



Civil Aviation Legislation Amendment (Part 101) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 24 March 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Darren Chester
Minister for Infrastructure and Transport

OPC50170 - D

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1 Name

This is the *Civil Aviation Legislation Amendment (Part 101) Regulation 2016*.

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. The whole of this instrument	The day after the end of the period of 6 months beginning on the day this instrument is registered.	29 September 2016

Note: This table relates only to the provisions of this instrument as originally made.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) 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 following:

- (a) the *Civil Aviation Act 1988*;
- (b) the *Transport Safety Investigation Act 2003*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Civil Aviation (Fees) Regulations 1995

1 Part 17 of Schedule 1 (table item 17.4)

Omit “UAV”, substitute “RPA”.

2 Part 17 of Schedule 1 (table item 17.5)

Omit “Certification of a person as a UAV controller”, substitute “Grant of a remote pilot licence”.

3 Part 17 of Schedule 1 (table item 17.6)

Omit “a UAV”, substitute “an RPA”.

Civil Aviation Regulations 1988

4 Paragraph 206(1)(a)

Omit “a UAV”, substitute “an RPA”.

Civil Aviation Safety Regulations 1998

5 Paragraph 47.015(1)(i)

Repeal the paragraph, substitute:

- (i) a medium RPA, a small RPA, a very small RPA or a micro RPA;

6 After regulation 101.025

Insert:

101.028 Issue of Manual of Standards for Part 101

For 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 101 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

101.029 Approvals for Part 101

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

7 After Subpart 101.A

Insert:

Subpart 101.AB—Authorisations for section 20AB of the Act**101.047 Performance of duties during flight time—balloons, kites and model aircraft**

- (1) This regulation applies to an Australian aircraft that is an unmanned aircraft if it is:
 - (a) a balloon; or
 - (b) a kite; or
 - (c) a model aircraft.
- (2) For paragraph 20AB(1)(a) of the Act, a person performing a duty that is essential to the operation of the aircraft during flight time is taken to hold a civil aviation authorisation that:
 - (a) is in force; and
 - (b) authorises the person to perform the duty.

101.048 Performance of duties during flight time—remotely piloted aircraft

Performing essential duties in relation to excluded RPA

- (1) For paragraph 20AB(1)(a) of the Act, a person performing a duty that is essential to the operation of an excluded RPA during flight time is taken to hold a civil aviation authorisation that:
- (a) is in force; and
 - (b) authorises the person to perform the duty.

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

Performing essential duties in relation to other RPA

- (2) For paragraph 20AB(1)(a) of the Act, a person performing a duty that is essential to the operation of an RPA during flight time is taken to hold a civil aviation authorisation that:
- (a) is in force; and
 - (b) authorises the person to perform the duty.
- (3) Subregulation (2) does not apply:
- (a) to an excluded RPA; or
 - (b) to a person operating an RPA.

Note: Excluded RPA are covered by subregulation (1). Persons operating RPA other than excluded RPA require a remote pilot licence: see regulation 101.252.

8 Subregulation 101.065(1) (note)

Repeal the note, substitute:

Note: Details of prohibited and restricted areas are published in the AIP or NOTAMS.

9 Subregulation 101.065(2) (paragraph (a) of the definition of *authority controlling the area*)

Omit “Secretary to the Department of Defence”, substitute “Secretary of the Department administered by the Minister administering section 1 of the *Defence Act 1903*”.

10 Regulation 101.070 (heading)

Repeal the heading, substitute:

101.070 Operation in controlled airspace above 400 ft AGL**11 After regulation 101.070**

Insert:

101.072 Operation in controlled airspace—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 controlled airspace.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates an unmanned aircraft in controlled airspace; 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.

101.073 Operation must generally be within visual line of sight*Unmanned aircraft must be operated within visual line of sight*

- (1) A person commits an offence of strict liability if:
 - (a) the person operates an unmanned aircraft; and
 - (b) the aircraft is not operated within the person's visual line of sight.

Penalty: 50 penalty units.

Exception—CASA approval

- (2) Subregulation (1) does not apply if:
 - (a) the person holds an approval under regulation 101.029 to operate the unmanned aircraft beyond the person's visual line of sight; and
 - (b) the conditions (if any) imposed on the approval are complied with.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Meaning of operated within visual line of sight

- (3) An unmanned aircraft is being ***operated within the visual line of sight*** of the person operating the aircraft if the person can continually see, orient and navigate the aircraft to meet the person's separation and collision avoidance responsibilities, with or without corrective lenses, but without the use of binoculars, a telescope or other similar device.

12 Subregulation 101.080(2) (table 101.080, item 1, paragraph (a))

Omit "address" (wherever occurring), substitute "address, email address".

