



# **Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft— Registration and Accreditation) Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 25 July 2019

David Hurley  
Governor-General

By His Excellency's Command

Michael McCormack  
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional  
Development

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## 1 Name

This instrument is the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	1 August 2019
2. Schedules 1 and 2	The later of: (a) 4 November 2019; and (b) if the Minister, before 4 November 2019, by instrument under subsection (2) of this section, determines a day before 4 May 2020—the day so determined.	
3. Schedules 3 and 4	The day after this instrument is registered.	1 August 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) The Minister may, by notifiable instrument, determine a day for the purposes of item 2 of the table.
- (3) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments relating to registration

### *Civil Aviation Safety Regulations 1998*

#### **1 Regulation 45.005**

After “aircraft”, insert “required to be registered under Division 47.C.1”.

#### **2 After regulation 47.010**

Insert:

#### **47.012 Issue of Manual of Standards for Part 47**

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 47 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

#### **3 Paragraph 47.015(1)(f)**

Repeal the paragraph, substitute:

- (f) a model aircraft covered by subregulation (1A);

#### **4 Paragraph 47.015(1)(i)**

Repeal the paragraph, substitute:

- (i) an aircraft that is prescribed by an instrument under subregulation (1B) for the purposes of this paragraph;

#### **5 At the end of subregulation 47.015(1)**

Add:

Note: For registration requirements affecting aircraft for which a special flight permit is issued, see subregulation 21.197(3).

#### **6 After subregulation 47.015(1)**

Insert:

- (1A) A model aircraft is covered by paragraph 47.015(1)(f) if:
  - (a) it is a glider; or
  - (b) it has a gross weight of no more than 250 g; or
  - (c) it has a gross weight of more than 250 g, and is operated only in either or both of the following ways:
    - (i) indoors;
    - (ii) as mentioned in subregulation 101.374B(3) (which covers the operation of model aircraft in particular areas).
- (1B) For the purposes of subsection 98(5A) of the Act and paragraph 47.015(1)(i) of this regulation, CASA may issue an instrument prescribing:

- (a) classes of medium RPA, small RPA, very small RPA, micro RPA or model aircraft; or
- (b) particular medium RPA, small RPA, very small RPA, micro RPA or model aircraft.

Note 1: An instrument made under paragraph (a) is a legislative instrument: see subsection 98(5AA) of the Act.

Note 2: An instrument made under paragraph (b) is not a legislative instrument: see subsection 98(5AB) of the Act.

## **7 Regulation 47.020**

After “more than 1 person”, insert “, and is required to be registered under Division 47.C.1”.

## **8 Regulation 47.030**

Repeal the regulation, substitute:

### **47.030 Access to Australian Civil Aircraft Register**

- (1) CASA must make the entries in the Australian Civil Aircraft Register about aircraft registered under Division 47.C.1 available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (2) CASA may comply with subregulation (1) by making the information in those entries accessible on the internet or by another suitable electronic means.

## **9 Subregulation 47.050(1)**

Omit “to an aircraft registration holder”, substitute “to the registration holder of an aircraft registered under Division 47.C.1”.

## **10 Before regulation 47.060**

Insert:

### **Division 47.C.1—Registration of aircraft other than certain RPA and model aircraft**

#### **47.058 Application of this Division**

This Division applies to aircraft other than aircraft to which Division 47.C.2 applies.

Note: Division 47.C.2 primarily deals with the registration of medium RPA, small RPA, very small RPA, micro RPA and model aircraft.

## **11 At the end of Subpart 47.C**

Add:

## **Division 47.C.2—Registration of medium RPA, small RPA, very small RPA, micro RPA and model aircraft**

### **47.096 Application of this Division**

- (1) This Division applies to the following aircraft:
  - (a) a medium RPA;
  - (b) a small RPA;
  - (c) a very small RPA;
  - (d) a micro RPA;
  - (e) a model aircraft.
- (2) However, this Division does not apply to an RPA or model aircraft that is prescribed by an instrument under subregulation (3) for the purposes of this subregulation.

Note: Division 47.C.1 applies to an aircraft to which this Division does not apply—see regulation 47.058.
- (3) For the purposes of subsection 98(5A) of the Act and subregulation (2) of this regulation, CASA may issue an instrument prescribing:
  - (a) classes of aircraft; or
  - (b) particular aircraft.

Note 1: An instrument made under paragraph (a) is a legislative instrument: see subsection 98(5AA) of the Act.

Note 2: An instrument made under paragraph (b) is not a legislative instrument: see subsection 98(5AB) of the Act.

### **47.096A Certain RPA and model aircraft—registration requirements**

#### *Requirement for RPA or model aircraft to be registered*

- (1) A person commits an offence of strict liability if:
  - (a) the person operates, or conducts an operation using, an aircraft that is required to be registered under this Division; and
  - (b) the aircraft is not registered under this Division.

Penalty: 50 penalty units.

- (2) A person commits an offence of strict liability if:
  - (a) the person supervises the operation by another person of an aircraft that is required to be registered under this Division; and
  - (b) the other person is under 16 years old; and
  - (c) the aircraft is not registered under this Division.

Penalty: 50 penalty units.

#### *Requirement in relation to aircraft registered as model aircraft*

- (3) A person commits an offence of strict liability if:
  - (a) the person operates, or conducts an operation using, an aircraft that is registered under this Division as a model aircraft; and
  - (b) the aircraft is not a model aircraft.

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Penalty: 50 penalty units.

- (4) A person commits an offence of strict liability if:
- (a) the person supervises the operation by another person of an aircraft that is registered under this Division as a model aircraft; and
  - (b) the other person is under 16 years old; and
  - (c) the aircraft is not a model aircraft.

Penalty: 50 penalty units.

#### **47.097 Application for registration of certain RPA and model aircraft**

- (1) A person may apply to CASA to register an aircraft as an RPA or as a model aircraft.

Note: In addition to this regulation, Part 11 contains provisions relating to an application for registration under this Division.

- (2) However, an individual may apply to register an aircraft as an RPA or as a model aircraft under this Division only if the individual is at least 16 years old.

Note: The person who applies to register the aircraft will be the registration holder of the aircraft: see the definition of *registration holder* in Part 1 of the Dictionary.

- (3) An application for registration of an aircraft as a model aircraft under this Division must include a declaration that the aircraft is to be operated exclusively as a model aircraft.

Note: An aircraft registered as an RPA may also be operated as a model aircraft. An aircraft registered as a model aircraft may only be operated as a model aircraft. See subregulations 47.096A(3) and (4).

#### **47.098 Registration of certain RPA and model aircraft**

- (1) Subject to regulation 11.055, on an application under regulation 47.097, CASA must register an aircraft as an RPA or as a model aircraft under this Division if CASA is satisfied that the aircraft is required to be registered as provided by regulation 47.015.

- (2) If CASA registers an aircraft as an RPA or as a model aircraft under this Division, CASA must, as soon as practicable:

- (a) enter the following information about the aircraft in the Australian Civil Aircraft Register:

- (i) the serial number on the aircraft or, if there is no serial number, the registration mark assigned by CASA to the aircraft;
- (ii) whether the aircraft is registered as an RPA or as a model aircraft;
- (iii) the name and address of the registration holder of the aircraft;
- (iv) the day on which the aircraft was registered;
- (v) the manufacturer of the aircraft;
- (vi) the manufacturer's model (if any) of the aircraft;
- (vii) any other information required by the approved form for the application; and

- (b) either:

- (i) issue a certificate of registration for the aircraft to the registration holder of the aircraft; or

- (ii) for a reason mentioned in subregulation 47.099A(2)—reissue an existing certificate of registration to the registration holder under that subregulation including evidence of the registration of the aircraft.

Note: A certificate of registration may cover more than one aircraft—see subregulation 49.099A(1).

