in teaching that is recognised as such by a State or Territory   government;  (iv) a certificate of successful completion of a training program in the principles of instruction issued   by a person approved in writing by CASA.  *Note* In approving a person to deliver a program and issue a certificate under subparagraph (2) (c) (iv),   CASA will be guided by the extent to which the program satisfies the requirements of clause 3, Principles   and methods of instruction, in Section 2.4 of Schedule 3 of the Part 61 Manual of Standards.  (d) for delivery of the practical competency component of an RPL training course — have at least the   number of hours of experience in the operation of unmanned aircraft required for the RePL training   course under the RPA training organisation’s documented practices and procedures;  *Note* Unmanned aircraft include model aircraft but not rockets, fireworks or balloons. See regulation   101.005 of CASR.  (e) for delivery of the practical competency component of an RPL training course — have satisfied any   currency and recency requirements for operation of the relevant RPA in accordance with the RePL   training organisation’s documented practices and procedures;  (f) for delivery of the practical competency component of an RPL training course — have at least 20   hours of non-training operational experience in RPA operations, for an ReOC holder, in the same   category of RPA as that for which the practical competencies are to be delivered. |

**Question 56:** Do you agree with amendment to section 2.30 of the MOS proposing the Chief RePL Instructor to hold one of the prescribed qualifications in section 2.30 (2) (c)?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.12 – Delay commencement of RePL training instructor requirements**

In accordance with section 1.03 of the MOS (item 1A), the qualification requirements for RePL training instructors (prescribed in paragraph 2.30 (2) (c) of CASR), take effect on 10 April 2022. CASA proposes to amend the commencement date by extending it by 24 months from the date of the MOS amendment instrument. This will allow the staged introduction of the Chief RePL Instructor role and RePL instructor requirements and will also provide a period of time for an RPA instructor course to be developed.

**Question 57:** Do you agree with the delayed commencement of RePL instructor requirements (24 months from date of amendment)?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.10.13 – RePL Instructor qualification requirements**

CASA proposes to amend paragraph 2.30 (c) (iv) and the Note of the MOS where references are made to principles and methods of instruction (PMI). Currently there are limited pathways available to a RePL holder to complete a PMI course (other than a Part 61 flight instructor rating course).

CASA is proposing to amend paragraph 2.30 (c) (iv) of the MOS to ‘a pass in a RPAS instructor course as approved in writing by CASA.’ It may be appropriate for an industry developed course would be approved by CASA in the future.

**Question 58:** Do you agree to the amendment to 2.30 (2) (c) (iv) of the MOS to an RPAS instructor course as approved by CASA?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendment for information**

## **Proposed policy 3.10.1 – RePL required for medium excluded RPA**

**Fact Bank:** Amendment to regulation 101.252 to reflect policy requirement of medium excluded RPA (PP ref: 3.10.1)

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| Regulation 101.252 determines that a RePL is not required to operate an excluded RPA, however paragraph 101.237 (7) (b) requires a person to hold a RePL to operate an excluded medium RPA. CASA will amend 101.252 to remove ambiguity. |

Please provide any comments you may have on the additional amendment described above in the comments box below.

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# Page 13. Policy category 11 – Training/ MOS/ Schedules

## **Proposed policy 3.11.2 – Definition of examiner and examiner requirements**

CASA seeks to define the nomination requirements for examiners in RePL training organisations in Chapter 2 rather than Chapter 1 (1.04) of the MOS where it is easily missed. For the definition of examiner for medium and large RPA, the requirement in section 1.04 (f) for the examiner to have ‘not been the RePL training instructor for the applicant’ should be removed to align with other training procedures. It is not reasonable to require that operators’ have a minimum of two qualified personnel on staff to conduct the training and assessment for each medium or large RPAS.

