

## Policy statement

### Proposed new remotely piloted aircraft registration and remotely piloted aircraft systems operator accreditation scheme

#### Overview

CASA proposes to introduce a remotely piloted aircraft (RPA) registration and RPA operator accreditation requirement as a way of monitoring the safe and lawful operation of RPAs. The registration and accreditation requirements are proposed to apply (with certain exceptions) to the following RPA:

- RPA more than 250 grams operated recreationally and
- All RPA operated commercially, including excluded RPA operations, regardless of weight.

The RPA registration and accreditation requirements are not proposed to apply to the following:

- RPA 250 grams or less operated recreationally; or
- Model aircraft operated at CASA-approved model airfields, or
- RPA operated recreationally indoors.

**Accreditation** ('of a human') relates to a qualification given to an individual for the operation of a remotely piloted aircraft (RPA) or model aircraft.

CASA is proposing amendments to require (with some exceptions) prospective operators of RPA, and some model aircraft to provide proof of identity to undertake mandatory online education to successfully complete a safety quiz, and to be issued with and continue to hold accreditation. There would be separate accreditations for recreational and excluded category commercial remote pilots. CASA already issues a professional licence the Remote Pilot Licence (RePL) (100.F.3). However, the term accreditation has been chosen for this different form of authorisation in order to differentiate between the privileges of an accreditation and a licence.

Section 98 (3)(c) of the *Civil Aviation Act (the Act)* provides for the power to make regulations about licences for operation of aircraft. It is intended that each licence/accreditation would include the privileges of the licence/accreditation.

- RePL holders (existing and future) would have the privileges
  - Commercial operations under a certified RPA operator (101.F.4)
  - Commercial operations under excluded category (101.237)
  - Recreational or sport operations of an RPA or model aircraft
- Future Excluded RPA accreditation holders would have the privileges
  - Commercial operations under excluded category (101.237)
  - Recreational operations of an RPA or model aircraft
- Future Recreational RPA accreditation holders would have the privileges
  - Recreational or sport operations of an RPA or model aircraft

**Registration** ('of a machine') relates to the application provided by the operator, a record created, which is consistent with specified requirements, and is lodged with and held by CASA about an RPA or model aircraft.

CASA is further proposing amendments to require as prerequisite for operation (with some exceptions) mandatory registration of all RPAs or model aircraft more than 250 grams. Section 98

(3)(a) of the Act empowers the Governor-General to make regulations about registration. RPAs would be able to be registered in one of two categories with correspondingly different registration fees.

Proposed privileges of the two categories of registration holders are to use the RPA for:

- Commercial RPA registration
  - Commercial operations of that RPA under a certified RPA operator
  - Commercial operations of that RPA under excluded category<sup>1</sup>
  - Recreational operations of that RPA or model aircraft where the RPA is also used in commercial operations from time to time
- Recreational RPA registration
  - Recreational operations of that RPA or model aircraft

#### **Foreign RPA permissions ('of a machine')**

Additionally, CASA seeks to avoid an RPA or model aircraft being registered in Australia and in another country at the same time. CASA proposes to introduce a concept of 'Foreign RPA permissions' that would gather the same information as registration, charge a similar fee, have the same privileges, but which would be noted as being permitted to fly in Australia but not be registered in Australia. As with RPA registration there would be recreational (applicable to RPA above 250 grams up to 150 kg) and commercial permissions (any weight) with associated privileges, and with different price points in the CASA (Fees) Regulations. Foreign RPAs weighing more than 150 kg would be required to be operated under a ReOc and the remote pilot must hold a RePL, to conduct either recreational or commercial operations.

#### **Legal/Legislative impacts:**

This proposal requires amendment to CASR. A regulatory package would be submitted for Ministerial approval after any post consultation amendment in April 2019 to achieve legislative approval at Executive Council in June 2019. It is intended that, to the greatest extent possible, the relevant legislative content would be in Part 101 Manual of Standards (MOS) with only the necessary MOS empowering provisions and offences to be placed in regulation.