#### **47.099 Period of registration for certain RPA and model aircraft**

##### *Remotely piloted aircraft*

- (1) The registration of an RPA under this Division:
  - (a) begins at the time when the RPA is registered; and
  - (b) ends at the end of the period of 12 months beginning from the day when the registration begins, unless sooner cancelled.

Note: For the cancellation of a registration, see regulations 47.131C and 47.132.

##### *Model aircraft*

- (2) The registration of a model aircraft under this Division:
  - (a) begins at the time when the model aircraft is registered; and
  - (b) ends:
    - (i) if a certificate of registration is issued for the model aircraft under subparagraph 47.098(2)(b)(i)—at the end of the period of 12 months beginning on the day when the registration begins, unless sooner cancelled; or
    - (ii) if an existing certificate of registration is reissued under subregulation 47.099A(2) because of the registration of the model aircraft—at the end of the first anniversary day for the certificate that occurs following the registration of the model aircraft.

Example 1: For subparagraph (b)(i), if the model aircraft is registered on 25 April 2020, the registration of the model aircraft will end at the end of 25 April 2021.

Example 2: For subparagraph (b)(ii), if the model aircraft is registered on 23 October 2020, and evidence of that registration is added to the certificate of registration of the aircraft mentioned in example 1, the anniversary day for the certificate is 25 April and the registration of the model aircraft will end at the end of 25 April 2021.

- (3) For the purposes of subparagraph (2)(b)(ii), the *anniversary day* for a certificate of registration is the day on which the registration of the model aircraft for which the certificate was issued ends (or if sooner cancelled, would end if not cancelled), and the anniversary of that day in each subsequent year.
- (4) However, if the anniversary day for a certificate of registration is 29 February, the anniversary day for the certificate is taken to be 1 March in a year that is not a leap year.

#### **47.099A Certificates of registration for Division 47.C.2**

- (1) A certificate of registration issued under this Division to the registration holder of an aircraft may be issued in respect of more than one aircraft for which the person is the registration holder.
- (2) CASA may reissue a certificate of registration for an aircraft to the registration holder of the aircraft for any of the following reasons:

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- (a) to add evidence of the registration of an aircraft;
  - (b) to remove evidence of the registration of an aircraft from the certificate (but only if evidence of the registration of another aircraft is still included in the certificate);
  - (c) to add evidence of a new registration of an aircraft already covered by the certificate.

Note: A certificate of registration may be reissued in the following circumstances:

- (a) the registration of a new aircraft;
  - (b) the cancellation of the registration of an aircraft;
  - (c) the ending of the period of registration of an aircraft;
  - (d) the subsequent registration of an aircraft covered by the certificate.
- (3) A certificate of registration issued under this Division must state the period of registration of each aircraft covered by the certificate.

#### **47.099B Requirement to produce certificate of registration (or copy)**

- (1) A person who operates, or conducts an operation of, an RPA or model aircraft must produce a certificate of registration, or a copy of such a certificate, in relation to the aircraft for inspection on a demand made by a person covered by subregulation (2).
- (2) For the purposes of subregulation (1), this subregulation covers the following persons:
  - (a) an authorised person;
  - (b) a member or special member of the Australian Federal Police;
  - (c) a member of a police force or a police service of a State or Territory.
- (3) A person (the *offender*) commits an offence of strict liability if:
  - (a) the offender operates, or conducts an operation of, an RPA or model aircraft; and
  - (b) a person makes a demand of the offender under subregulation (1); and
  - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

- (4) A person who supervises the operation by another person of an RPA or model aircraft must produce a certificate of registration, or a copy of such a certificate, in relation to the aircraft for inspection on a demand made by a person covered by subregulation (2).
- (5) A person (the *supervisor*) commits an offence of strict liability if:
  - (a) the supervisor supervises the operation by another person of an RPA or model aircraft; and
  - (b) the other person is under 16 years old; and
  - (c) a person makes a demand of the supervisor under subregulation (4); and
  - (d) the supervisor fails to comply with the demand.

Penalty: 5 penalty units.

#### **12 Before regulation 47.100**

Insert:

#### **47.100A Application of Subpart 47.D**

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

#### **13 Before regulation 47.105**

Insert:

#### **47.105A Application of Subpart 47.E**

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

#### **14 Paragraph 47.131(1)(a)**

After “aircraft”, insert “registered under Division 47.C.1”.

#### **15 Regulation 47.131B**

After “aircraft” (first occurring), insert “registered under Division 47.C.1”.

#### **16 After regulation 47.131B**

Insert:

#### **47.131C Cancellation of registration—certain RPA and model aircraft**

- (1) CASA must, by written notice given to the registration holder of an RPA or model aircraft registered under Division 47.C.2, cancel the registration of the aircraft if:
  - (a) CASA is satisfied that the aircraft has been modified to such an extent that, in accordance with the requirements prescribed by the Part 101 Manual of Standards for the purposes of subregulation 101.099A(1), the aircraft is no longer an aircraft to which the registration applies; or
  - (b) CASA is satisfied that the cancellation of the registration is necessary to maintain the accuracy of the Register.

Note: For review of a decision to cancel a registration, see regulation 201.004.

- (2) CASA may, by written notice given to the registration holder of an RPA or model aircraft registered under Division 47.C.2, cancel the registration of the aircraft if:
  - (a) in the case of an aircraft registered as a model aircraft—another certificate of registration for the aircraft is issued to the registration holder of the aircraft, for the aircraft to be registered as an RPA; or
  - (b) another certificate of registration for the aircraft is issued, to another person.

#### **17 Before regulation 47.140**

Insert:

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**47.139 Application of Subpart 47.G**

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

**18 Before regulation 47.170**

Insert:

**47.169 Application of Subpart 47.H**

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

**19 Regulation 101.015**

Repeal the regulation.

**20 At the end of Subpart 101.C**

Add:

**101.098 Identification of certain RPA and model aircraft—requirements prescribed by the Part 101 Manual of Standards**

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the identification of RPA and model aircraft required to be registered under Division 47.C.2.
- (2) A person commits an offence of strict liability if:
  - (a) the person operates, or conducts an operation using, an RPA, or a model aircraft, required to be registered under Division 47.C.2; and
  - (b) the person is subject to a requirement prescribed for the purposes of subregulation (1) in relation to that operation or conduct; and
  - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

**101.099 Foreign registered RPA and model aircraft—requirements prescribed by the Part 101 Manual of Standards**

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of, or the conduct of operations using, RPA or model aircraft registered under a law of a foreign country.
- (2) A person commits an offence of strict liability if:
  - (a) the person operates, or conducts an operation using, an RPA, or a model aircraft, within Australian territory; and
  - (b) the person is subject to a requirement prescribed under subregulation (1) in relation to that operation or conduct; and
  - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

**101.099A Modifications of certain RPA and model aircraft—requirements prescribed by the Part 101 Manual of Standards**

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the modification of an RPA or model aircraft registered under Division 47.C.2, including the extent to which modifications may be made to such an aircraft before the aircraft is considered to be no longer the aircraft to which the aircraft's registration applies.
- (2) A person commits an offence of strict liability if:
  - (a) the RPA or model aircraft is registered under Division 47.C.2; and
  - (b) the aircraft is modified after it is registered under that Division; and
  - (c) the person operates the modified aircraft, or conducts an operation using the modified aircraft; and
  - (d) the person is subject to a requirement prescribed for the purposes of subregulation (1) in relation to that operation or conduct; and
  - (e) the person does not comply with the requirement.

Penalty: 50 penalty units.

**21 Subregulation 201.004(2) (table item 13, column headed "A decision...")**

Omit "regulation 47.132", substitute "regulation 47.131C or 47.132".

**22 Regulation 201.016 (heading)**

Repeal the heading, substitute:

**201.016 Disclosure etc. of information**

**23 Subregulation 201.016(1)**

Repeal the subregulation, substitute:

*Safety of air navigation*

- (1) CASA is authorised to disclose information covered by subregulation (2) in the circumstance that:
  - (a) the disclosure is to a person:
    - (i) providing an air traffic service (within the meaning of Part 172) in Australian territory; or
    - (ii) carrying out search and rescue operations in Australian territory; and
  - (b) the disclosure is necessary for the safety of air navigation.