13 Subregulation 101.085(1)

Omit "at".

14 After subregulation 101.095(1)

Insert:

- (1A) Subregulation (1) does not apply if the person holds an approval under regulation 101.029 for the purposes of this subregulation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1A): see subsection 13.3(3) of the *Criminal Code*.

15 At the end of Subpart 101.C

Add:

101.097 Autonomous aircraft—launch or release without approval prohibited

- (1) This regulation:
- (a) applies to an unmanned aircraft (an ***autonomous aircraft***) that does not allow pilot intervention during all stages of the flight of the aircraft; but
 - (b) does not apply to balloons, kites or model aircraft.
- (2) A person commits an offence of strict liability if the person causes an autonomous aircraft to be launched or released.

Penalty: 50 penalty units.

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- (3) Subregulation (2) does not apply if:
- (a) the person holds an approval under regulation 101.029 to launch or release the autonomous aircraft; and
 - (b) the conditions (if any) imposed on the approval are complied with.

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

16 Subregulation 101.110(2) (table 101.110, item 1)

Omit “address” (wherever occurring), substitute “address, email address”.

17 Subregulation 101.155(3) (table 101.155-2, item 1)

Omit “address” (wherever occurring), substitute “address, email address”.

18 Subregulation 101.160(2) (table 101.160, item 1)

Omit “address” (wherever occurring), substitute “address, email address”.

19 Subregulation 101.165(2) (table 101.165, item 1)

Omit “address” (wherever occurring), substitute “address, email address”.

20 Subpart 101.F (heading)

Repeal the heading, substitute:

Subpart 101.F—Remotely piloted aircraft

21 Regulations 101.235 and 101.240

Repeal the regulations, substitute:

101.235 Application of Subpart 101.F

- (1) This Subpart applies to the operation of the following:
- (a) very small RPA, other than for the purpose of sport or recreation;
 - (b) small RPA, other than for the purpose of sport or recreation;

- (c) medium RPA, other than for the purpose of sport or recreation;
- (d) large RPA.

101.236 Meaning of *approved area*

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of RPA.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAMS or on an aeronautical chart: see subregulation 101.030(7).

101.237 Meaning of *excluded RPA*

- (1) This regulation sets out what is an ***excluded RPA***.

Note: Excluded RPA can be operated without certain licences and permissions. See for example regulation 101.252, which requires a person to have a remote pilot licence to operate an RPA, unless it is an excluded RPA.

- (2) A micro RPA is an ***excluded RPA***.
- (3) A very small RPA is an ***excluded RPA*** if it is being operated:
- (a) for the purpose of sport or recreation; or
 - (b) in standard RPA operating conditions.
- (4) A small RPA is an ***excluded RPA*** if it is being operated:
- (a) by or on behalf of the owner of the RPA; and
 - (b) over land owned or occupied by the owner of the RPA; and
 - (c) in standard RPA operating conditions; and
 - (d) for the purposes of one or more of the following:
 - (i) aerial spotting;
 - (ii) aerial photography;
 - (iii) agricultural operations;
 - (iv) aerial communications retransmission;
 - (v) the carriage of cargo;
 - (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; and

for which no remuneration is received by the operator or the owner of the RPA, the owner or occupier of the land or any person on whose behalf the activity is being conducted.

- (5) A small RPA, or a medium RPA, is an **excluded RPA** if it is being operated for the purpose of sport or recreation.
- (6) A small RPA, or a medium RPA, is an **excluded RPA** if it is being operated in standard RPA operating conditions by:
- (a) a person for the sole purpose of meeting the experience requirement mentioned in paragraph 101.295(2)(c) for the grant of a remote pilot licence; or
 - (b) the holder of a remote pilot licence for the sole purpose of getting practical experience and gaining competency in the operation of an RPA, including a kind of RPA that is not specified in the holder's remote pilot licence.
- (7) A medium RPA is an **excluded RPA** if it is being operated:
- (a) by or on behalf of the owner of the RPA; and
 - (b) by a person who holds a remote pilot licence that authorises the person to operate the RPA; and
 - (c) over land owned or occupied by the owner of the RPA; and
 - (d) in standard RPA operating conditions; and
 - (e) for the purposes of one or more of the following:
 - (i) aerial spotting;
 - (ii) aerial photography;
 - (iii) agricultural operations;
 - (iv) aerial communications retransmission;
 - (v) the carriage of cargo;
 - (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; andfor which no remuneration is received by the operator or owner of the RPA, the owner or occupier of the land or any person on whose behalf the activity is being conducted.
- (8) An RPA is an **excluded RPA** if it is being operated:
- (a) by a person solely for the purpose of the person receiving training from an RPA operator who holds a certificate under Division 101.F.4 that authorises the operator to conduct operations using the RPA; and

- (b) in accordance with the operator's documented training procedures.