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<sup>1</sup> To legally operate in a future excluded category commercial operation an individual would require –

1. Notification of excluded category commercial (101.371(b)),
2. a commercial RPA accreditation and
3. a commercially registered RPA

## General matters

### Kinds of (categories of) RPA operation

1. A regulation that is functionally similar to Part 138 of the *Civil Aviation Safety Regulations (CASR)* (138.005 and 138.010) that classifies Part 101 of the *Civil Aviation Safety Regulations (CASR)* operations into three different kinds of operations.
  - a. Certified RPA operators (ReOC) – operation of an RPA as described in 101.F.4
  - b. Excluded RPA operators – operation of an RPA of a kind described in 101.F.5 or 101.237(4)(b), or 101.237(7)(c)
  - c. Recreational RPA operators – operation of an RPA other than ‘as a business or in the course of carrying on a business’.

The present definition of ‘excluded RPA’ is inclusive of ‘sport or recreation’, however CASA’s future policy will be to require different accreditations for the person who operates the RPA, and different registration categories (and cost) for the RPA registration for these two activities. It is therefore desirable to provide clear differentiation in regulation between the recreational and commercial functions of RPA operation. The definitions of RPA and model aircraft for Part 101 would be made clearer and it clarified that both apply to accreditation and registration (outside of model aircraft fields).

### Prerequisite qualifications for training for RePL

2. A regulation that makes a requirement to hold either the following accreditations to operate an RPA for the purpose of undertaking training for RePL.
  - a. Excluded RPA accreditation.
  - b. Recreational RPA accreditation.

A consequence would be a requirement to hold either type of accreditation to undertake training for RePL.

## RPAS Accreditation

### Applications for accreditation

*Part 11 of CASR deals extensively with administrative matters relating to authorisations*

3. A regulation similar to 101.290 that provides that an individual can apply for an **Excluded RPA accreditation**
  - a. establish a head of power for the Part 101 MOS to outline the application process
  - b. the Part 101 MOS would provide that the individual must have:
    - i. provided CASA with the required identification details (obtained an Aviation Reference Number – ARN)
    - ii. undertaken the online course required by CASA
    - iii. Passed the online examination.
4. A regulation similar to 101.290 that provides that an individual can apply for a **Recreational RPA accreditation**
  - a. Establish a head of power for the Part 101 MOS to outline the application process.
  - b. The Part 101 MOS would provide that the individual must have

- i. provided CASA with the required identification details (obtained an Aviation Reference Number – ARN)
- ii. undertaken the online course required by CASA
- iii. passed the online examination.

An aviation reference number (ARN) is similar to an account or customer number. A person needs an ARN if they hold, or intend to hold, any licence, permission or authorisation issued by CASA. Only one ARN is to be issued for each legal entity. An ARN is not issued to business names, consortiums or partnerships. More information on ARNs is available at <https://www.casa.gov.au/standard-page/arn-applications>

Application and proof of identification is provided by a person to CASA, in response an ARN is issued by CASA.

### **Eligibility for accreditation**

5. A regulation similar to 101.295 that provides the eligibility for an Excluded RPA accreditation:
  - a. Establish a head of power for the Part 101 MOS to outline the eligibility for the accreditation.
  - b. The Part 101 MOS would provide that the individual must:
    - i. be 16 years of age or older
    - ii. have provided CASA all information required by the application (ARN)
    - iii. undertaken the online course required by CASA
    - iv. Passed the online examination.
6. A regulation similar to 101.295 that provides the eligibility for a Recreational RPA accreditation:
  - a. Establish a head of power for the Part 101 MOS to outline the eligibility for the accreditation.
  - b. The Part 101 MOS would provide that the individual must:
    - i. be 16 years of age or older
    - ii. have provided CASA all information required by the application (ARN)
    - iii. undertaken the online course required by CASA
    - iv. Passed the online examination.

### **Show cause**

7. A regulation similar to 101.315 that CASA may give notice to the holder of a Recreational RPA accreditation or Excluded RPA accreditation or a Recreational RPA permission to show cause why their accreditation should not be cancelled.

### **Variations by CASA placed on a Recreational RPA accreditation or Excluded RPA accreditation or a Recreational RPA permission**

8. A regulation that provides that CASA may vary the privileges, impose conditions on, or temporarily suspend a Recreational RPA accreditation or Excluded RPA accreditation.

### **Cancellation**

9. A regulation similar to 101.320 that CASA may cancel a Recreational RPA accreditation or Excluded RPA accreditation or a Recreational RPA permission.