**Link:** section 1.04 and Chapter 2 Part 101 MOS - [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** proposed amendments to definition of examiner

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| In the definition of examiner for medium and large RPA, remove (f).  Bring the relevant detail from the definition of examiner (section 1.04) into 2.30 (Division 2.7).  Move everything after and including ‘provided that he or she:’ from the examiner definitions in section 1.04 to a new subsection of 2.30 in Division 2.7.  Example:  (3) An RePL training instructor who is authorised by the chief remote pilot as an examiner must comply with the following requirements:  a. is identified in the operator’s documented practices and procedures as an examiner for a very small, small, medium, or   large RPA (a relevant examiner); and  b. has the length of experience in RPA operations stated in the operator’s documented practices and procedures as required   to be a relevant examiner; and  c. meets the other requirements stated in the operator’s documented practices and procedures as necessary to be a relevant   examiner; and |

**Question 59:** Do you agree to the proposed amendments to the definition of examiner?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.2 - Definition of examiner and examiner requirements, General English Language Proficiency (GELP) assessments.**

CASA proposes to include a requirement for RePL instructors to have received internal training to conduct GELP assessments, or to be held to a standard.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subsection2.03 (3) Part 101 MOS

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| 2.03 General English language proficiency standards under Part 61  …  (3) Despite subclause 5.1.1 of Section 1 of Schedule 2 of the Part 61 MOS, the assessment mentioned in   subclause 5.1.1 must be made by an examiner. |

**Question 60:** Do you agree that an examiner should receive suitable training to conduct GELP assessments?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.2 – Change from ‘examiner’ to ‘assessor’**

The term ‘examiner’ in Division 2.3 (Examinations) of the MOS uses a different definition. Section 2.09 of the MOS states the aeronautical knowledge exam must be assessed by either a RePL training instructor or the chief remote pilot for the RePL training organisation. This assessor is referred to as the examiner. CASA proposes minor amendments to section 2.09 and subsection 2.16 (3) of the MOS for consistency.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** section 2.09 and subsection 2.16 (3) Part 101 MOS

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| 2.09 Examination pass mark, examiner and resits  (1) The pass mark for the examination is 85%.  (2) The examination must be assessed by:  (a) a RePL training instructor; or  (b) the chief remote pilot for the RePL training organisation.  (3) If an applicant does not pass the examination at the first attempt, or at a second attempt, or at a third   attempt, he or she must not make a fourth attempt to pass the examination unless:  (a) he or she has repeated the aeronautical knowledge component of the RPL training course; and  (b) at least 14 days have elapsed since the third attempt.  2.16 Post-examination knowledge deficiency reports (KDRs)  …  (3) Knowledge deficiency is remedied only if, after an oral examination:  (a) the student has satisfied either the RePL training course instructor or the chief remote pilot (the   examiner) that the knowledge that was the subject of the KDR has been remedied; and  (b) this satisfaction has been recorded in writing by the examiner. |

**Question 61:** Do you agree to the proposed amendments to reference ‘assessor’ rather than ‘examiner’?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.4 – Clarify aeronautical knowledge standards and practical competency standards**

CASA has received feedback from training organisations there is confusion of which units must be delivered for the theory component of a RePL training course. CASA proposes to amend subsection 2.05 (1) of the MOS to clarify this issue.

**Question 62:** Do you agree the proposed amendment to subsection 2.05 (1) of the MOS provides clarity?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.4 - Clarify practical competency standards, section 2.06**

Section 2.06 (3) of the MOS identifies Schedule 3 as listing the required units for a course, however the schedule does not specify which are relevant for an initial or upgrade RePL training course or for each category/type of RPA.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subsections 2.06 (3) and (6) Part 101 MOS

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| 2.06 Practical competency standards  …  (3) A RePL training course for a category of RPA must include training and assessment in the units of practical competency that are for the category in accordance with the standards and requirements in Schedule 3.  …  (6) A RePL training course for a category of RPA must require the applicant to complete the following units of   practical competency:  (a) for any RPA category — the units in Appendix 1 of Schedule 5, Common units, except when the RePL   training course is for a RePL upgrade provided for in section 2.21, 2.23 or 2.25;  (b) for an RPA that is in the aeroplane category — the units in Appendix 2 of Schedule 5;  (c) for an RPA that is in the helicopter (multirotor class) category — the units in Appendix 3 of Schedule 5;  (d) for an RPA that is in the helicopter (single rotor class) category — the units in Appendix 4 of Schedule 5;  (e) for an RPA that is in the powered-lift category — the units in Appendix 5 of Schedule 5;  (f) for any medium or large RPA in any RPA category, with a liquid-fuel system — all of the units in   Appendix 6 of Schedule 5. |

**Question 63:** Do you agree the proposed amendments to subsections 2.06 (3) and (6) of the MOS provides clarity?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.4 – CASA may approve a subset of practical competency standards**

CASA proposes a mechanism to be able to approve unique courses that do not otherwise satisfy the specified requirements. CASA will require an organisation to use standard items where appropriate.

