



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX38/21

I, GRAEME MILLS CRAWFORD, Acting Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 11.160 of the *Civil Aviation Safety Regulations 1998*.

[Signed G.M. Crawford]

Graeme M. Crawford
Acting Director of Aviation Safety

13 April 2021

CASA EX38/21 – Obtaining Experience for Grant of RePL for Medium RPA, and for RePL Upgrade to Different Category of Small or Medium RPA – Exemption Instrument 2021

1 Name

This instrument is *CASA EX38/21 – Obtaining Experience for Grant of RePL for Medium RPA, and for RePL Upgrade to Different Category of Small or Medium RPA – Exemption Instrument 2021*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the end of 31 March 2022.

3 Definitions

- (1) In this instrument:

CASR means the *Civil Aviation Safety Regulations 1998*.

ReOC means a certificate as an RPA operator under Division 101.F.4 of CASR.

RePL holder means a person who holds a remote pilot licence.

- (2) Subject to subsection (1), in this instrument words and phrases have the same meaning as in CASR.
- (3) In this instrument, mention of a provision with the prefix “101.” is a reference to that provision as contained in Part 101 of CASR.

4 Exemption 1 — obtaining experience for medium RPA upgrade

A RePL holder for a small RPA who operates the same category of medium RPA is exempted from compliance with the requirements of subregulation 101.252 (2) of CASR, but only to the extent that the holder would otherwise commit an offence because the medium RPA is not an excluded RPA.

5 Condition for Exemption 1

The exemption in section 4 is subject to the condition that the RePL holder may operate the medium RPA but only if all of the following requirements are met, namely, that the operation is:

- (a) conducted under the standard RPA operating conditions mentioned in regulation 101.238;
- (b) for the purpose of either or both of the following:
 - (i) meeting the experience requirement mentioned in paragraph 101.295 (2) (c) for the grant of a RePL for the same category of medium RPA (**relevant RePL**);
 - (ii) getting practical experience and gaining competency in the operation of the medium RPA for the grant of the relevant RePL;
- (c) for the purposes of preparation to undertake a flight test conducted by CASA under subparagraph 101.295 (2) (b) (iii) for the grant of the relevant RePL.

6 Exemption 2 — obtaining experience for RePL upgrade from small or medium RPA to different category of small or medium RPA

A RePL holder for a category of small RPA or a medium RPA who operates a different category of small RPA or medium RPA is exempted from compliance with the requirements of subregulation 101.252 (2) of CASR, but only to the extent that the holder would otherwise commit an offence because:

- (a) for the medium RPA — it is not an excluded RPA; and
- (b) for the small RPA or medium RPA — the holder does not hold a RePL for the different category.

7 Condition for Exemption 2

The exemption in section 6 is subject to the condition that the RePL holder may operate the different category of small RPA or medium RPA but only if all of the following requirements are met, namely, that the operation is:

- (a) in the different category of small RPA or medium RPA that is of the same type of small RPA or medium RPA as is already included in the holder's RePL;

Note Thus, a RePL category upgrade is only possible for the same type of RPA, whether small or medium, as the RePL holder is already licensed to operate.
- (b) conducted under the standard RPA operating conditions mentioned in regulation 101.238;
- (c) for the purpose of either or both of the following:
 - (i) meeting the experience requirement mentioned in paragraph 101.295 (2) (c) for the grant of a RePL for the different category of small RPA or medium RPA (a **RePL upgrade**);
 - (ii) getting practical experience and gain competency in the operation of the small RPA or medium RPA for the RePL upgrade;
- (d) for the purposes of preparation to undertake a flight test conducted by CASA under subparagraph 101.295 (2) (b) (iii) for the grant of the RePL upgrade.

8 Exemption 3 — no requirement to hold ReOC for Exemption 1 or 2

A person is exempted from compliance with the requirements of regulation 101.270 of CASR but only to the extent that the person would otherwise commit an offence under paragraph 101.270 (2) (b) because the person does not hold a ReOC authorising the conduct of an operation that complies with the requirements of sections 4 and 5, or sections 6 and 7, as the case requires.

9 Condition for Exemption 3

The exemption in section 8 is subject to the condition that:

- (a) sections 4 and 5, or sections 6 and 7, as the case may be, apply to the person; and
 - (b) the person complies with the relevant conditions in those sections, as applicable.
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