### **RPA operation without license or without accreditation not lawful**

10. A regulation that makes it a requirement to operate an RPA or model aircraft for an individual to hold a Recreational RPA accreditation, or Excluded RPA accreditation, or a Remote Pilot Licence. Offence would be subject to infringement notice:
- a. Commercial operations of an RPA in the excluded category (101.237) would require an Excluded RPA accreditation, (or a Remote Pilot Licence) regardless of mass, even if the RPA 250 grams or less.
  - b. Recreational RPA accreditation would be required for operations of an RPA over 250 grams, that is not a business, or not an operation conducted in the course of carrying on a business. Mass is only relevant to recreational RPA activity. Mass is to include any batteries, fuel, attachments, sensors, cameras that may be fitted to the RPA or model aircraft.
  - c. The following exceptions would apply:
    - i. Individuals under 16-years provided they were be directly supervised<sup>2</sup> by an adult who holds a Recreational RPA accreditation, or Excluded RPA accreditation, or a Remote Pilot Licence.
    - ii. Individuals operating an RPA or model aircraft (including any attached equipment or payload) for recreational purposes that is 250 grams mass or less at take-off.
    - iii. Recreational RPAS flown indoors or in a space that confines it would NOT require accreditation
      - Commercial (Certified RPA operator) or excluded category operations (101.237) of an RPA would require Excluded RPA accreditation, or a Remote Pilot Licence appropriate to the operation even if the RPA is flown indoors or in a space that confines it.
    - iv. Individuals operating an RPA or model aircraft:
      - at a recognised model aircraft site that is approved by CASA for the purpose, which may include drone racing/first-person-view
      - the map coordinates of which are published by CASA
      - that is compliant with the rules of the organisation that administers model aircraft flying at that site.

#### **Requirement to produce evidence of RPAS Accreditation or Licence**

11. A regulation that makes it a requirement to produce evidence of RPAS accreditation (or RePL) to an appropriately authorised CASA officer or police:
- a. Requires a delegation issued by the Director of Aviation Safety (DAS).
  - b. Operating an RPA or model aircraft when required to be accredited and not producing evidence of accreditation to CASA or police would be an offence and would be subject to an infringement notice.
  - c. Regulation 302 of CAR provides a similar format.
  - d. It is CASA's policy intent that an electronic form of identification be allowed – See Electronic Transactions Act (2000) - s10.

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<sup>2</sup> CASA is satisfied that the Macquarie Dictionary definition of "supervision" as it intersects with the definition of "supervisor" have the same meaning as the policy intent for this provision providing the "supervisor" is legally responsible for the actions of those they supervise.

### **Accreditation to expire after 3 years**

12. Regulations that make Recreational RPA accreditation, and Excluded RPA accreditation of an individual expire 3 years after its day of issue/reissue:
  - a. It is CASA's intention to electronically "push" notification of the requirement to re-accredit well in advance of the expiry date.
  - b. Re-accreditation would include the requirement to re-do education and basic knowledge test; and reconfirm/update personal details.

*Note - It is CASA's policy intent that:*

- *RPA accreditation (either kind) would cease to exist if a RePL was subsequently issued to the same individual.*
- *A Recreational RPA accreditation would cease to exist if an Excluded RPA accreditation was subsequently issued to the same individual.*
- *In either case the privileges of the lower authorisation(s) are included in the higher authorisation.*

### **Operation under the excluded category limited to to Australian territory**

13. A regulation that limits commercial privileges of operations under the excluded category (or the Excluded RPA privilege of an Excluded RPA accreditation) to Australian territory:
  - a. International operations commercially would be available to ReOCs with international privileges with RPAs flown by a RePL holder.
  - b. International privileges for operations recreationally of RPA and model aircraft would still be available to all Licence and accreditation holders including Excluded RPA accreditation holders.

### **Consequential amendments to 101.F.5 associated with accreditation**

14. Amendment regulation 101.374 to remove 101.374(2)(c):
  - a. The information collected for the issue of an Excluded RPA accreditation that is associated with a notification makes this provision redundant.
  - b. The difficulty of incorporating the provision into IT systems CASA is building for this purpose does not align with the benefit.
15. Amendment of regulations 101.371(1)(b) and 101.371(2)(c) each to remove the words "at least 5 business days":
  - a. Recent improvements to CASA's IT systems that are already functional mean the need to allow CASA this extra processing time no longer exists.
  - b. Processing now occurs in real time.