Note: For further authorisation to collect, use and disclose information covered by this subregulation that is personal information, see the *Privacy Act 1988*.

**24 Subregulation 201.016(3)**

Repeal the subregulation, substitute:

*Registered RPA and model aircraft*

- (3) CASA is authorised to disclose information relating to an aircraft registered under Division 47.C.2 in the circumstance that:

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- (a) the disclosure is to a person providing an air traffic service (within the meaning of Part 172) in Australian territory; or
  - (b) the disclosure is to an enforcement body (within the meaning of the *Privacy Act 1988*) and is for the purposes of one or more enforcement related activities conducted by, or on behalf of, the enforcement body.

Note: For further authorisation to collect, use and disclose information covered by this subregulation that is personal information, see the *Privacy Act 1988*.

## **25 Part 1 of the Dictionary (definition of *certificate of registration*)**

Repeal the definition, substitute:

*certificate of registration* means:

- (a) in relation to an aircraft registered under Division 47.C.1—a certificate issued under regulation 47.090; or
- (b) in relation to an aircraft registered under Division 47.C.2—a certificate:
  - (i) issued under subparagraph 47.098(2)(b)(i); or
  - (ii) reissued under subregulation 47.099A(2).

## **26 Part 1 of the Dictionary**

Insert:

*Part 47 Manual of Standards* means the Manual of Standards issued by CASA under regulation 47.012.

## **27 Part 1 of the Dictionary (definition of *registered*)**

Repeal the definition, substitute:

*registered*, in relation to an Australian aircraft, means:

- (a) in the case of an aircraft to which Division 47.C.1 applies—registered under Division 47.C.1; or
- (b) in the case of an aircraft to which Division 47.C.2 applies—registered under Division 47.C.2.

Note: For the definition of *foreign registered aircraft*, see section 3 of the Act.

## **28 Part 1 of the Dictionary (definition of *registration holder*)**

Repeal the definition, substitute:

*registration holder*, of an aircraft, means the person whose name is entered in the Australian Civil Aircraft Register as:

- (a) in the case of an aircraft registered under Division 47.C.1—the aircraft's owner; and
- (b) in the case of an aircraft that is an RPA or a model aircraft registered under Division 47.C.2—the person who applied for the registration of the aircraft.

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## Schedule 2—Amendments relating to accreditation

### *Civil Aviation Safety Regulations 1998*

#### 1 After regulation 101.020

Insert:

##### 101.021 Meaning of *RPA*

An *RPA* is a remotely piloted aircraft, other than the following:

- (a) a balloon;
- (b) a kite;
- (c) a model aircraft.

##### 101.022 Types of *RPA*

The defined terms listed in the following table have the meaning indicated in the table.

Types of <i>RPA</i>		
Item	The term ...	means ...
1	<i>micro RPA</i>	an <i>RPA</i> with a gross weight of not more than 250 g.
2	<i>very small RPA</i>	an <i>RPA</i> with a gross weight of more than 250 g, but not more than 2 kg.
3	<i>small RPA</i>	an <i>RPA</i> with a gross weight of more than 2 kg, but not more than 25 kg.
4	<i>medium RPA</i>	(a) an <i>RPA</i> with a gross weight of more than 25 kg, but not more than 150 kg; or (b) a remotely piloted airship with an envelope capacity of not more than 100 m <sup>3</sup> .
5	<i>large RPA</i>	(a) a remotely piloted aeroplane with a gross weight of more than 150 kg; or (b) a remotely piloted powered parachute with a gross weight of more than 150 kg; or (c) a remotely piloted rotorcraft with a gross weight of more than 150 kg; or (d) a remotely piloted powered-lift aircraft with a gross weight of more than 150 kg; or (e) a remotely piloted airship with an envelope capacity of more than 100 m <sup>3</sup> .

Note: For the meaning of *excluded RPA*, see regulation 101.237.

**101.023 Meaning of *model aircraft***

- (1) A ***model aircraft*** is an aircraft (other than a balloon or a kite) that does not carry a person:
- (a) if the aircraft:
    - (i) is being operated for the purpose of sport or recreation; and
    - (ii) has a gross weight of not more than 150 kg; or
  - (b) if the aircraft has a gross weight of not more than 7 kg, and is being operated in connection with the educational, training or research purposes of:
    - (i) a school in relation to which there is an approved authority under the *Australian Education Act 2013*; or
    - (ii) a higher education provider within the meaning of the *Higher Education Support Act 2003*.
- (2) However, paragraph (1)(b) does not apply in relation to education, training or research conducted by or on behalf of an entity other than a school or higher education provider mentioned in subparagraph (1)(b)(i) or (ii).

Note: A model aircraft is not an RPA (see the definition of ***RPA*** in regulation 101.021).

**2 At the end of regulation 101.030**

Add:

- (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.

**3 Subpart 101.AB (heading)**

Omit “**section 20AB**”, substitute “**sections 20AA and 20AB**”.

**4 Before regulation 101.047**

Insert:

**101.046 Flying without a certificate of airworthiness**

For the purposes of paragraph 20AA(3)(b) of the Act, a flight of an RPA (other than a large RPA) is authorised without a certificate of airworthiness.

Note: For requirements in relation to large RPA, see regulation 101.255.

**5 Subregulation 101.047(2)**

Repeal the subregulation, substitute:

- (2) For the purposes of paragraph 20AB(1)(b) of the Act, a person performing a duty that is essential to the operation of the aircraft during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act.
- (3) Subregulation (2) applies to a person operating a model aircraft only if:
- (a) the gross weight of the model aircraft is not more than 250 g; or

- (b) the operation is of a kind mentioned in subregulation 101.374B(3) (which covers operation in an approved area, and subject to certain conditions); or
- (c) the operation is of a kind mentioned in subregulation 101.374B(4) (which covers supervised operation by a person under the age of 16).

Note: These Regulations allow a person to operate a model aircraft in any of the circumstances described in paragraphs (a) to (c), or if the person is accredited or holds a remote pilot licence: see subregulations 101.374B(2) to (4).

## 6 Regulation 101.048

Repeal the regulation, substitute:

### 101.048 Performance of duties during flight time—remotely piloted aircraft

- (1) For the purposes of paragraph 20AB(1)(b) of the Act, a person performing a duty that is essential to the operation of an RPA during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act.

*Operating excluded RPA and micro RPA*

- (2) Subregulation (1) applies to a person operating an RPA only if:
  - (a) the RPA is an excluded RPA or a micro RPA; and
  - (b) the operation is of a kind mentioned in subregulation 101.374B(4) (which covers supervised operation by a person under the age of 16).

Note: These Regulations allow a person to operate an RPA other than an excluded RPA or micro RPA only if the person holds a remote pilot licence. A person is allowed to operate an excluded RPA or micro RPA if the person is accredited or holds a remote pilot licence, or in the circumstance mentioned in paragraph (2)(b) of this regulation. See regulation 101.252 and subregulations 101.374B(1) and (4).

## 7 After regulation 101.065

Insert:

### 101.066 Operation in prescribed area—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of unmanned aircraft in an area prescribed by the Part 101 Manual of Standards.
- (2) A person commits an offence of strict liability if:
  - (a) the person operates an unmanned aircraft in an area prescribed under subregulation (1); and
  - (b) the person is subject to a requirement under subregulation (1) in relation to the operation; and
  - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

## 8 Regulation 101.150 (note to the definition of *approved area*)

Omit “101.030(5)”, substitute “101.030(7)”.

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**9 Paragraphs 101.235(a), (b) and (c)**

Omit “, other than for the purpose of sport or recreation”.