101.238 Meaning of standard RPA operating conditions

An RPA is operated in *standard RPA operating conditions* if, during the operation:

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

22 Division 101.F.2 (heading)

Repeal the heading, substitute:

Division 101.F.2—Operation of RPA generally

23 Subregulation 101.245(1)

After “of a person”, insert “(the *second person*)”.

24 Subregulations 101.245(2) and (3)

Repeal the subregulations, substitute:

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- (2) Subregulation (1) does not apply if the second person is standing behind the RPA while the RPA is taking off.
- (3) Subregulation (1) does not apply if:
- (a) the RPA is a very small RPA, small RPA or medium RPA; and
 - (b) the second person has consented to the RPA operating within 30 m of him or her; and
 - (c) the RPA is operated no closer than 15 m of him or her.
- (4) Subregulation (1) does not apply if:
- (a) the RPA is an airship; and
 - (b) the airship approaches no closer to the second person than 10 m horizontally and 30 ft vertically.
- (5) Subregulation (1) does not apply if the person holds an approval under regulation 101.029 for the purposes of this subregulation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) to (5): see subsection 13.3(3) of the *Criminal Code*.

25 After regulation 101.245

Insert:

101.247 Operations in prescribed areas—requirements prescribed by the Part 101 Manual of Standards

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

Penalty: 50 penalty units.

26 Regulation 101.250 (heading)

Repeal the heading, substitute:

101.250 Where very small, small and medium RPA may be operated

27 Subregulation 101.250(1)

Omit “small UAV”, substitute “very small RPA, a small RPA or a medium RPA”.

28 Subregulation 101.250(1) (note 1)

Repeal the note.

29 Subregulation 101.250(1) (note 3)

Repeal the note, substitute:

Note 3: This Subpart only applies to the operation of certain RPA: see regulation 101.235.

30 After regulation 101.250

Insert:

101.252 Certain RPA—requirement for remote pilot licence

- (1) This regulation does not apply in relation to the operation of an excluded RPA.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates an RPA; and
 - (b) the person does not hold a remote pilot licence that authorises the person to operate the RPA.

Penalty: 50 penalty units.

31 Regulation 101.255 (heading)

Repeal the heading, substitute:

101.255 Large RPA—requirement for certificate

32 Regulation 101.260 (heading)

Repeal the heading, substitute:

101.260 Maintenance of large RPA**33 Regulation 101.265 (heading)**

Repeal the heading, substitute:

101.265 Large RPA—persons permitted to carry out maintenance**34 Subregulations 101.265 (1) and (2)**

Repeal the subregulations.

35 Paragraph 101.265(3)(a)

Omit “large UAV”, substitute “large RPA”.

36 Paragraphs 101.265(3)(b) and (c)

Omit “a UAV”, substitute “an RPA”.

37 Regulation 101.270

Repeal the regulation, substitute:

101.270 Certain RPA—requirement for RPA operator’s certificate

- (1) This regulation does not apply in relation to the operation of an excluded RPA.
- (2) A person commits an offence of strict liability if:
 - (a) the person conducts operations using RPA; and
 - (b) the person does not hold a certificate as an RPA operator under Division 101.F.4 that authorises the person conduct the operations.

Penalty: 50 penalty units.

101.272 Certain RPA—requirement to keep records or give information to CASA

- (1) The Part 101 Manual of Standards may require a person who operates, or proposes to operate, RPA to do either or both of the following:
 - (a) keep records, in accordance with the requirements prescribed by the Part 101 Manual of Standards;

(b) give information to CASA, in accordance with the requirements prescribed by the Part 101 Manual of Standards.

(2) A person commits an offence of strict liability if:

(a) the person is subject to a requirement under subregulation (1); and

(b) the person does not comply with the requirement.

Penalty: 50 penalty units.

38 Regulation 101.275 (heading)

Repeal the heading, substitute:

101.275 Approval of operation of large RPA

39 Regulation 101.280 (heading)

Repeal the heading, substitute:

101.280 RPA not to be operated over populous areas

40 Subregulation 101.280(1)

Insert:

certificated RPA means an RPA for which a certificate of airworthiness has been issued.

41 Subregulation 101.280(1) (definition of *certificated UAV*)

Repeal the definition.

42 Subregulation 101.280(2) (note 2)

Omit “does not apply”, substitute “applies”.

43 Subregulation 101.285(1)

Before “in controlled airspace”, insert “(other than a very small RPA)”.

44 Paragraph 101.285(1)(a)

Omit “an aeronautical radio operator certificate”, substitute “a relevant qualification”.