### **Offences related to exam cheating and personation application to Recreational RPA accreditation, or Excluded RPA accreditation (CAR 1988 amendment)**

16. Amendment of the application of the following regulations in CAR 1988 to make them apply to Recreational RPA accreditation, and Excluded RPA accreditation:
  - a. Cheating by examination candidates (CAR 298A):

- i. Recreational RPA accreditation, and Excluded RPA accreditation exam quiz will be online and will not be invigilated.
  - ii. It would be difficult for CASA to prove that materials had been referenced during the exam but a disincentive to do so is required.
- b. Examination misconduct by persons other than examination candidates (CAR 298B);
  - i. Exam quiz questions will be held by CASA and would be in a large “rolling” bank of questions so that two persons who did the exam would likely not receive identical exams – however it is necessary to provide a strong incentive not to cheat the system.
- c. Personation at examinations (CAR 298C):
  - i. Recreational RPA accreditation, and Excluded RPA accreditation exam quiz will be online and will not be invigilated.
  - ii. It is possible that individuals would seek some other person do the exam in their place and therefore it is necessary to provide a strong incentive not to cheat the system.

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## **RPA registration:**

### **Requirement to be registered**

The registration system for RPA and model aircraft would be different, simpler, and complementary to that set out for other aircraft in Part 47 of CASR. RPA that are more than 150 kg are already required to be registered under Part 47 and marked in accordance with Part 45 (101.015).

17. Requirement that these two additional categories of RPA would be required to be registered as would be a conventionally piloted aircraft "VH-" even if they are less than 150 kg:
  - a. RPA that have a certificate defined in Part 21 of CASR.
  - b. RPA directed by CASA to be registered in accordance with Part 47.
18. Consequential amendments to paragraph 47.015 (1)(f) and (1)(i) of CASR to harmonise with the wider intent of these instructions.

### **RPA or model aircraft flight without registration not lawful**

19. A regulation that is similar to regulation 47.015 of CASR requiring that for 20AA(1)(b) of the Act that certain RPA must be registered in order for them to be flown lawfully.
20. An offence of causing<sup>3</sup> an RPA or model aircraft to fly when it is not registered but it is required to be registered. RPAS not ever flown would NOT be required to be registered – offences would only relate to flying an unregistered RPA or model aircraft. An RPA or model aircraft would not be allowed to fly until it was registered (unless it were not required to be registered).
21. Prescription the following matters:
  - a. when referring to RPA mass, it is to include any batteries, attachments, sensors, cameras and any other equipment fitted
  - b. the following RPA and model aircraft must be registered in order to be legally flown in Australian territory.
    - i. remotely piloted aeroplane that is used for:
      1. recreation and is between 250g – 150 kg<sup>4</sup> mass
      2. any commercial excluded category operations of RPA (101.237, 101.F.5) regardless of mass, including 250 grams mass or under
      3. any RPA operators certificate operations (101.270) regardless of mass, including 250 grams mass or under
    - ii. remotely piloted rotorcraft that is used for:
      1. recreation and is between 250g – 150 kg mass
      2. any commercial excluded category operations of RPA (101.237, 101.F.5) regardless of mass
      3. any RPA operators certificate operations (101.270) regardless of mass.
    - iii. remotely piloted powered lift aircraft that is used for:
      1. recreation and is between 250g – 150 kg mass

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<sup>3</sup> The reader should be cognisant of the potential impact of automation on the design of this offence provision. It is intended that an individual who knowingly programmed an automated RPA that was not registered for flight would be guilty of an offence if that aircraft subsequently took flight as programmed, and it was not at that time registered.