**Link:** section2.06 Part 101 MOS - [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980)

**Question 64:** Do you agree CASA should be permitted to approve a subset of practical competency standards (or an alternative set), where it is satisfied that an equivalent or higher level of safety would be achieved?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.7 – Clarify student contact time requirements**

CASA proposes to clarify the 15 hours of contact time with a RePL training instructor must be conducting theory training, and not a mixture of theory and practical. This provision is only clearly stated in the Note of subsection 2.26 (3) of the MOS. The intent of the section is to provide more time delivering the theory components, which was and still is the biggest deficiency among RePL holders.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** section 2.26 Part 101 MOS

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| 2.26 Student class time  (1) Subject to subsection (2), to deliver the aeronautical knowledge component of a RePL training course for a   category of RPA, a RePL training organisation must ensure that each student has not less than 15 hours of   contact time with a RePL training instructor.  (2) For a student who is receiving the aeronautical knowledge component of a RePL training course   simultaneously for 1 category of RPA and for 1 or more additional categories, the RePL training   organisation must ensure that the student has not less than the following hours of contact time with a RePL   training instructor:  (a) 15 hours; and  (b) 4 additional hours for each additional category.  (3) For subsections (1) and (2), contact time with a student is accumulated through 1 or both of the following,   namely, the instructor being:  (a) physically present, instructing and responding in a classroom;  (b) virtually present, instructing and responding online in real time.  *Note* The minimum of 15 hours’ contact time may be reached through an accumulation of physical   presence, virtual presence or a mixture of both. However, CASA will not certify a person to be a certified   RPA operator for the purpose of conducting a RePL training course unless CASA is satisfied that the   operator’s documented practices and procedures ensure that the minimum of 15 hours focuses on Priority A   syllabus items.  (4) No part of the practical competency component of a RePL training course may be delivered by a RePL   training instructor who is not in the physical presence of the person being trained. |

**Question 65:** Do you agree that proposed amendment clarifies the 15 hours of contact time required for conducting theory training?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.8 – Simplify and provide for the student ratio during actual operation of the RPA under instruction**

CASA is proposing to simplify the student ratio during actual operation of the RPA under instruction. For the practical component, 10 students to 1 instructor, and 3 students each flying an RPA to 1 instructor.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** section 2.27 Part 101 MOS

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| 2.27 Student ratios  (1) To deliver a RePL training course, a RePL training organisation must ensure that the ratio of students to   RePL training instructors is not greater than:  (a) for the theoretical component (aeronautical knowledge component) — 10 students to 1 instructor,   unless CASA approves otherwise, in writing, in accordance with subsection (2); and  (b) for the practical component (practical competencies component):  (i) subject to subparagraph (ii), 5 students to 1 instructor — for a RePL for an RPA that the RPA   training organisation specifies in its documented practices and procedures, with the written   agreement of CASA, is not complex (a non-complex RPA); and  (ii) 3 students each actually flying a non-complex RPA to 1 instructor provided that not more than 2   other students are observing; and  (iii) 2 students to 1 instructor — for a RePL for an RPA that the RPA training organisation specifies in its   documented practices and procedures is complex.  (2) For paragraph (a), CASA may approve otherwise only if CASA is satisfied, on application, that:  (a) the relevant instructor has the qualifications and experience to ensure the effective delivery of the   theoretical component to a larger number of students; and  (b) the RePL training organisation’s structure and management is appropriate to support the instructor’s   delivery of the component to the larger number of students. |

**Question 66:** Do you agree with proposed amendments to simplify student ratios?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.9 – Nominated remote pilots to perform EVLOS proficiency checks**

CASA proposes to accept nominated remote pilots within an organisation to perform EVLOS proficiency checks, as well as the Chief Remote Pilot.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** section 5.06 Part 101 MOS