45 Subregulation 101.285(1) (note)

Repeal the note, substitute:

Note: This Subpart only applies to the operation of certain RPA: see regulation 101.235.

46 Subregulation 101.285(2)

Omit “subregulation (1)”, substitute “this regulation”.

47 Subregulation 101.285(2)

Insert:

relevant qualification means any of the following qualifications:

- (a) an aeronautical radio operator certificate;
- (b) a flight crew licence;
- (c) an air traffic control licence;
- (d) a military qualification equivalent to a licence mentioned in paragraph (b) or (c);
- (e) a flight service licence.

48 Paragraphs 101.285(3)(a) and (5)(a)

Omit “an aeronautical radio operator certificate”, substitute “a relevant qualification”.

49 Division 101.F.3 (heading)

Repeal the heading, substitute:

Division 101.F.3—Remote pilot licences**50 Regulation 101.290 (heading)**

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

101.290 Application for remote pilot licence**51 Subregulation 101.290(1A)**

Repeal the subregulation, substitute:

- (1A) An individual may apply to CASA, in writing, for a licence (a *remote pilot licence*) to operate an RPA.

Note: For the kinds of RPA to which this Subpart applies, see regulation 101.235.

52 After paragraph 101.290(1)(a)

Insert:

- (aa) details of any military qualification the applicant holds that is equivalent to a licence mentioned in paragraph (a);

53 Paragraph 101.290(1)(c)

Repeal the paragraph, substitute:

- (c) details of any of the following examinations the applicant has passed (other than any examination passed in the course of gaining a licence mentioned in paragraph (a)):
 - (i) an aeronautical examination (within the meaning of Part 61);
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of a flight crew licence under regulation 202.274;

54 Regulation 101.295 (heading)

Repeal the heading, substitute:

101.295 Eligibility for remote pilot licence

55 Paragraphs 101.295(2)(a) to (e)

Repeal the paragraphs, substitute:

- (a) has passed:
 - (i) an aeronautical knowledge examination (within the meaning of Part 61) for a flight crew licence under Part 61; or
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of a flight crew licence under regulation 202.274; or
 - (iii) the theory component of an RPL training course; or
 - (iv) the theory component of a course conducted in a foreign country which CASA is satisfied is equivalent to the theory component of an RPL training course; and

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- (b) has completed:
 - (i) an RPL training course in the manual or automated operation of a category of RPA that he or she proposes to operate; or
 - (ii) before 1 June 2017, a training course in the operation of a category of RPA that he or she proposes to operate, conducted by the RPA's manufacturer or an agent of the manufacturer; or
 - (iii) a flight test conducted by CASA for the purposes of this subparagraph; and
 - (c) has at least 5 hours experience in operating an RPA under standard RPA operating conditions.

56 Paragraph 101.295(3)(a)

Omit "with an instrument rating".

57 Paragraph 101.295(3)(b)

Omit "licence and rating mentioned in paragraph (a)", substitute "flight crew licence".

58 Subregulation 101.295(3)

Omit "conditions in paragraphs (2)(a), (b) and (c)", substitute "condition in paragraph (2)(a)".

59 Regulation 101.300 (heading)

Repeal the heading, substitute:

101.300 Conditions on remote pilot licences**60 Subregulation 101.300(3)**

Repeal the subregulation, substitute:

- (3) It is a condition of a remote pilot licence that the licence holder must not operate an RPA above 400 ft AGL in controlled airspace, or within 3 nautical miles of the movement area of a controlled aerodrome, unless he or she holds at least one of the following qualifications:
 - (a) an aeronautical radio operator certificate;
 - (b) a flight crew licence;

- (c) an air traffic control licence;
 - (d) a military qualification equivalent to a licence mentioned in paragraph (b) or (c);
 - (e) a flight service licence.
- (4) It is a condition of a remote pilot licence that an RPA must be operated within the visual line of sight of the licence holder unless he or she:
- (a) has passed:
 - (i) an aeronautical knowledge examination (within the meaning of Part 61) for the grant of an instrument rating under Part 61; or
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of an instrument rating under regulation 202.274; or
 - (iii) an approved examination; and
 - (b) either:
 - (i) holds both a certificate as an RPA operator under Division 101.F.4 and an approval under regulation 101.029 to operate the RPA beyond the person's visual line of sight; or
 - (ii) is a member of an RPA operator's personnel and the RPA operator holds both a certificate as an RPA operator under Division 101.F.4 and an approval under regulation 101.029 for the operator's personnel to operate RPA beyond their visual line of sight.
- (5) It is a condition of a remote pilot licence that the licence holder must not operate more than 1 RPA at a time unless:
- (a) he or she holds an approval under regulation 101.029 to operate more than 1 RPA at a time; and
 - (b) the conditions (if any) imposed on the approval are complied with.
- (6) The holder of a remote pilot licence commits an offence of strict liability if the holder contravenes a condition mentioned in subregulation (3), (4) or (5).