<sup>4</sup> CASR 47(1)(i) requires any RPA more than 150 kg to be registered under Part 47 and marked under Part 45



2. any commercial excluded category operations of RPA (101.237, 101.F.5) regardless of mass
3. any RPA operators certificate operations (101.270) regardless of mass.
- iv. remotely piloted airship that is used for:
  1. recreation and is between 250g – 150kg mass<sup>5</sup>
  2. any commercial excluded category operations of RPA (101.237, 101.F.5) regardless of mass
  3. any RPA operators certificate operations (101.270) regardless of mass.
- v. model aircraft 250g – 150kg mass that is used for only recreational operations and is operated at other than at a CASA approved site.
- c. The following RPA and model aircraft would not be required to be registered in order to be legally flown in Australian territory:
  - i. RPA and model aircraft 250 grams or less at take-off that are operated only for recreational purposes.
  - ii. RPA and model aircraft operated indoors, or in a structure than constrains it only for recreational purposes.
  - iii. Any RPA or model aircraft operating at a recognised model aircraft site that is approved by CASA the map coordinates of which are published by CASA for the purpose that is operated in a manner that is compliant with the rules of the organisation that administers model aircraft flying at that site.
  - iv. RPA or model aircraft that is registered in another ICA State and has a Foreign RPA Permission<sup>6</sup> to operate without registration in Australia.
  - v. A model glider.
  - vi. A free balloon that is not capable of being navigated.

### Identification for registration as RPA or model aircraft

22. A regulation that requires that:
  - a. For an RPA or model aircraft that has a manufacturer's serial number, that number (numeric or alphanumeric) becomes that registration number with CASA and is required to be lodged with CASA as part of its RPA registration data.
  - b. For an RPA that does NOT have a manufacturer's serial number that the person registering the RPA or model aircraft must indicate to CASA that it has no serial number (via the online registration form), and CASA will provide a registration number:
    - i. If a serial number is provided by CASA it is the responsibility of the person to whom it is registered:
      1. to affix the number to the RPA or model aircraft prior to flight; and
      2. ensure that the number is legible and indelible at all times in flight.
  - c. For an RPA that has a manufacturer electronic identification (eID) that identity is required to be lodged with CASA as part of its registration data<sup>7</sup>.

<sup>5</sup> Its mass being more than 250 g but its weight being less than zero with the gas installed

<sup>6</sup> Please see instruction 30 this document

<sup>7</sup> It is CASA's intent (in cooperation with manufacturers) that mechanisms identifying the vehicle's eID accurately for assisting persons registering their RPA would be provided

23. An offence of:

- a. Removing a registration number provided by CASA – It is CASA’s intent that the registration number once affixed to an RPA or model aircraft would continue to have that registration even if sold to another person.
- b. Interfering with a registration number provided by CASA or a manufacturer’s serial number (changing, blurring etc.).
- c. Failing to permanently affix a registration number provided by CASA in a way that is legible:
  - i. There is such a diversity of RPA designs that CASA is not concerned to regulate where the serial number provided by CASA is placed on the RPA.
- d. Removing a registration number from the RPA or model aircraft that is a:
  - i. manufacturers serial number provided to CASA for registration or Foreign RPA permission
  - ii. serial number previously provided by CASA for registration or Foreign RPA permission.
- e. Causing an RPA or model aircraft to fly that that does not have a registration number affixed or does not have a manufacturers serial number.

### **Applications for Registration**

CASR 47.060 and 47.065 provide some guidance to the reader on this matter.

24. A regulation that outlines the following method for obtaining RPA or model aircraft registration:

- a. A person who is an individual or corporate entity may apply to register an RPA or model aircraft.
- b. Only persons who have an Aviation Reference Number<sup>8</sup> issued by CASA may register an RPA or model aircraft. Applications to register an RPA or model aircraft may be made online in the form provided by CASA.

### **Eligibility for Registration**

RPA and model aircraft that may be registered.

25. A regulation that outlines that CASA may prescribe the following Aircraft that may be registered are listed in Instruction 21 of these drafting instructions.

Note 1: An RPA or model aircraft that is registered in another country must not be registered in Australia but may receive permission (a Foreign RPA Permission) to operate in Australia (see instruction 29 this document). This requirement does not apply for foreign registered RPA that weigh 250g or less, that would be flown exclusively for recreational purposes.

Note 2: A visitor to Australia that obtains a Foreign RPA Permission will also need to obtain an accreditation. If the visitor to Australia has not registered the RPA in another country, they must register the RPA in Australia if the RPA is above 250 grams (see Instruction 29).

### **Persons that may register RPA and model aircraft**

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<sup>8</sup> See instruction 4 this document

26. A regulation that outlines that CASA may prescribe that the following persons may apply to CASA to register an RPA and model aircraft:
- a. For a recreational RPA or model aircraft that is to be registered - an individual who is 16 years of age or older.
  - b. For an RPA registered for recreational and commercial use:
    - i. a corporate entity that has an ARN;
- or
- ii. an individual who is 16 years of age or older and has an ARN.
- c. It is intended that:
    - i. the operator (one who is responsible for the RPA) is associated with the RPA through its registration
    - ii. registration does not imply a financial ownership or lien on the RPA.