**10 At the end of regulation 101.235**

Add:

Note 1: This Subpart does not apply to model aircraft, as they are not RPA—see the definitions of *RPA* in regulation 101.021 and *model aircraft* in regulation 101.023.

Note 2: This Subpart also does not apply to micro RPA—see the definition of *micro RPA* in regulation 101.022.

**11 Subregulation 101.237(1) (note)**

Repeal the note, substitute:

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.

**12 Subregulation 101.237(2)**

Repeal the subregulation.

**13 Subregulation 101.237(3)**

Repeal the subregulation, substitute:

(3) A very small RPA is an *excluded RPA* if it is being operated in standard RPA operating conditions.

**14 Subregulation 101.237(5)**

Repeal the subregulation.

**15 Subregulation 101.237(6)**

Omit “, or a medium RPA,”.

**16 Paragraph 101.237(6)(b)**

Omit “, including a kind of RPA that is not specified in the holder’s remote pilot licence”, substitute “of a category that is specified in the licence”.

**17 At the end of paragraph 101.237(6)(b)**

Add:

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).

**18 Regulation 101.238**

Omit “if, during the operation”, substitute “if, at all times during the operation”.

**19 Before paragraph 101.238(a)**

Insert:

(aa) the RPA is operated in Australian territory; and

**20 Regulation 101.247**

Repeal the regulation.

**21 At the end of regulation 101.252**

Add:

- (3) A person (the *offender*) commits an offence of strict liability if:
- (a) the offender operates an RPA; and
  - (b) one of the following persons demands the offender to produce, for inspection by the person, a remote pilot licence that authorises the offender to operate the RPA:
    - (i) an authorised person;
    - (ii) a member or special member of the Australian Federal Police;
    - (iii) a member of a police force or a police service of a State or Territory;and
  - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

- (4) Subregulation 302(1) of CAR does not apply in relation to a remote pilot licence.

**22 Subregulation 101.255(1) (note 1)**

Omit “regulation 101.240”, substitute “regulation 101.022”.

**23 Subregulation 101.280(2) (note 1)**

Omit “regulation 101.240”, substitute “regulation 101.022”.

**24 Regulation 101.315 (after the heading)**

Insert:

*Show cause notice—variation, cancellation or suspension*

**25 Subregulation 101.315(1)**

Before “cancellation”, insert “variation, suspension or”.

**26 Paragraph 101.315(2)(a)**

Before “cancellation”, insert “variation, suspension or”.

**27 Paragraph 101.315(2)(b)**

Before “cancelled”, insert “varied, suspended or”.

**28 Subregulations 101.315(3) and (4)**

Repeal the subregulations, substitute:

*Immediate suspension if serious risk to the safety of air navigation*

- (3) The remote pilot licence is suspended from the time the show cause notice is given to the holder, if:
- (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the licence were not suspended; and

- 
- (b) the show cause notice states that the licence is suspended for that reason.

**29 Subregulation 101.315(6)**

Repeal the subregulation (not including the note), substitute:

- (6) If the licence is suspended under subregulation (3):
- (a) the holder is taken not to be the holder of a remote pilot licence during the period of suspension; and
  - (b) the licence is not in force while suspended; and
  - (c) if CASA has not dealt with the suspension under regulation 101.320 within 90 days after the day the licence is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (5) of this regulation or subregulation 101.320(2)).

**30 Regulation 101.320 (heading)**

Repeal the heading, substitute:

**101.320 Variation, suspension or cancellation of remote pilot licence****31 Subregulation 101.320(1)**

After “CASA may”, insert “vary, suspend or”.

**32 Subparagraphs 101.320(1)(c)(i), (ii) and (iii)**

Repeal the subparagraphs, substitute:

- (i) has operated an RPA in contravention of these Regulations, an instrument under these Regulations or a condition of the licence; or
- (ii) has operated an RPA negligently or carelessly; or
- (iii) in operating an RPA, has recklessly endangered human life or property; or
- (iv) at the time of the grant of the licence did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time of the grant.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

**33 Subregulation 101.320(2)**

Repeal the subregulation (including the note), substitute:

*Notice of decision*

- (2) If CASA has given a show cause notice under regulation 101.315 to the holder of a remote pilot licence:
- (a) in the event that CASA decides to vary, suspend or cancel the licence—CASA must give the holder notice of the decision, including (in the case of a decision to suspend the licence) notice of the period of suspension; and
  - (b) in the event that CASA decides not to vary, suspend or cancel the licence—CASA must, in writing:
    - (i) give the holder notice accordingly; and

- (ii) if the licence was suspended under subregulation 101.315(3)—revoke the suspension.

*Effect of suspension*

- (3) If a remote pilot licence is suspended under this regulation:
  - (a) the holder is taken not to be the holder of a remote pilot licence during the period of suspension; and
  - (b) the licence is not in force during the period of suspension stated in the notice under paragraph (2)(a).

Note 1: CASA may also impose a condition on the licence, or vary an existing condition of the licence—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

**34 Subparagraph 101.340(1)(c)(i)**

Omit “Advisory Circular 101-05, as”, substitute “an advisory circular”.

**35 Regulation 101.360 (after the heading)**

Insert:

*Show cause notice—variation, cancellation or suspension*

**36 Subregulation 101.360(1)**

Omit “cancellation of the approval”, substitute “variation, suspension or cancellation of the certification”.

**37 Paragraph 101.360(2)(a)**

Repeal the paragraph, substitute:

- (a) tell the operator of the facts and circumstances that, in CASA’s opinion, would justify the variation, suspension or cancellation of the certification under regulation 101.365; and

**38 Paragraph 101.360(2)(b)**

Before “cancelled”, insert “varied, suspended or”.

**39 Subregulations 101.360(3) and (4)**

Repeal the subregulations, substitute:

*Immediate suspension if serious risk to the safety of air navigation*

- (3) The certification is suspended from the time the show cause notice is given to the operator, if:
  - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the certification were not suspended; and
  - (b) the show cause notice states that the certification is suspended for that reason.

**40 Subregulation 101.360(6)**

Repeal the subregulation (not including the note), substitute:

- 
- (6) If the certification of a person as an RPA operator is suspended under subregulation (3):
- (a) the operator is taken not to be a certified RPA operator during the period of suspension; and
  - (b) the certification is not in force while suspended; and
  - (c) if CASA has not dealt with the suspension under regulation 101.365 within 90 days after the day the certification is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (5) of this regulation or subregulation 101.365(2)).

#### **41 Regulation 101.365 (heading)**

Repeal the heading, substitute:

#### **101.365 Variation, suspension or cancellation of RPA operator’s certification**

#### **42 Subregulation 101.365(1)**

After “CASA may”, insert “vary, suspend or”.

#### **43 Subparagraphs 101.365(1)(c)(i), (ii) and (iii)**

Repeal the subparagraphs, substitute:

- (i) the operator has operated an RPA in contravention of these Regulations, an instrument under these Regulations or a condition of the certification; or
- (ii) a person engaged or employed by the operator has operated an RPA negligently or carelessly; or
- (iii) a person engaged or employed by the operator, in operating an RPA, has recklessly endangered human life or property; or
- (iv) at the time the operator was certified the operator did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time of certification.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

#### **44 Subregulation 101.365(2)**

Repeal the subregulation (including the note), substitute:

##### *Notice of decision*

- (2) If CASA has given a show cause notice under regulation 101.360 to a certified RPA operator:
- (a) in the event that CASA decides to vary, suspend or cancel the certification—CASA must give the operator notice of the decision, including (in the case of a decision to suspend the certification) notice of the period of suspension; and
  - (b) in the event that CASA decides not to vary, suspend or cancel the certification—CASA must, in writing:
    - (i) give the operator notice accordingly; and
    - (ii) if the certification was suspended under subregulation 101.360(3)—revoke the suspension.