Penalty: 50 penalty units.

61 Regulation 101.315 (heading)

Repeal the heading, substitute:

101.315 Notice to holder of remote pilot licence to show cause

62 Regulation 101.320 (heading)

Repeal the heading, substitute:

101.320 Cancellation of remote pilot licence

63 Subregulation 101.320(2)

Omit “approval”, substitute “licence”.

64 Division 101.F.4 (heading)

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

Division 101.F.4—Certification of RPA operators

65 Regulation 101.330 (heading)

Repeal the heading, substitute:

101.330 Application for certification as RPA operator

66 At the end of subregulation 101.330(1)

Add:

; and (c) if the applicant proposes to conduct an RPL training course—details of the proposed training.

67 Regulation 101.335 (heading)

Repeal the heading, substitute:

101.335 Eligibility for certification as RPA operator

68 Paragraphs 101.335(1)(d) and (e)

Repeal the paragraphs, substitute:

(d) the person has suitable documented practices and procedures to do so, including practices and procedures for the maintenance of the operator’s RPASs; and

69 Paragraph 101.340(1)(a)

Repeal the paragraph, substitute:

- (a) maintains within its organisation a position of chief remote pilot having at least the functions and duties set out in regulation 101.342; and

70 Subparagraph 101.340(1)(c)(i)

Omit “that Annex”, substitute “Advisory Circular 101-05, as issued by CASA from time to time”.

71 At the end of subregulation 101.340(1)

Add:

- ; and (e) complies with the operator’s documented practices and procedures.

72 Subregulation 101.340(2)

Repeal the subregulation.

73 At the end of subregulation 101.340(4)

Add:

- ; or (e) limit the number of RPA that an RPA operator may operate.

74 After regulation 101.340

Insert:

101.342 Functions and duties of chief remote pilot

For paragraph 101.340(1)(a), the functions and duties of a chief remote pilot are as follows:

- (a) ensuring the operator’s RPA operations are conducted in accordance with the civil aviation legislation;
- (b) maintaining a record of the qualifications held by each person operating RPA for the operator;
- (c) monitoring the operational standards and proficiency of each person operating RPA for the operator;
- (d) maintaining a complete and up-to-date reference library of operational documents required by CASA under subregulation 101.335(1) for the types of operations conducted by the operator.

75 Regulation 101.360 (heading)

Repeal the heading, substitute:

101.360 Notice to certified RPA operator to show cause

76 Paragraph 101.360(2)(a)

Omit “101.320”, substitute “101.365”.

77 Subregulation 101.360(6)

Omit “101.320”, substitute “101.365”.

78 Regulation 101.365 (heading)

Repeal the heading, substitute:

101.365 Cancellation of RPA operator’s certification

79 Paragraph 101.365(1)(a)

Omit “101.315”, substitute “101.360”.

80 Subparagraphs 101.365(1)(c)(ii) and (iii)

Omit “an employee of”, substitute “a person engaged or employed by”.

81 Subregulation 101.365(2)

Omit “101.315”, substitute “101.360”.

82 At the end of Subpart 101.F

Add:

101.370 Compliance with RPA operator’s practices and procedures

A person commits an offence of strict liability if the person:

- (a) is a member of an RPA operator’s personnel; and
- (b) is subject to a requirement under the RPA operator’s documented practices and procedures; and
- (c) does not comply with the requirement.

Penalty: 50 penalty units.

Division 101.F.5—Operation of very small RPA for hire or reward

101.371 Requirement to give notice before operating very small RPA for hire or reward etc.

- (1) A person commits an offence of strict liability if:
 - (a) the person operates a very small RPA for hire or reward; and
 - (b) the person has not given a notice to CASA, in accordance with regulation 101.372, at least 5 business days before the person first operates a very small RPA for hire or reward.

Penalty: 50 penalty units.

- (2) A person commits an offence of strict liability if:
 - (a) the person conducts operations using very small RPA for hire or reward; and
 - (b) the person does not hold a certificate as an RPA operator under Division 101.F.4 that authorises the person to conduct the operations; and
 - (c) the person has not given a notice to CASA, in accordance with regulation 101.372, at least 5 business days before the person first conducts the operation.

Penalty: 50 penalty units.

101.372 Notice to operate very small RPA for hire or reward etc.

- (1) A person may notify CASA, in writing, that the person intends to do either or both of the following:
 - (a) operate very small RPA for hire or reward;
 - (b) conduct operations using very small RPA for hire or reward.
- (2) The notification must be given in the form, and in the manner or way, approved by CASA.