#### **Information about RPA or model aircraft that must be provided**

27. RPA and model aircraft that may be registered:
- a. The following information about the registration of an RPA or model aircraft to be provided to CASA:
    - i. The manufacturer of the RPA or model aircraft (home built would be an acceptable option if that is the case).
    - ii. The manufacturer's model name of the RPA or model aircraft (none would be an acceptable option if that is the case).
    - iii. The maximum mass of the RPA or model aircraft.
    - iv. The category of the RPA or model aircraft (aeroplane, rotorcraft, powered lift aircraft, airship).
    - v. If the RPA or model aircraft is intended to be used for:
      - Only recreational use.
      - Recreational and commercial use (ReOC or excluded category).

#### **Cancellation of registration**

Subpart 47.F of the *Civil Aviation Safety Regulations (CASR)* provides guidance to the reader on this matter although the policy is different in that CASA has no intent to provide for a scheme that enables transfer of ownership between two entities that trade an RPA or model aircraft (the value of the item does not justify the legislative complexity). Cancellation and re-registration by new owner of the RPA or model aircraft is sufficient for trade requirements.

28. A regulation that enables registration of an RPA or model aircraft to be cancelled by CASA in the following circumstances:
- a. At the request of the registered operator (sold, crashed, lost interest).
  - b. By CASA if the registration is not renewed when it expires, or the fee not paid.
  - c. By CASA:
    - i. when required by law
    - ii. when it is registered, and a new registration<sup>9</sup> sought by the same person or by another person (e.g. it was sold to them)
    - iii. In order to maintain the accuracy of the register.

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<sup>9</sup> CASA does not view registration to imply ownership, only who is the responsible operator of the RPA or model aircraft

## RPA (visitor to Australia) permission to operate without being registered in Australia

29. A regulation that enables CASA to permit (a Foreign RPA Permission) an RPA or model aircraft that is brought to Australia by a person (not the manufacturer/importer) who is a visitor to Australia to be operated in Australian territory:
- a. Foreign RPA Permission may be cancelled:
    - i. by CASA without providing a reason
  - or
  - ii. at request of applicant.
  - b. A foreign RPA weighing over 250g, that is not registered in its foreign jurisdiction, must be registered in Australia.
  - c. An RPA weighing 250g or under, that has a Foreign RPA Permission may be used for a recreational purpose without CASA permission
  - d. An RPA of any weight, that has a Foreign RPA Permission may be used for a commercial purpose under a ReOC permission providing:
    - i. CASA has given permission to do so; and
    - ii. the commercial fee has been paid.
  - e. An RPA that has a Foreign RPA Permission may be used for a commercial excluded category purpose providing the commercial fee has been paid, the RPA is registered, and the operator is accredited.
  - f. CASA may charge a different fee for Foreign RPA Permissions depending on the commercial or recreational purpose.

### Note to reader:

- *International obligations in the Chicago Convention to which Australia is a signatory are enshrined in the Air Navigation Act 1920 [http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/ana1920148/sch1.html](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ana1920148/sch1.html)*
- *Air Navigation Act specifies in Article 18 of Schedule 1 that “an aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another”*
- *Australia would by the time our system is active not be the only State that is a signatory to the Chicago Convention that has a drone registration system (the USA already has one)*
- *Therefore, it is necessary that we not create a RPAS registration system that requires registration in Australia of a drone that is already registered in another state*
- *The following is a system that has been devised to manage this issue*
  - *A very early question by the registration system of someone seeking to register a drone is “Is the drone registered in another country?”*
  - *If the answer is “Yes” the following would happen*
    - *The system would continue to gather the information as if it were being registered*
    - *The fee would be levied (see note on CASA (Fees) Regulations)*
    - *Permission would be granted to operate the drone in Australia that does not feature the word “registered”*
    - *The drone should be flown in Australia as if it were registered*
    - *The system that records registered drones will be configured with one extra field that differentiates that the drone is “permitted to fly in Australian territory” but that it is NOT “registered”*

### **Recreational registered RPA must not be used for commercial purpose**

30. A regulation that creates an offence of:
- a. Operating an RPA for a commercial purpose when the RPA is registered for only recreational use.
  - b. An RPA that is on a Foreign RPA Permission for which a recreational fee has been paid and which is being used commercially.