*Effect of suspension*

- (3) If the certification of a person as an RPA operator is suspended under this regulation:
- (a) the operator is taken not to be a certified RPA operator during the period of suspension; and
  - (b) the certification is not in force during the period of suspension stated in the notice under paragraph (2)(a).

Note 1: CASA may also impose a condition on the certification, or vary an existing condition of the certification—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

#### **45 Division 101.F.5 (heading)**

Omit “very small RPA”, substitute “**certain RPA**”.

#### **46 Regulations 101.371 and 101.372**

Repeal the regulations, substitute:

##### **101.371 Application of Division 101.F.5**

- (1) This Division applies in relation to the first operation of a very small RPA, a small RPA or a medium RPA while the RPA is an excluded RPA under any of the following provisions:
- (a) subregulation 101.237(3) (a very small RPA being operated in standard RPA operating conditions);
  - (b) subregulation 101.237(4) (a small RPA being operated in certain circumstances);
  - (c) subregulation 101.237(7) (a medium RPA being operated in certain circumstances).
- (2) The **first operation** of an RPA while it is an excluded RPA under a provision mentioned in subregulation (1) is its first operation, while it is such an excluded RPA, in each period during which it is registered under Subpart 47.C.

##### **101.372 Notice of certain operations**

- (1) Before the first operation of an RPA to which this Division applies (whether by the registration holder for the RPA or another person), the registration holder must notify CASA of the operation, in writing, in a form and manner approved by CASA.
- (2) A registration holder for an RPA commits an offence of strict liability if:
- (a) the registration holder is subject to the requirement under subregulation (1) in relation to the RPA; and
  - (b) the registration holder fails to comply with the requirement.

Penalty: 50 penalty units.

- (3) Subregulations (1) and (2) do not apply if the registration holder, or another person, is certified under Division 101.F.4 to conduct the operation.

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Note: A defendant bears an evidential burden in relation to the matter in this subregulation—see subsection 13.3(3) of the *Criminal Code*.

## **47 After Subpart 101.F**

Insert:

# **Subpart 101.FA—Excluded RPA, micro RPA and model aircraft accreditation**

## **Division 101.FA.1—General**

### **101.374A Application of this Subpart**

This Subpart applies to the operation of excluded RPA, micro RPA and model aircraft, other than model aircraft that are gliders.

Note 1: See the definition of *excluded RPA* in regulation 101.237.

Note 2: Model aircraft are not RPA—see the definitions of *RPA* in regulation 101.021 and *model aircraft* in regulation 101.023.

## **Division 101.FA.2—Accreditation requirements**

### **101.374B Excluded RPA, micro RPA and model aircraft—requirement for accreditation or remote pilot licence**

*Excluded RPA and micro RPA*

- (1) A person commits an offence of strict liability if:
  - (a) the person operates an excluded RPA or a micro RPA; and
  - (b) the person holds neither of the following:
    - (i) an accreditation authorising the person to operate excluded RPA, micro RPA and model aircraft;
    - (ii) a remote pilot licence.

Penalty: 50 penalty units.

*Model aircraft (more than 250 g)*

- (2) A person commits an offence of strict liability if:
  - (a) the person operates a model aircraft with a gross weight of more than 250 g; and
  - (b) the person holds none of the following:
    - (i) an accreditation authorising the person to operate model aircraft;
    - (ii) an accreditation authorising the person to operate excluded RPA, micro RPA and model aircraft;
    - (iii) a remote pilot licence.

Penalty: 50 penalty units.

- (3) Subregulation (2) does not apply to a person operating a model aircraft if the model aircraft is being operated:

- (a) in an area approved under regulation 101.030 as an area for the operation of model aircraft; and
- (b) in accordance with any conditions stated in the approval (including conditions restricting the period or times of operation).

Note: A defendant bears an evidential burden in relation to the matters in this subregulation—see subsection 13.3(3) of the *Criminal Code*.

*General exception—excluded RPA or model aircraft operated by child under adult supervision*

- (4) Subregulations (1) and (2) do not apply to a person under 16 years old (the **child**) operating an excluded RPA, a micro RPA or a model aircraft if:
  - (a) when the aircraft is being operated, the child is being supervised by another person (the **supervisor**); and
  - (b) the supervisor is at least 18 years old; and
  - (c) if the child is operating an excluded RPA or a micro RPA—the supervisor holds:
    - (i) an accreditation authorising the supervisor to operate excluded RPA, micro RPA and model aircraft; or
    - (ii) a remote pilot licence; and
  - (d) if the child is operating a model aircraft—the supervisor holds:
    - (i) an accreditation authorising the supervisor to operate model aircraft; or
    - (ii) an accreditation authorising the supervisor to operate excluded RPA, micro RPA and model aircraft; or
    - (iii) a remote pilot licence.

Note: A defendant bears an evidential burden in relation to the matters in this subregulation—see subsection 13.3(3) of the *Criminal Code*.

### **101.374C Excluded RPA, micro RPA and model aircraft—requirement to produce accreditation or remote pilot licence**

*General requirement*

- (1) A person who operates an excluded RPA, micro RPA or model aircraft must produce an accreditation or licence covered by subregulation (2) that authorises the person to do so, or a copy of such an accreditation or licence, for inspection on a demand made by a person covered by subregulation (3).

*Accreditations and licences covered*

- (2) The following accreditations and licences are covered by this subregulation:
  - (a) for an excluded RPA or a micro RPA:
    - (i) an accreditation authorising the operation of excluded RPA, micro RPA and model aircraft; or
    - (ii) a remote pilot licence;
  - (b) for a model aircraft:
    - (i) an accreditation authorising the operation of model aircraft; or
    - (ii) an accreditation authorising the operation of excluded RPA, micro RPA and model aircraft; or

- (iii) a remote pilot licence.

*Persons who may demand production of accreditations and licences*

- (3) The following persons are covered by this subregulation:
- (a) an authorised person;
  - (b) a member or special member of the Australian Federal Police;
  - (c) a member of a police force or a police service of a State or Territory.

*Offence for failing to comply with demand*

- (4) A person (the **offender**) commits an offence of strict liability if:
- (a) the offender operates an excluded RPA, micro RPA or model aircraft; and
  - (b) a person makes a demand of the offender under subregulation (1); and
  - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

*Operation permissible without an accreditation or licence*

- (5) Subregulations (1) to (4) do not apply to a person operating an excluded RPA, micro RPA or model aircraft if:
- (a) such operation by the person without an accreditation or licence covered by subregulation (2) of this regulation does not constitute an offence under regulation 101.374B; or
  - (b) subregulation 101.374B(3) or (4) applies in relation to such operation.

*Supervised operations*

- (6) A person who supervises the operation by another person of an excluded RPA, micro RPA or model aircraft must produce an accreditation or licence covered by subregulation (2) for that RPA or model aircraft, or a copy of such accreditation or licence, for inspection on a demand made by a person covered by subregulation (3).
- (7) A person (the **supervisor**) commits an offence of strict liability if:
- (a) the supervisor supervises the operation by another person of an excluded RPA, micro RPA or model aircraft; and
  - (b) the other person is under 16 years old; and
  - (c) a person makes a demand of the supervisor under subregulation (6); and
  - (d) the supervisor fails to comply with the demand.

Penalty: 5 penalty units.

### **Division 101.FA.3—Grant of accreditation to operate excluded RPA, micro RPA and model aircraft**

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for accreditation under this Division.

#### **101.374D Accreditation—application**

An individual may apply to CASA, in writing, for accreditation of either of the following kinds:

- (a) an accreditation authorising the holder to operate excluded RPA, micro RPA and model aircraft;
- (b) an accreditation authorising the holder to operate model aircraft.

### **101.374E Accreditation—grant**

- (1) Subject to regulation 11.055, CASA must give an applicant under regulation 101.374D an accreditation of the kind applied for if the applicant is eligible for that kind of accreditation under this regulation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal. See also section 31 of the Act.