101.373 Notification of changes in relation to operating very small RPA for hire or reward etc.

- (1) If:

-
- (a) a person has given CASA a notice under regulation 101.372;
and
 - (b) a change, event or other matter of a kind prescribed by the Part 101 Manual of Standards occurs;
- the person must notify CASA of the change, event or matter within 21 business days of the change, event or matter occurring.
- (2) The notification must be given in the form, and in the manner or way, approved by CASA.
 - (3) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subregulation (1); and
 - (b) the person does not comply with the requirement.
- Penalty: 50 penalty units.

101.374 Database of notifications

- (1) CASA may establish and maintain a database of information that relates to notifications given under regulations 101.372 and 101.373.
- (2) Without limiting subregulation (1), the database may contain the following information in relation to each notification:
 - (a) the name of the person who gave the notification;
 - (b) the person's contact details;
 - (c) the locations at which the operations will take place;
 - (d) the types of RPA covered by the notification.
- (3) The database may be made publicly available.
- (4) The database may be kept and made publicly available in electronic form.

83 Subparagraph 101.410(3)(b)(i)

Omit "address", substitute "address, email address".

84 Subregulation 101.430(1) (note)

Repeal the note, substitute:

Note: Details of prohibited and restricted areas are published in the AIP or NOTAMS.

85 Subregulation 101.430(2) (paragraph (a) of the definition of *authority controlling the area*)

Omit “Secretary to the Department of Defence”, substitute “Secretary of the Department administered by the Minister administering section 1 of the *Defence Act 1903*”.

86 Subregulation 101.445(2) (table 101.445, item 1)

Omit “address” (wherever occurring), substitute “address, email address”.

87 Subregulation 101.500(3) (table 101.500, item 1)

Omit “address” (wherever occurring), substitute “address, email address”.

88 At the end of subregulation 117.015(2)

Add:

- ; (c) a person who gave a notice to CASA under regulation 101.372 (Notice to operate very small RPA for hire or reward);
- (d) the holder of a certificate as an RPA operator under Division 101.F.4.

89 Regulation 202.460

Repeal the regulation, substitute:

Division 202.FA.1—Amendments made by the Civil Aviation Legislation Amendment (Part 101) Regulation 2016

202.455 Definition of *commencement date* for Division 202.FA.1

In this Division:

commencement date means the day on which the *Civil Aviation Legislation Amendment (Part 101) Regulation 2016* commences.

202.460 Transitional—approved areas for UAVs

Applications for approved areas for UAVs—if made but not finally determined before commencement date

- (1) Subregulation (2) applies if, before the commencement date:
 - (a) a person applied for the approval of an area as an area for the operation of UAVs under regulation 101.030; and
 - (b) the application had not been finally determined by CASA.
- (2) The application is taken, on and after the commencement date, to be an application for the approval of an area for the operation of RPA under regulation 101.030.

Approved areas for UAVs immediately before the commencement date

- (3) An approval of an area as an area for the operation of UAVs under regulation 101.030 that was in force immediately before the commencement date is taken, on and after that date, to be an approval of the area as an area for the operation of RPA under regulation 101.030 subject to the same terms and conditions.

202.461 Transitional—UAV controllers

Applications for certification as UAV controller—if made but not finally determined before commencement date

- (1) Subregulation (2) applies if, before the commencement date:
 - (a) a person applied for certification as a UAV controller under regulation 101.290; and
 - (b) the application had not been finally determined by CASA.
- (2) The application is taken, on and after the commencement date, to be an application for a remote pilot licence under regulation 101.290.

Certified UAV controllers

- (3) If, immediately before the commencement date, a person was certified as a UAV controller under regulation 101.295, the certification has effect on and after that date as if it were a remote pilot licence granted under regulation 101.295.

- (4) Any condition to which the certification was subject immediately before the commencement date continues in force as a condition of the licence.

Non-finalised action to vary, suspend or cancel certification of UAV controller

- (5) Action to vary, suspend or cancel the certification of a person as a UAV controller that, immediately before the commencement date, had not been finally determined, is taken to be action to vary, suspend or cancel the person's remote pilot licence.

202.462 Transitional—UAV operators

Applications for certification as UAV operator—if made but not finally determined before commencement date

- (1) Subregulation (2) applies if, before the commencement date:
- (a) a person applied for certification as a UAV operator under regulation 101.330; and
 - (b) the application had not been finally determined by CASA.
- (2) The application is taken, on and after the commencement date, to be an application for certification as an RPA operator under regulation 101.330.

Certification of UAV operators immediately before commencement date

- (3) The certification of a person as a UAV operator under regulation 101.335 that was in force immediately before the commencement date is taken, on and after that date, to be a certification of the person as an RPA operator under regulation 101.335 subject to the same terms and conditions.