There is likely to be a significant price difference between RPA for a commercial purpose and RPA only for a recreational purpose.

### **Research and development testing, and home builders of RPA or model aircraft**

31. A regulation that the Part 101 MOS may prescribe the following scheme that provides for Research and development testing, and home builders to be provided flexibility within the registration system; and be permitted to self-transfer registration identity across iterations of the same design.
- a. Legislation would prescribe that the limitations on that flexibility would be as follows:
    - i. registration may be self-transferred from one iteration of an RPA or model aircraft to another by the operator without advising CASA or paying a fee providing:
      1. The two iterations of the RPA or model aircraft never fly at the same time.
      2. Each iteration of the RPA or model aircraft contains some common parts that are moved from “iteration not flying” to “iteration flying”.
      3. Each iteration of the RPA or model aircraft is within 20% of the take-off mass of all other iterations that have carried that registration.
      4. Each iteration of the RPA or model aircraft is the same category of aircraft (aeroplane, rotorcraft, powered lift aircraft, airship) as all other iterations that have carried that registration.
      5. If the RPA has an electronic identification (eID) it is the same as the previous iteration.
      6. The RPA or model aircraft is legibly marked with the registration number from the previous iteration.

### **Expiry of registration**

32. A regulation that provides that registration of an RPA or model aircraft expires one year after it is issued and would lapse if not reregistered:
- a. Reregistered in this context means that the operator
    - i. has confirmed that it is their intent for the RPA or model aircraft to be registered
    - ii. has confirmed that all the details held by CASA for the aircraft and its operator are correct and accurate or has amended the details accurately
    - iii. has paid the correct fee.
  - b. CASA may offer a facility that offers multiple yearly fees to be paid in advance and may offer a discount for doing so. However, the operator must reconfirm the registration details held by CASA for the aircraft and its operator are correct and accurate or the registration will expire.

- c. It is CASA's intent to electronically 'push notify' operators that registration will expire well in advance of expiry.

#### **RPA or model aircraft not to be registered in Australia and another country**

- 33. A regulation that provides that it is an offence if an RPA or model aircraft becomes registered in Australia and another (ICAO State) country at the same time. Two separate circumstances are possible.
  - a. RPA or model aircraft is registered overseas and is then registered in Australia.
  - b. RPA or model aircraft is registered in Australia and is then registered overseas.

#### **Requirement to produce evidence of RPAS registration**

- 34. A regulation that makes it a requirement to produce evidence of RPAS registration (or RePL) to an appropriately authorised CASA officer or police:
  - a. The regulation so constructed that only CASA officers who have that power are individuals who are delegated by the Director of Aviation Safety (DAS):
    - i. constructed to allow DAS to delegate other persons as required.
  - b. Operating an RPA or model aircraft when required to be registered and not producing evidence of registration to CASA or police would be an offence would be subject to infringement notice.
  - c. CAR 1988 Regulation 302 provides a similar format for a licencing context.

#### **Requirement to produce evidence of individual who operated RPAS or model aircraft**

- 35. A regulation that makes a requirement for the registration holder of an RPA or model aircraft to produce the identity of the individual who was operating that RPA or model aircraft at a particular time to an authorised CASA officer or police. Failure to do so would make the registration holder liable for fine levied for the offence committed<sup>10</sup>:
  - a. Large fleets of RPAS (excess of 150 aircraft) held by corporates and government agencies.
  - b. Policy is similar to requirement to identify driver of corporate owned motor vehicle for speed camera offences.

#### **Note to reader - Likely amendment to CASA (Fees) Regulations**

*Regulations that implement four different but yet to be determined fees for*

1. *recreational only RPA or model aircraft registration*
2. *commercial RPA registration*
3. *permission to recreationally operate an RPA or model aircraft greater than 250 grams that is registered in another country in Australian territory*
4. *permission to commercially operate an RPA or model aircraft that is registered in another country in Australian territory*

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<sup>10</sup> Only aviation safety matters that are offences under the Civil Aviation Act and regulations