- (2) The applicant is eligible for an accreditation of a particular kind mentioned in regulation 101.374D if the applicant:
- (a) is at least 16 years old; and
  - (b) has completed an online training course provided by CASA for that kind of accreditation, to the standard required by CASA, in accordance with any conditions for completing the course required by CASA; and
  - (c) has achieved a standard required by CASA in an examination (including an online examination) for that kind of accreditation, administered by CASA, in accordance with any conditions for undertaking that examination required by CASA.
- (3) However, the applicant is not eligible for an accreditation:
- (a) if an accreditation formerly held by the applicant has been cancelled within the 12 months before the date of the application; or
  - (b) while an accreditation currently held by the applicant is suspended under regulation 101.374H or 101.374J.
- (4) Two or more persons cannot jointly hold an accreditation.
- (5) An accreditation authorises the holder to operate:
- (a) excluded RPA, micro RPA and model aircraft; or
  - (b) model aircraft;
- as stated in the accreditation.

Note: Any conditions imposed on the accreditation under regulation 11.056 must also be set out in, or attached to, the accreditation.

### **101.374F Accreditation—conduct of online courses and examinations**

- (1) The Part 101 Manual of Standards may prescribe requirements in relation to the following:
- (a) the completion of an online training course under paragraph 101.374E(2)(b) (including conditions relating to cheating in such a course);
  - (b) the conduct of an online examination under paragraph 101.374E(2)(c) (including conditions relating to cheating in such an examination);
  - (c) the disclosure and use of information or documents which form part of, or are related to, such a training course or examination.
- (2) A person commits an offence if:
- (a) the person completes, or attempts to complete:

- (i) an online training course under paragraph 101.374E(2)(b); or
- (ii) an online examination under paragraph 101.374E(2)(c); and
- (b) the person is subject to a requirement under subregulation (1) of this regulation in relation to completing the course or examination; and
- (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

- (3) A person commits an offence if:
- (a) the person discloses or uses information or a document which forms part of, or is related to:
    - (i) an online training course under paragraph 101.374E(2)(b); or
    - (ii) an online examination under paragraph 101.374E(2)(c); and
  - (b) the person is subject to a requirement under subregulation (1) of this regulation in relation to disclosing or using the information or document; and
  - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

### **101.374G Accreditation—cessation**

An accreditation ceases at the start of the earlier of the following days (unless sooner cancelled):

- (a) if the person holding the accreditation is granted a remote pilot licence—the day after the licence is granted;
- (b) the day after the end of the period of 3 years beginning on the day the accreditation comes into effect.

Note 1: For when an accreditation comes into effect, see regulation 11.065.

Note 2: For cancellation, see regulation 101.374J.

### **101.374H Notice to accreditation holder to show cause**

*Show cause notice—cancellation or suspension*

- (1) CASA may give a show cause notice to a person who holds an accreditation (the **accreditation holder**) if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the accreditation under regulation 101.374J.
- (2) A show cause notice must:
  - (a) tell the accreditation holder of the facts and circumstances that, in CASA's opinion, would justify the suspension or cancellation of the accreditation; and
  - (b) invite the accreditation holder to show in writing, within a reasonable time stated in the notice, why the accreditation should not be suspended or cancelled.

*Immediate suspension if serious risk to the safety of air navigation*

- (3) The accreditation is suspended from the time the show cause notice is given to the accreditation holder, if:

- (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the accreditation were not suspended; and
  - (b) the show cause notice states that the accreditation is suspended for that reason.
- (4) CASA may at any time revoke the suspension.
- (5) If the accreditation is suspended under subregulation (3):
- (a) the accreditation holder is taken not to be the holder of an accreditation during the period of suspension; and
  - (b) the accreditation is not in force while suspended; and
  - (c) the period of the accreditation under paragraph 101.374G(b) continues to run; and
  - (d) if CASA has not dealt with the suspension under regulation 101.374J within 90 days after the day the accreditation is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (4) of this regulation or subregulation 101.374J(2)).

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

## **101.374J Suspension or cancellation of accreditation**

### *Suspension or cancellation of accreditation*

- (1) CASA may suspend or cancel an accreditation by written notice to the accreditation holder, if:
- (a) CASA has given the accreditation holder a show cause notice under regulation 101.374H; and
  - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the accreditation holder; and
  - (c) there are reasonable grounds for believing that the accreditation holder:
    - (i) has operated an RPA or a model aircraft in contravention of these Regulations, an instrument under these Regulations or a condition of the accreditation; or
    - (ii) has operated an RPA or a model aircraft negligently or carelessly; or
    - (iii) in operating an RPA or a model aircraft, has recklessly endangered human life or property; or
    - (iv) at the time the accreditation was given did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time the accreditation was given.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

### *Notice of decision*

- (2) If CASA has given a show cause notice under regulation 101.374H to an accreditation holder:
- (a) in the event that CASA decides to suspend or cancel the accreditation—CASA must give the accreditation holder notice of the decision, including (in the case of a decision to suspend the accreditation) notice of the period of suspension; and

- (b) in the event that CASA decides not to suspend or cancel the accreditation—CASA must, in writing:
- (i) give the accreditation holder notice accordingly; and
  - (ii) if the accreditation was suspended under subregulation 101.374H(3)—revoke the suspension.

*Effect of suspension*

- (3) If an accreditation is suspended under this regulation:
- (a) the accreditation holder is taken not to be the holder of an accreditation during the period of suspension; and
  - (b) the accreditation is not in force during the period of suspension stated in the notice under paragraph (2)(a); and
  - (c) the period of the accreditation under paragraph 101.374G(b) continues to run.

Note 1: CASA may also impose a condition on the accreditation, or vary a condition of the accreditation—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

**48 Regulation 101.375**

Omit “100 grams or more”, substitute “more than 250 g”.

**49 Regulation 101.375 (note 1)**

Omit “the Dictionary”, substitute “regulation 101.023”.

**50 Regulation 101.380 (note to the definition of *approved area*)**

Repeal the note.

**51 Regulation 101.380 (definition of *giant model aircraft*)**

Omit “, but not more than 150 kilograms”.

**52 Regulation 101.380 (note to the definition of *giant model aircraft*)**

Repeal the note, substitute:

Note: For *model aircraft*, see regulation 101.023, which only covers aircraft with a gross weight of not more than 150 kg.

**53 Regulation 101.425 (note to the definition of *approved area*)**

Omit “101.030(5)”, substitute “101.030(7)”.

**54 Part 1 of the Dictionary**

Insert:

***accreditation*** means an accreditation under Division 101.FA.3 of either of the following kinds:

- (a) an accreditation authorising the holder to operate excluded RPA, micro RPA and model aircraft;
- (b) an accreditation authorising the holder to operate model aircraft.

***accreditation holder***: see regulation 101.374H.

**55 Part 1 of the Dictionary (definition of *large RPA*)**

Repeal the definition, substitute:

*large RPA*: see regulation 101.022.

**56 Part 1 of the Dictionary (definition of *medium RPA*)**

Repeal the definition, substitute:

*medium RPA*: see regulation 101.022.

**57 Part 1 of the Dictionary (definition of *micro RPA*)**

Repeal the definition, substitute:

*micro RPA*: see regulation 101.022.

**58 Part 1 of the Dictionary (definition of *model aircraft*)**

Repeal the definition, substitute:

*model aircraft*: see regulation 101.023.

**59 Part 1 of the Dictionary (definition of *RPA*)**

Repeal the definition, substitute:

*RPA*: see regulation 101.021.

**60 Part 1 of the Dictionary (definition of *small RPA*)**

Repeal the definition, substitute:

*small RPA*: see regulation 101.022.

**61 Part 1 of the Dictionary (definition of *very small RPA*)**

Repeal the definition, substitute:

*very small RPA*: see regulation 101.022.