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| 5.06 Remote pilots for EVLOS operations  Before conducting an EVLOS operation, the remote pilot:  (a) must have completed, in addition to the 5 hours’ experience required under paragraph 101.295 (2) (c) of   CASR, at least the number of hours of flight time, as relevantly specified in the operator’s documented   practices and procedures, operating in VLOS operations an RPA of the same type as the RPA that is to be   used in the EVLOS operation; and  (b) must have been trained and certified by the RPA operator, in accordance with its documented practices   and procedures, as competent to carry out the particular EVLOS operation; and  (c) must have successfully completed a proficiency check that was:  (i) conducted by:  (A) the chief remote pilot of the certified RPA operator; or  (B) a person certified to conduct an RPL training course which includes a proficiency check for the   purpose of this section; or  (C) CASA; and  (ii) undertaken not more than:  (A) 12 months before the EVLOS operation; or  (B) 24 months before the EVLOS operation, provided the remote pilot has completed at least 3   EVLOS flights in each of the 12-month periods before the EVLOS operation; and  (iii) carried out in accordance with the relevant certified RPA operator’s documented practices and   procedures for proficiency checks under this section.  *Note* Under subregulation 101.300 (4), a RePL is subject to the condition that an RPA must be operated within   VLOS unless the licence holder has met certain requirements set out in that subregulation. |

**Question 67:** Do you agree that nominated remote pilots should be permitted to perform EVLOS proficiency checks?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.13 – Certification of RePL training course completion**

Some information relevant to the type of RePL training conducted, cannot be placed on a RePL (such as liquid-fuel endorsements/ auto only). CASA proposes this information is added to the certificate of course completion to allow RePL training providers, remote pilot students and ReOC holders to hold a record of the exact training a remote pilot completed as part of a RePL training course. This is standard practice for Registered Training Organisations.

The proposed Chief RePL Instructor would be empowered to sign off on the certification of RePL training course completion (noting this would come into effect at a later date if Chief RePL Instructor position and requirements commence).

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** section2.29 Part 101 MOS

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| 2.29 Certification of RePL training course completion  (1) An RPA training organisation must give each student who successfully completes a RePL training course a   certificate of course completion which:  (a) identifies the RPA training organisation and the student; and  (b) identifies the RePL training course, and when it was completed by the student; and  (c) is signed and dated by the chief remote pilot of the organisation.  (2) An RPA training organisation must not give a student a certificate of course completion until the student   has, for the relevant RPA:  (a) passed the aeronautical knowledge examination; and  (b) been assessed as competent in the relevant practical competency units; and  (c) passed the relevant flight test; and  (d) remedied any knowledge deficiency.  *Note* For knowledge deficiency, see section 2.16.  (3) A RePL training course, on the basis of which a person applies for a RePL, is not completed until the   relevant RPA training organisation notifies CASA, in the form and manner approved in writing by CASA,   that the certificate of course completion, has been issued.  *Note* CASA will not issue a RePL to an applicant unless CASA has received the notification. |

**Question 68:** Do you agree the relevant type training information should be included on the certificate of RePL training course completion?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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**Question 69:** Do you agree the Chief RePL Instructor should hold responsibility for sign off/approval of the certification of RePL training course completion (noting this position is not yet in effect)?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.15, 3.11.16 and 3.11.17 – Remove certain variables due to physical location of training**

CASA will remove certain variables as training organisations cannot conduct training or test applicants in dark conditions (at night) or within urban, suburban, and populated areas. Due to testing locations (normally an empty oval or open space), it is difficult to test over undulating terrain and testing near aerodromes is sometimes not possible.

Training organisations should discuss/ teach the risks and mitigation strategies when operating in these conditions but sometimes cannot legally test applicants. CASA proposes removing or amending these variables from the schedule.

For Schedules below please see [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980/Download)

*(PDFs of schedules included in online consultation fact banks)*

**Fact bank: Schedule 5, Appendix 1, Unit 19** Part 101 MOS (Page 132)

- RAF — Automated flight management systems for RPAS

**Fact bank: Schedule 5, Appendix 2, Unit 21** Part 101 MOS (Pages 135-136)

- RA2 — Normal operations

**Fact Bank: Schedule 5, Appendix 3, Unit 25** Part 101 MOS (Page 143)

- RM1 — Control on ground, launch, hover and landing

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank: Schedule 5, Appendix 4, Unit 30** Part 101 MOS (Page 152)

- RH2 — Launch, hover and landing

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **banks:** **Schedule 5, Appendix 5, Unit 34, Unit 35, Unit 36, Unit 38** Part 101 MOS

Unit 34 RP1 — Control on ground, launch, hover and landing (Page 157)

Unit 35 RP2 — Transitional flight (Page 159)

Unit 36 RP3 — Climb, cruise and descent (Page 160)

Unit 38 RP5 — Operation in abnormal situations and emergencies (Page 164)

**Question 70:** Do you agree for variables to be removed or amended as proposed?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.19 – Amend prescribed distances to ‘an appropriate distance’**

Where a distance is prescribed in various units in Schedule 5 of the MOS, for training with some RPA these distances are inappropriate. CASA is proposing to amend the unit to include ‘an appropriate’ distance or some other mechanism relating to the manoeuvre size or the distance and to include intent to operate at distance without being specific.