Non-finalised action to vary, suspend or cancel certification of UAV operator

- (4) Action to vary, suspend or cancel the certification of a person as a UAV operator that, immediately before the commencement date, had not been finally determined is taken to be the same action in relation to the certification of the person as an RPA operator.

90 Part 1 of the Dictionary (definition of *certified UAV controller*)

Repeal the definition.

91 Part 1 of the Dictionary

Insert:

excluded RPA: see regulation 101.237.

large RPA means any of the following:

- (a) a remotely piloted aeroplane with a gross weight of more than 150 kg;
- (b) a remotely piloted powered parachute with a gross weight of more than 150 kg;
- (c) a remotely piloted rotorcraft with a gross weight of more than 150 kg;
- (d) a remotely piloted powered-lift aircraft with a gross weight of more than 150 kg;
- (e) a remotely piloted airship with an envelope capacity of more than 100 m³.

92 Part 1 of the Dictionary (definition of *large UAV*)

Repeal the definition.

93 Part 1 of the Dictionary

Insert:

medium RPA means:

- (a) an RPA with a gross weight of at least 25 kg but not more than 150 kg; or
- (b) a remotely piloted airship with an envelope capacity of 100 m³ or less.

micro RPA means an RPA with a gross weight of 100 g or less.

94 Part 1 of the Dictionary (definition of *micro UAV*)

Repeal the definition.

95 Part 1 of the Dictionary

Insert:

operated within visual line of sight: see subregulation 101.073(3).

Part 101 Manual of Standards means the Manual of Standards issued by CASA under regulation 101.028.

96 Part 1 of the Dictionary (definition of *recreational unmanned aircraft*)

Repeal the definition.

97 Part 1 of the Dictionary

Insert:

remote pilot licence means a licence granted under Division 101.F.3.

RPA means a remotely piloted aircraft, other than a balloon or a kite.

RPAS (short for remote pilot aircraft system) means a set of configurable elements consisting of a remotely piloted aircraft, its associated remote pilot station (or stations), the required command and control links and any other system elements as may be required at any point during the operation of the aircraft.

RPL training course means training in the operation of RPA for the grant of a remote pilot licence that is conducted:

- (a) by a person who is certificated under regulation 101.335 and whose operations include conducting training; and
- (b) in accordance with any standards or requirements prescribed by the Part 101 Manual of Standards.

small RPA means an RPA with a gross weight of at least 2 kg but less than 25 kg.

98 Part 1 of the Dictionary (definition of *small UAV*)

Repeal the definition.

99 Part 1 of the Dictionary

Insert:

standard RPA operating conditions: see regulation 101.238.

100 Part 1 of the Dictionary (definition of UAV)

Repeal the definition.

101 Part 1 of the Dictionary

Insert:

very small RPA means an RPA with a gross weight of more than 100 g but less than 2 kg.

102 Amendments of listed provisions—references to UAVs and certificates

Amendments—references to UAVs and certificates			
Item	Provision	Omit	Substitute
1	Regulation 13.375 (table 13.375, item 10, column 3)	UAV	RPA
2	Regulation 101.015 (including the note)	UAV (wherever occurring)	RPA
3	Regulation 101.020	UAV	RPA
4	Paragraph 101.030(2)(c)	UAVs	RPA
5	Subregulation 101.245(1)	a UAV	an RPA
6	Subregulation 101.245(1)	the UAV	the RPA
7	Paragraphs 101.250(1)(a) and (b)	UAV	RPA
8	Subregulation 101.255(1) (not including the notes)	UAV	RPA
9	Subregulation 101.255(1) (note 1)	<i>UAV</i>	<i>RPA</i>
10	Subregulation 101.255(1) (note 2)	UAV	RPA
11	Subregulation 101.260(1)	UAVs	RPA
12	Subregulation 101.260(1) (note)	UAV	RPA
13	Subregulation 101.260(2)	UAV (wherever occurring)	RPA
14	Subregulation 101.260(2)	UAVs	RPA
15	Subregulations 101.275(1) and (1A)	UAV	RPA
16	Paragraph 101.275(1B)(a)	certificated	certified
17	Paragraph 101.275(1B)(a)	UAVs	RPA
18	Subregulation 101.275(1B) (note)	UAVs	RPA