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## Schedule 3—Other amendments

### *Civil Aviation Safety Regulations 1998*

#### 1 After paragraph 11.030(1)(aa)

Insert:

- (ab) if the application is for an authorisation covered by subregulation 11.033(2), and is made by a person (the **agent**) on behalf of the applicant for the authorisation—it is accompanied by a declaration by the agent under subregulation 11.033(1); and

#### 2 After regulation 11.032

Insert:

##### 11.033 Applications by agents

- (1) If a person (the **agent**) applies on behalf of an applicant for an authorisation covered by subregulation (2), the application must include a declaration from the agent stating that:
  - (a) the agent has received from the applicant the signed declaration required by paragraph 11.034(1)(b); and
  - (b) the application has been prepared in accordance with the information provided by the applicant.

Note: Sections 136.1, 137.1 and 137.2 of the *Criminal Code* create offences for making false or misleading statements in applications and providing false or misleading information or documents.

- (2) For the purposes of subregulation (1), this subregulation covers the following authorisations:
  - (a) a remote pilot licence under Division 101.F.3 authorising the holder to operate an RPA;
  - (b) an authorisation of a kind determined under subregulation (3) for the purposes of this paragraph.

- (3) For the purposes of subsection 98(5A) of the Act and paragraph (2)(b) of this regulation, CASA may, by instrument, determine kinds of authorisations.

Note: For the application of the *Legislation Act 2003* to an instrument under this subregulation, see subsections 98(5AA) to (5D) of the *Civil Aviation Act 1988*.

- (4) A person (the **agent**) commits an offence of strict liability if:
  - (a) the agent is subject to a requirement to include a declaration in an application in accordance with subregulation (1); and
  - (b) the agent fails to comply with the requirement.

Penalty: 30 penalty units.

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## 11.034 Requirements for applications made by agents

### *Requirements for the applicant*

- (1) If a person (the **applicant**) authorises another person (the **agent**) to make an application on the applicant's behalf for an authorisation covered by subregulation 11.033(2), the applicant must give the agent:
  - (a) any information and documents required by the agent to make the application; and
  - (b) a signed declaration stating that:
    - (i) the applicant has authorised the agent to make the application on the applicant's behalf; and
    - (ii) the information provided by the applicant to the agent for the making of the application (including information in any documents so provided) is true and correct.

Note: Sections 136.1, 137.1 and 137.2 of the *Criminal Code* create offences for making false or misleading statements in applications and providing false or misleading information or documents.

- (2) A person (the **applicant**) commits an offence of strict liability if:
  - (a) the applicant is subject to a requirement to give a signed declaration to an agent in accordance with subregulation (1); and
  - (b) the applicant fails to comply with the requirement.

Penalty: 30 penalty units.

### *Requirement to keep declarations (or copy)—agents and applicants*

- (3) A person, other than CASA, who makes, or receives, a declaration under regulation 11.033 or this regulation must keep the declaration, or a copy of the declaration, at least for the following period, beginning on the day the declaration is made:
  - (a) if CASA has determined a period under subregulation (4) for the purposes of this paragraph that applies to the declaration—that period; or
  - (b) otherwise—5 years.
- (4) For the purposes of subsection 98(5A) of the Act and paragraph (3)(a) of this regulation, CASA may, by instrument, determine periods of not more than 5 years:
  - (a) in relation to classes of declarations; or
  - (b) in relation to particular declarations.

Note: For the application of the *Legislation Act 2003* to an instrument under this subregulation, see subsections 98(5AA) to (5D) of the *Civil Aviation Act 1988*.

- (5) A person commits an offence of strict liability if:
  - (a) the person is subject to a requirement under subregulation (3); and
  - (b) the person fails to comply with the requirement.

Penalty: 30 penalty units.

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*Requirement to produce declarations (or copy)—agents and applicants*

- (6) A person (the **agent or applicant**), other than CASA, who makes, or receives, a declaration under regulation 11.033 or this regulation must produce the declaration, or a copy of the declaration, for inspection on a demand made, within the period that applies to the declaration under subregulation (3), by a person covered by subregulation (7).
- (7) For the purposes of subregulation (6), this subregulation covers the following persons:
- (a) an authorised person;
  - (b) a member or special member of the Australian Federal Police;
  - (c) a member of a police force or a police service of a State or Territory.
- (8) An agent or applicant commits an offence of strict liability if:
- (a) the agent or applicant makes, or receives, a declaration under regulation 11.033 or this regulation; and
  - (b) a person makes a demand of the agent or applicant under subregulation (6); and
  - (c) the agent or applicant fails to comply with the demand.

Penalty: 5 penalty units.

## Schedule 4—Transitional provisions

### *Civil Aviation Safety Regulations 1998*

#### **1 Subpart 202.AD (after the heading)**

Insert:

#### **Division 202.AD.1—Transitional provisions relating to the commencement of Part 11**

#### **2 In the appropriate position in Subpart 202.AD**

Insert:

#### **Division 202.AD.2—Amendments made by Schedule 3 to the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019**

#### **202.014 Applications by agents for authorisations**

The amendments made by Schedule 3 to the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019* apply in relation to an application to CASA for an authorisation covered by subregulation 11.033(2) (as inserted by those amendments) if the application is made on or after the commencement of that Schedule.

Note: Subregulation 11.033(2) covers remote pilot licences under Division 101.F.3, and other authorisations determined under subregulation 11.033(3).

#### **3 In the appropriate position in Subpart 202.BF**

Insert:

#### **Division 202.BF.3—Amendments made by Schedule 1 to the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019**

#### **202.229 Definitions for Division 202.BF.3**

(1) In this Division:

***amending Regulations*** means the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019*.

***model aircraft stage 1 application day*** means the later of:

(a) 2 March 2020; and

- (b) if the Director, before 2 March 2020, by instrument under subregulation (2), determines a day before 2 September 2020—the day so determined.

***model aircraft stage 2 application day*** means the later of:

- (a) 29 May 2020; and  
 (b) if the Director, before 29 May 2020, by instrument under subregulation (2), determines a day before 29 November 2020—the day so determined.

***registration requirement provisions*** means the following provisions, as amended or inserted by Schedule 1 to the amending Regulations:

- (a) regulation 47.015 (which triggers the requirements to register certain RPA and model aircraft for section 20AB of the Act);  
 (b) regulation 47.096A (which includes requirements to register certain RPA and model aircraft);  
 (c) regulation 47.099B (which includes a requirement to produce a certificate of registration (or copy) for certain RPA and model aircraft).

***RPA application day*** means the later of:

- (a) 13 December 2019; and  
 (b) if the Director, before 13 December 2019, by instrument under subregulation (2), determines a day before 13 June 2020—the day so determined.

- (2) The Director may, by legislative instrument, determine a day for the purposes of the definition of ***model aircraft stage 1 application day***, ***model aircraft stage 2 application day*** or ***RPA application day*** in subregulation (1).

## **202.230 Registration of certain RPA**

*Early applications for registration of certain RPA*

- (1) Subject to regulation 11.055, on an application under regulation 47.097, as inserted by Schedule 1 to the amending Regulations, that is made before the RPA application day, CASA must register an aircraft as an RPA under Division 47.C.2 (as inserted by that Schedule) if CASA is satisfied that the aircraft:
- (a) is required to be registered as an RPA under that Division; or  
 (b) will be required to be registered as an RPA under that Division on and after the RPA application day.

Note: The RPA application day is 13 December 2019 (or a later day determined by the Director): see regulation 202.229.

*Later application of requirements for certain RPA to be registered*

- (2) The registration requirement provisions apply in relation to an RPA on and after the RPA application day.

Note: For model aircraft, the registration requirement provisions start to apply on or after 2 March 2020 (or a later day determined by the Director)—see subregulation 202.231(3).

## 202.231 Registration of model aircraft

### *Early applications for registration of model aircraft*

- (1) On and after the model aircraft stage 1 application day, Division 47.C.2, as inserted by Schedule 1 to the amending Regulations, applies in relation to the registration of an aircraft as a model aircraft, subject to this regulation and regulation 202.232.