For Schedules below please see [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980/Download)

*(PDFs of schedules included in online consultation fact banks)*

Fact bank: Schedule 5, Appendix 2, Unit 22, Item 1 Part 101 MOS (Page 137)

- RA3 — Land/recover RPA

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** **Schedule 5, Appendix 2, Unit 23, Item 4 (a) and (b)** Part 101 MOS (Page 141)

- RA4 — Advanced manoeuvres

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank: Schedule 5, Appendix 3, Unit 25, Item 3 (e)** Part 101 MOS(Page 145)

- RM1 — Control on ground, launch, hover and landing

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank: Schedule 5, Appendix 4, Unit 30, Item 1 (g)** Part 101 MOS (Page 152)

- RH2 — Launch, hover and landing

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank: Schedule 5, Appendix 5, Unit 37, Item 4 (a) and (b)** Part 101 MOS (Page 163)

- RP4 — Advanced manoeuvres

**Question 71:** Do you agree the prescribed distances should be amended to ‘an appropriate distance’ or other mechanism relevant to the manoeuvre?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.11.24 – Remove requirement for a training organisation to conduct training with various sized RPA**

CASA requires training organisations conduct training with various sized RPA, therefore requiring multiple sized RPA to conduct training. The cost impost may be unreasonable for some organisation structures. CASA is satisfied a training organisation may conduct training with a single sized RPA for their course delivery.

For Schedules below please see [Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2020C00980/Download)

*(PDFs of schedules included in online consultation fact banks)*

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank: Schedule 5, Appendix 4, Unit 32** Part 101 MOS(Page 154)

- RH4 — Advanced manoeuvres

**Fact bank:** **Schedule 5, Appendix 5, Unit 37, Item 4** Part 101 MOS (Page 163)

- RP4 — Advanced manoeuvres

**Question 72:** Do you agree with the removal of the requirement for a training organisation to conduct training with various sizes of RPA?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Additional policy amendments for information**

**Fact Bank:** Amendments to reduce or remove requirements, clarify, and align terminology, remove redundant legislation, and correct referencing issues.

