Instrument number CASA 96/17

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under the regulation 11.245 of the *Civil Aviation Safety Regulations 1998*.

**[Signed S. Carmody]**

Shane Carmody
Director of Aviation Safety

17 October 2017

Direction — operation of certain unmanned aircraft

1 Duration

 The instrument:

(a) commences on the day after registration; and

(b) is repealed at the end of 30 September 2020.

2 Definitions

*Note*In this instrument certain terms and expressions have the same meaning as in the *Civil Aviation Act 1988* and the regulations. These include: ***aerodrome***, ***AGL***, ***authorisation***, ***controlled aerodrome***, ***micro RPA***, ***model aircraft***, ***movement area***, ***remote pilot licence***, ***RPA*** and ***RPA operator***.

 (1) In this instrument:

 ***helicopter landing site*** means an area of land or water, or a defined area on a structure, intended to be used wholly or in part for the arrival, departure and surface movement of helicopters.

 ***non-controlled aerodrome*** means a place that is:

(a) a helicopter landing site not located at a controlled aerodrome; or

(b) an aerodrome that is not a controlled aerodrome.

 (2) In this instrument, awareness that a manned aircraft is operating to or from an aerodrome is taken to exist where a reasonable person ought to have been aware that a manned aircraft is operating to or from the aerodrome.

3 Application

 This instrument applies to the operation of unmanned aircraft of all kinds, except operation mentioned in subregulation 101.005 (3) of CASR.

4 Directions relating to the operation of unmanned aircraft near controlled aerodromes

 (1) I direct that a person must not operate an unmanned aircraft within 3 nautical miles of the movement area of a controlled aerodrome.

*Note*The designation of controlled aerodromes is made in the *Determination of airspace and controlled aerodromes etc*, as in force from time to time, which is a legislative instrument revised and reissued by CASA approximately every 6 months. Controlled aerodrome information in the Determination in force at any particular time is also published by Airservices Australia in the *Designated Airspace Handbook*.

 (2) The direction in subsection (1) does not apply to the operation of an unmanned aircraft in accordance with any of the following:

(a) an authorisation (however called) or exemption granted under CASR that permits operation of the aircraft within 3 nautical miles of the movement area of the aerodrome;

(b) the approval of an approved area under regulation 101.030 of CASR;

(c) if the aircraft is an RPA operated by the holder of a remote pilot licence — the privileges and limitations associated with:

 (i) the licence; and

 (ii) the certification of the RPA operator that is conducting the operation.

 (3) The direction in subsection (1) does not apply to the operation of a micro RPA, tethered balloon or kite, unmanned free balloon, rocket or fireworks.

5 Directions relating to the operation of unmanned aircraft near aerodromes that are non-controlled aerodromes

 (1) I direct that a person must not launch an unmanned aircraft within 3 nautical miles of the movement area of a non-controlled aerodrome if the person is aware that a manned aircraft is operating to or from the aerodrome.

 (2) If a person controlling an unmanned aircraft within 3 nautical miles of the movement area of a non-controlled aerodrome becomes aware that an aircraft is operating to or from the aerodrome, I direct the person controlling the unmanned aircraft to:

(a) immediately ensure that the unmanned aircraft is safely manoeuvred away from the path of the manned aircraft; and

(b) land the aircraft as soon as safely possible.

 (3) The directions in subsections (1) and (2) do not apply to the operation of an unmanned aircraft conducted in accordance with any of the following:

(a) an authorisation (however called) or exemption granted under CASR that permits operation of the aircraft within 3 nautical miles of the movement area of the aerodrome;

(b) the approval of an approved area under regulation 101.030 of CASR;

(c) if the aircraft is an RPA operated by the holder of a remote pilot licence — the privileges and limitations associated with:

 (i) the licence; and

 (ii) the certification of the RPA operator that is conducting the operation.

 (4) The directions in subsections (1) and (2) do not apply to the operation of a micro RPA, tethered balloon or kite, unmanned free balloon, rocket or fireworks.

6 Directions relating to the operation of unmanned aircraft higher than 400 ft AGL

 (1) I direct that a person controlling an unmanned aircraft must not operate the aircraft higher than 400 ft AGL.

 (2) The direction in subsection (1) does not apply to the following:

(a) the operation of a tethered balloon or kite in accordance with Subpart 101.D of CASR;

(b) the release of an unmanned free balloon in accordance with Subpart 101.E of CASR;

(c) the operation of a rocket in accordance with Subpart 101.H of CASR;

(d) the operation of an unmanned aircraft in accordance with:

 (i) an authorisation (however called) or exemption granted under CASR that permits operation of the aircraft higher than 400 ft AGL; or

 (ii) the approval of an approved area under regulation 101.030 of CASR;

(e) the operation of an RPA by the holder of a remote pilot licence in accordance with the privileges and limitations associated with:

 (i) the licence; and

 (ii) the certification of the RPA operator that is conducting the operation;

(f) the operation of a model aircraft in accordance with a written approval given by CASA for the purposes of this paragraph.

7 Directions relating to the operation of unmanned aircraft in the area of emergency operations

 (1) I direct that a person controlling an unmanned aircraft must not operate the aircraft over an area where a fire, police, or other public safety or emergency operation is being conducted.

 (2) The direction in subsection (1) does not apply to the extent that a person in charge of the emergency operation approves the operation of the unmanned aircraft.

8 Directions relating to the operation of RPA near people

 (1) I direct that a person controlling an RPA must ensure that the aircraft is not operated less than 30 m from a person unless the person has duties essential to the control or navigation of the aircraft.

 (2) For subregulation (1), the distance of 30 m is measured in every direction from the point on the ground directly below the aircraft.

 (3) The direction in subregulation (1) does not apply:

(a) to the operation of an RPA in accordance with an authorisation (however called) or exemption granted under CASR that permits operation of the RPA less than 30 m from another person; or

(b) if:

 (i) the RPA is an airship; and

 (ii) the airship approaches no closer to the second person than 10 m horizontally and 30 ft vertically.

9 Directions relating to the operation of a single RPA or model aircraft

 (1) I direct that a person controlling an RPA or model aircraft must only operate 1 aircraft at a time.

 (2) The direction in subregulation (1) does not apply to the operation of an RPA or model aircraft in accordance with an authorisation (however called) or exemption granted under CASR.