Note: The model aircraft stage 1 application day is 2 March 2020 (or a later day determined by the Director): see regulation 202.229.

- (2) Subject to regulation 11.055, on an application under regulation 47.097, as inserted by Schedule 1 to the amending Regulations, that is made before the model aircraft stage 2 application day, CASA must register an aircraft as a model aircraft under Division 47.C.2 (as inserted by that Schedule) if CASA is satisfied that the aircraft:
- (a) is required to be registered as a model aircraft under that Division; or
  - (b) will be required to be registered as a model aircraft under that Division on and after the model aircraft stage 2 application day.

Note: The model aircraft stage 2 application day is 29 May 2020 (or a later day determined by the Director): see regulation 202.229.

### *Later application of requirements for model aircraft to be registered*

- (3) The registration requirement provisions apply in relation to a model aircraft (within the meaning of regulation 101.023, as inserted by Schedule 2 to the amending Regulations) on and after the model aircraft stage 2 application day.

Note: For certain RPA, the registration requirement provisions start to apply on or after 13 December 2019 (or a later day determined by the Director)—see subregulation 202.230(2).

## 202.232 Initial periods of registration of aircraft as model aircraft

- (1) This regulation applies if:
- (a) an aircraft begins to be registered as a model aircraft under Division 47.C.2 during the period beginning on the model aircraft stage 1 application day and ending on 27 April 2020; and
  - (b) a certificate of registration is issued for the model aircraft under subparagraph 47.098(2)(b)(i).
- (2) Despite subparagraph 47.099(2)(b)(i), the registration of the model aircraft ends in accordance with the following table, unless sooner cancelled:

<b>Initial periods of registration of aircraft as model aircraft</b>		
<b>Item</b>	<b>If the aircraft begins to be registered as a model aircraft under Division 47.C.2 during the period ...</b>	<b>the registration ends at the end of ...</b>
1	between 2 March 2020 and 15 March 2020	29 June 2021
2	between 16 March 2020 and 29 March 2020	22 June 2021
3	between 30 March 2020 and 12 April 2020	15 June 2021

**Initial periods of registration of aircraft as model aircraft**

<b>Item</b>	<b>If the aircraft begins to be registered as a model aircraft under Division 47.C.2 during the period ...</b>	<b>the registration ends at the end of ...</b>
4	between 13 April 2020 and 26 April 2020	8 June 2021

Note 1: The registration of an aircraft as a model aircraft under Division 47.C.2 on or after 27 April 2020, or any later day, generally ends 12 months after the day on which the aircraft begins to be so registered. For example, if an aircraft begins to be so registered on 15 May 2020, the registration generally ends on 14 May 2021. However, this is only the case if the certificate of registration for the model aircraft is issued under subparagraph 47.099(2)(b)(i).

Note 2: A certificate of registration originally issued under subparagraph 47.098(2)(b)(i) for one model aircraft (the *original model aircraft*) may later be reissued under subregulation 47.099A(2) to include evidence of the registration of an additional model aircraft. The registration of the additional model aircraft ends at the same time as that of the original model aircraft, no matter when the additional model aircraft was registered—see subparagraph 47.099(2)(b)(ii).

- (2) If the Director, under subregulation 202.229(2), determines a day for the purposes of the definition of *model aircraft stage 1 application day* in subregulation 202.229(1) that is later than 2 March 2020 by a particular number of days (the *extended number* of days), a reference in the table in subregulation (1) of this regulation to a particular day is taken to be a reference to the day that is the extended number of days later.

Example: If the day determined under subregulation 202.229(2) is 16 March 2020 (14 days later than 2 March 2020), the reference to each day in the table in subregulation (1) of this regulation is taken to be a reference to a day that is 14 days later than the day mentioned in the table.

**4 In the appropriate position in Subpart 202.FA**

Insert:

**Division 202.FA.2—Amendments made by Schedule 2 to the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019**

**202.463 Definitions for Division 202.FA.2**

In this Division:

*amending Regulations* means the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019*.

*model aircraft stage 1 application day*: see regulation 202.229.

Note: The model aircraft stage 1 application day is 2 March 2020 (or a later day determined by the Director).

*model aircraft stage 2 application day*: see regulation 202.229.

Note: The model aircraft stage 2 application day is 29 May 2020 (or a later day determined by the Director).

***RPA application day***: see regulation 202.229.

Note: The RPA application day is 13 December 2019 (or a later day determined by the Director).

### **202.464 Delayed application—show cause notices**

The amendments of the following provisions by Schedule 2 to the amending Regulations apply in relation to a show cause notice given by CASA on or after the commencement of that Schedule:

- (a) regulation 101.315 (notice to holder of remote pilot licence to show cause);
- (b) regulation 101.320 (cancellation of remote pilot licence);
- (c) regulation 101.360 (notice to certified RPA operator to show cause);
- (d) regulation 101.365 (cancellation of RPA operator's certification).

Note: Schedule 2 to the amending Regulations commences on 4 November 2019 (or a later day determined by the Minister).

### **202.465 Delayed application—RPA**

The following provisions, as inserted by Schedule 2 to the amending Regulations, apply in relation to the operation of an RPA on and after the RPA application day:

- (a) regulation 101.371 (which applies Division 101.F.5 to certain RPA);
- (b) regulation 101.372 (which requires that operations using certain RPA be notified in advance);
- (c) Division 101.FA.2 (accreditation requirements).

Note 1: The RPA application day is 13 December 2019 (or a later day determined by the Director): see regulation 202.229.

Note 2: Division 101.FA.2 starts to apply later in relation to the operation of model aircraft (on or after the model aircraft stage 2 application day)—see subregulation 202.466(5).

### **202.466 Delayed application—model aircraft**

#### *New definition of model aircraft*

- (1) Regulation 101.023, as inserted by Schedule 2 to the amending Regulations, and the definition of ***model aircraft*** in Part 1 of the Dictionary, as substituted by Schedule 2 to the amending Regulations, apply on and after the model aircraft stage 1 application day.

Note 1: Regulation 101.023 provides for a new definition of ***model aircraft***.

Note 2: The model aircraft stage 1 application day is 2 March 2020 (or a later day determined by the Director): see regulation 202.229.

#### *Accreditation requirements*

- (2) On and after the model aircraft stage 1 application day, the following provisions, as inserted or amended by Schedule 2 to the amending Regulations, apply in relation to a model aircraft:
  - (a) regulation 101.047 (performance of duties during flight time—balloons, kites and model aircraft);

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- (b) Division 101.FA.1 (which applies Subpart 101.FA to the operation of model aircraft other than gliders, as well as to excluded RPA and micro RPA);
  - (c) Division 101.FA.3 (accreditation to operate excluded RPA, micro RPA and model aircraft).

*Rules for operating model aircraft*

- (3) Subpart 101.G (model aircraft), as in force immediately before the commencement of Schedule 2 to the amending Regulations, continues to apply until immediately before the model aircraft stage 1 application day.

Note: Schedule 2 to the amending Regulations commences on 4 November 2019 (or a later day determined by the Minister).

*Approval of areas for the operation of aircraft*

- (4) If, immediately before the commencement of Schedule 2 to the amending Regulations, an application under regulation 101.030 for the approval of an area had been made, but not determined, the amendments of that regulation by Schedule 2 to the amending Regulations apply in relation to an approval given to that application after that commencement.

*Enforcement of rules relating to model aircraft accreditation*

- (5) On and after the model aircraft stage 2 application day, Division 101.FA.2 (accreditation requirements), as inserted by Schedule 2 to the amending Regulations, applies in relation to the operation of a model aircraft.

Note 1: The model aircraft stage 2 application day is 29 May 2020 (or a later day determined by the Director): see regulation 202.229.

Note 2: Division 101.FA.2 applies sooner in relation to the operation of RPA (on or after the RPA application day)—see regulation 202.465.