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| **RePL training course definition (PP ref: 3.11.1 and 3.11.2)**  A new definition for RePL training course would remove ambiguity/ confusion with the conventional piloted recreational pilot licence ‘RPL’ qualification.  **Aeronautical Radio Operator Certificate (AROC) (PP ref: 3.11.3)**  CASA proposes to repeal section 2.04 of the MOS, which outlines extant legislation that is not applicable to an RePL training course. A RePL student does not require an AROC to be issued the licence. AROC approvals are granted under Part 64 of CASR.  **Clarify resit requirements (MOS) (PP ref: 3.11.5)**  CASA proposes to clarify the resit requirements in section 2.09 (3) and subsection 2.13 (b) of the MOS. This amendment is not a change to the requirements. The amendment of subsection 2.09 (3) or the removal of subsection 2.13 (b) of the MOS will provide clarity.  **Proposed policy 3.11.6 – Definitions for ‘operation only’ and ‘theory and operation’ training**  CASA proposes definitions for ‘operation only’ training and ‘theory and operation training’. Several operators are endorsed for ‘operation only’ who are no longer able to conduct previously approved training due to the requirements to include an aeronautical knowledge component in the training. An ‘operation only’ endorsement would allow a ReOC holder to conduct training to upgrade (vary) an existing RePL and would remove the requirement to submit training and exam questions covering common aeronautical knowledge and practical competency units.  **Remove requirement for 80-question minimum (PP ref: 3.11.10)**  CASA proposes to remove the 80-question minimum requirement as criteria specified in subsection 2.10 (2) of the MOS already defines minimum question numbers based on priority items.  **Include aeronautical knowledge requirement for operating RPA commercially (PP ref: 3.11.11)**  The MOS provisions were developed before RPA registration came into force; there are no items of aeronautical knowledge covering the registration requirement for operating RPA for commercial purposes (and model aircraft for recreational purposes). CASA proposes to amend the aeronautical knowledge components to include registration requirements.  **Amendments corresponding to approved examinations and CASA EX46/21 instrument (PP ref: 3.11.12)**  In line with amendment to regulation 101.300 (4) CASR regarding approved examinations and incorporation of the CASA EX46/21 instrument, corresponding Part 101 MOS amendments are required. EVLOS 1 will not require the remote pilot to hold a pass in an instrument rating examination or approved examination.  **Amend title and clarify references (PP ref: 3.11.14)**  The referencing numbers in Schedule 4, Appendix 1, Unit 2 of the MOS are not consistent which makes it difficult for CASA to assess, or for training organisations to reference material in syllabus. These items will be amended to be more easily referenced.  **Add ‘if applicable’ to certain items (PP ref: 3.11.18, 3.11.20 and 3.11.21)**  CASA proposed to add ‘if applicable’ to certain items in Schedule 5, Appendix 2, Unit 20. For example, ‘Ground operations—taxiing’ is only applicable to certain RPA. ‘If applicable’ will also be added to the titles in item 1 in Schedule 5, Appendix 2, Unit 23 and Unit 37 and to the title in Item 2 (launch and hover) in Schedule 5, Appendix 5, Unit 34.  **Change of term ‘attitude mode’ (PP ref: 3.11.22)**  Schedule 5, Appendix 3, Unit 27, items 1 (e) and (f) of the MOS will be amended by changing the term ‘attitude mode’ to ‘without GPS hold’, aligning with Schedule 6, Appendix 2, section 3 (Item 7).  **Remove tethered operations from practical competency units (PP ref: 3.11.24)**  CASA proposes to remove Schedule 5, Appendix 3, Unit 27, ‘Item 2 Tethered operation’ from the practical competency units and place it in a theory item in Schedule 4 Unit 6 RKOP – operations and procedures. There is currently no standardised tethering system. Almost every drone used for RePL training should not be used for tethered operations. Most manufacturer’s instructions explicitly advise not to attach anything to the RPA.  **Clarify referencing in Schedule 6 (PP ref: 3.11.25)**  CASA will clarify the referencing in Schedule 6, Appendixes 1-4 to ensure the item/manoeuvre IDs can be appropriately referenced. |

Please provide any comments you may have on the additional amendments described above in the comments box below.

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# Page 14. Policy category 12 – Machinery

## **Machinery policy amendments for information**

**3.12.1 - Formatting – Schedule 6 Part 101 MOS**

Table formatting issues in Schedule 6, Appendixes 1-4 of the MOS will be rectified.

**3.12.2 - Amend incorrect reference in subsection 9.01 (1) Part 101 MOS**

In subsection 9.01 (1) of the MOS, reference to subregulation 101.047 (1) of CASR to be amended to regulation 101.066 of CASR due to the repeal of subregulation 101.247 (1) of CASR.

**3.12.3 - Remove redundant wording for micro RPA**

The wording in regulation 101.020 of CASR implies it does not apply to micro RPA, but it does. The words ‘nor to a micro RPA’ will be removed.

**3.12.4 - Amend note in subregulation 101.280 (2) of CASR to reference correct regulation**

Note 1 in subregulation 101.280 (2) of CASR incorrectly references regulation 101.021, instead of regulation 101.022 of CASR. The reference will be amended to reflect regulation 101.022 of CASR.

**3.12.5 - Replace ‘Division’ with ‘Chapter’ and amend incorrect references in Part 101 MOS**

References to ‘Division’ in sections 4.01 and 4.02 of the MOS, will be amended to ‘Chapter’. There are no divisions within Chapter 4. Section 4.02 of the MOS references section 4.06 in the first three definitions (section 4.06 of the MOS does not exist). References to section 4.06 will be amended to section 4.05 of the MOS.

Please provide any comments you may have on the machinery amendments described above in the comments box below.

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# Page 15: Policy category 13 – Rockets/ Balloons/ Fireworks.