Schedule 1 Amendments

Amendments—references to UAVs and certificates			
Item	Provision	Omit	Substitute
	2)		
19	Subregulation 101.275(3)	UAV (wherever occurring)	RPA
20	Subregulation 101.280(2)	a UAV	an RPA
21	Subregulation 101.280(2)	certificated UAV	certificated RPA
22	Subregulation 101.280(2) (note 1)	<i>UAV</i>	<i>RPA</i>
23	Subregulation 101.280(2) (note 2)	UAV	RPA
24	Subregulation 101.280(3)	UAV	RPA
25	Paragraph 101.280(4)(a)	UAV's	RPA's
26	Paragraph 101.280(4)(b)	UAV	RPA
27	Subregulation 101.280(5)	UAV	RPA
28	Subregulation 101.285(1)	control a UAV	operate an RPA
29	Subregulation 101.285(3)	control a UAV	operate an RPA
30	Subregulation 101.285(5)	UAV (first and second occurring)	RPA
31	Subregulation 101.285(5)	control the UAV	operate the RPA
32	Subregulation 101.285(5)	a UAV	an RPA
33	Division 101.F.3 (note to Division heading)	certification as a UAV controller	a remote pilot licence
34	Subregulations 101.290(1)	certification as a UAV controller	a remote pilot licence
35	Paragraph 101.290(1)(e)	UAVs	RPA
36	Paragraph 101.290(1)(f)	UAV	RPA
37	Subregulation 101.295(2)	certify an applicant as a UAV controller	grant a remote pilot licence to the applicant
38	Subregulation 101.295(2) (note)	certificate (wherever occurring)	licence
39	Paragraphs 101.300(2)(a), (b) and (c)	control UAVs	operate RPA
40	Subregulation 101.315(1)	a certified UAV controller	the holder of a remote pilot licence
41	Subregulation 101.315(1)	certification	licence

Amendments—references to UAVs and certificates			
Item	Provision	Omit	Substitute
42	Paragraph 101.315(2)(a)	controller	holder of the licence
43	Paragraph 101.315(2)(a)	certification	licence
44	Paragraph 101.315(2)(b)	controller	holder of the licence
45	Paragraph 101.315(2)(b)	certification	licence
46	Subregulations 101.315(3) and (4)	certification (wherever occurring)	licence
47	Subregulation 101.320(1)	certified UAV controller's certification	remote pilot licence
48	Subregulation 101.320(1)	controller (first occurring)	holder of the licence
49	Paragraphs 101.320(1)(a), (b) and (c)	controller	holder
50	Subparagraph 101.320(1)(c)(i)	a UAV	an RPA
51	Subparagraph 101.320(1)(c)(i)	certification	licence
52	Subparagraphs 101.320(1)(c)(ii) and (iii)	UAV	RPA
53	Subregulation 101.320(2)	a certified UAV controller	the holder of a remote pilot licence
54	Paragraph 101.320(2)(a)	controller	holder
55	Paragraph 101.320(2)(b)	controller's certification	holder's licence
56	Division 101.F.4 (note to Division heading)	a UAV	an RPA
57	Subregulations 101.330(1A) and (1)	a UAV	an RPA
58	Subparagraph 101.330(1)(a)(ii)	UAV controller	remote pilot
59	Paragraph 101.330(1)(b)	UAV	RPA
60	Subregulation 101.330(2)	UAVs	RPA
61	Subregulation 101.335(1A)	a UAV operator if	an RPA operator if

Amendments—references to UAVs and certificates			
Item	Provision	Omit	Substitute
62	Subregulations 101.335(1A) and (1)	certificated as a UAV	certified as an RPA
63	Paragraphs 101.335(1)(a) and (c)	UAVs	RPA
64	Paragraph 101.335(1)(f)	UAV controller	remote pilot
65	Subregulations 101.335(2) and (3)	a UAV	an RPA
66	Subregulation 101.340(1)	a UAV (first occurring)	an RPA
67	Paragraph 101.340(1)(b)	UAV controller a person who is certified as a UAV controller	remote pilot a person who holds a remote pilot licence under Division 101.F.3
68	Paragraphs 101.340(4)(a) to (d)	UAVs	RPA
69	Subregulation 101.360(1)	UAV	RPA
70	Subregulation 101.365(1)	certified UAV	certified RPA
71	Paragraph 101.365(1)(c)	a UAV (wherever occurring)	an RPA
72	Subregulation 101.365(2)	UAV	RPA

Transport Safety Investigation (Voluntary and Confidential Reporting Scheme) Regulation 2012

103 Paragraph 7(2)(a)

Omit “large UAVs, small UAVs and micro UAVs”, substitute “large RPA, medium RPA, small RPA, very small RPA and micro RPA”.

104 Subregulation 7(3)

Repeal the subregulation, substitute:

(3) In this regulation:

large RPA has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

medium RPA has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

micro RPA has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

small RPA has the same meaning as in the *Civil Aviation Safety Regulations 1998*.

very small RPA has the same meaning as in the *Civil Aviation Safety Regulations 1998*.