## **Proposed policy 3.13.1 – Remove visual line of sight requirement for unmanned free balloons**

As a result of the 2016 amendment, CASA is required to issue exemptions to enable unmanned free balloon releases. Paragraph 101.073 (1) (a) of CASR is to be amended to exclude an unmanned free balloon operator from the requirement for VLOS operations. This change would reduce compliance costs to industry and remove the requirement for CASA to issue exemptions that provide no additional safety benefit. Previously CASA managed this via legislative instrument (CASA EX85/20, now expired), and currently includes this exemption within area approval instruments.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** paragraph 101.073 (1) (a) CASR

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| 101.073 Operation must generally be within visual line of sight  *Unmanned aircraft must be operated within visual line of sight*  (1) A person commits an offence of strict liability if:  (a) the person operates an unmanned aircraft; and  (b) the aircraft is not operated within the person’s visual line of sight. |

**Question 73:** Do you agree unmanned free balloons should be excluded from the requirement for VLOS operations?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.13.2 – Increase notice period for launch approval of unmanned balloons**

The notice period for the release of light balloons would be increased from 1 day to 5 days, and for release of medium and heavy balloons, increased from 2 days to 10 days, to provide CASA with sufficient time to review, assess and approve.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subregulations 101.160 (1) and 101.165 (1) CASR

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| 101.160 Light balloons that may be released outside approved areas  (1) A person may release a light balloon outside an approved area only if the person gives to CASA the information   required by table 101.160 at least 1 working day before the proposed release.  101.165 Release of medium and heavy balloons outside approved areas  (1) Subject to subregulation (3), a person may release a medium or heavy balloon outside an approved area only if   the person gives to CASA the information required by table 101.165 at least 2 working days before the proposed   release. |

**Question 74:** Do you agree the increased notice periods for the release of light, medium and heavy balloons are appropriate?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.13.3 - Increase notice period for launch approval of high-power rockets**

The notice period for launch approval of high-power rockets would be increased from 1 working day to 10 working days to provide CASA with sufficient time to review, assess and approve.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** subregulation 101.450 (2) CASR

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| 101.450 Rockets other than model rockets must be launched in approved area  (2) A person may launch a rocket that is not a model rocket, or permit such a rocket to be launched, only if the person   gives the details listed in the table following subregulation 101.445 (2) to CASA at least 1 working day before the   intended time of the launch. |

**Question 75:** Do you agree the increased notice periods for the launch of high power rockets is appropriate?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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## **Proposed policy 3.13.4 - Increase notice period for fireworks displays and tethered balloon operations**

The notice period for fireworks operations would be increased from 2 days to 10 days to provide CASA with sufficient time to assess and approve. Similarly, the notice period for proposed operation of tethered balloons would also change from ‘1 working day’ to ‘10 working days.

[**Fact**](https://www.legislation.gov.au/Details/F2021C00279) **bank:** paragraph 101.110 (1) (c) and subregulation 101.500 (1) CASR

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| 101.110 Tethered balloons and kites that may be operated outside approved areas  (1) A person may operate a tethered balloon or a kite above 400 feet AGL outside an area approved under regulation   101.030 as an area for the operation of unmanned balloons or kites (as the case requires) only if:  …  (c) the person gives to CASA the information required by table 101.110 about the proposed operation at least 1   working day before it is due to start.  101.500 Notice to CASA of certain firework displays  (1) A person may operate a firework display at a place within 3 nautical miles of an aerodrome only if the person has   given at least 2 working days’ notice to CASA. |

**Question 76:** Do you agree the increased notice periods for fireworks and tethered balloon operations is appropriate?

*Radio buttons*

Agree

Agree with changes (please specify suggested changes below)

Disagree (please explain why and provide any alternative suggestions below)

Undecided / not my area of expertise

Comment

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|  |

# Page 16: General response

**Are the proposed changes in this to Part 11, Part 99 and Part 101 of CASR and Part 101 MOS appropriate and can they be complied with by industry without undue burden?**

Please include in these comments anyunforeseen **impact** this change may have on you or your operation.

Please select only one item

*(Radio buttons)*

yes

some change/s required (please specify below)

no (please specify below)

not applicable

Comments

|  |
| --- |
|  |

**One of the primary aims was to streamline processes and reduce red-tape for industry. Has this largely been achieved?**

Please select only one item

*(Radio buttons)*

yes

some change/s required (please specify below)

no (please specify below)

not applicable

Comments

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|  |

**Do you have any additional comments about the proposed amendments?**

Comments

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|  |

Page 17. Your priorities

When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

Priority 1

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|  |

Priority 2

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|  |

Priority 3

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