



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX46/21

I, ANDREW MELVIN SPARROW, Acting Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed A. Sparrow]

Andrew Sparrow

Acting Executive Manager, National Operations & Standards

27 April 2021

CASA EX46/21 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Instrument 2021

1 Name

This instrument is *CASA EX46/21 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Instrument 2021*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the end of 30 April 2023.

Note For regulation 11.250 of CASR, the directions in section 7 cease to be in force at the end of 30 April 2023.

3 Repeal of instrument CASA EX67/20

CASA EX67/20 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Instrument 2020 is repealed.

4 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **remote pilot licence** and **RPA**.

- (1) In this instrument:

enclosed operation means an RPA operation in which the RPA is operated inside a structure, in circumstances where:

- (a) there is no risk of the RPA escaping the structure if the RPA is beyond the control of the remote pilot of the RPA; and
- (b) there is no risk of injury to any person outside the structure if the RPA collides with the structure.

EVLOS means extended visual line of sight.

EVLOS operation class 1 has the meaning given by section 5.04 of the Part 101 Manual of Standards.

exempted flight means a flight of an RPA that does not comply with paragraph 101.300 (4) (a) of CASR.

Note Paragraph 101.300 (4) (a) requires that a person must not operate an RPA beyond their visual line of sight unless they have passed an examination mentioned in paragraph (a).

Part 101 Manual of Standards means the *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019* (as amended) made under regulation 101.028 of CASR.

remote pilot means the holder of a remote pilot licence and includes a person who was certified as a UAV operator as at 28 September 2016 and is taken to have been certified as an RPA operator.

Note See subregulation 202.462 (3) of CASR.

supervising remote pilot, in relation to the operation of an RPA, means a remote pilot who:

- (a) meets the requirements of subregulation 101.300 (4) of CASR for operating an RPA beyond visual line of sight; and
- (b) either:
 - (i) is the person certified as the RPA operator of the RPA; or
 - (ii) has been appointed to act as a supervising remote pilot for that particular operation by the person certified as the RPA operator of the RPA.
- (2) In this instrument, an RPA is operated **beyond visual line of sight** of a person operating an RPA if it is not **operated within the visual line of sight** of the person, as defined in subregulation 101.073 (3) of CASR.

5 Application

This instrument applies to a remote pilot who, as a member of an RPA operator's personnel, operates an RPA beyond visual line of sight for an exempted flight.

6 Exemption — operating beyond visual line of sight

- (1) The remote pilot is exempt from compliance with:
 - (a) paragraph 101.300 (4) (a) of CASR; and
 - (b) regulation 101.073 of CASR.

Note The RPA operator of an RPA that conducts an exempted flight is still required to hold an approval for the flight under regulation 101.029 of CASR.

- (2) The exemptions in subsection (1) are subject to the conditions mentioned in section 8.

7 Directions

- (1) This section applies to the person certified as the RPA operator of an RPA that conducts an exempted flight.
- (2) The person must have documented practices and procedures, within the meaning of paragraph 101.335 (1) (d) of CASR, that:
 - (a) have been prepared by the person; and
 - (b) have been approved by CASA; and
 - (c) include the requirements mentioned in subsection (3).

- (3) The documented practices and procedures mentioned in subsection (2) must include practices and procedures for operating an RPA beyond visual line of sight and ensure the following:
 - (a) remote pilots successfully complete specific induction training before they can conduct an exempted flight;
 - (b) the keeping of a list of remote pilots qualified to conduct an exempted flight;
 - (c) all records relating to exempted flights are kept for a period of at least 7 years.

8 Conditions

- (1) The remote pilot must ensure that the exempted flight complies with documented practices and procedures mentioned in subsection 7 (2).
 - (2) The remote pilot must not conduct an exempted flight (other than an enclosed operation or an EVLOS operation class 1) unless it is conducted under the immediate supervision of a supervising remote pilot who is:
 - (a) at the place where the remote pilot is located; and
 - (b) readily accessible to the remote pilot conducting the flight; and
 - (c) immediately available to advise and direct the remote pilot.

Note This does not limit the supervisor observing multiple flights at the one time.
 - (3) A remote pilot to whom subsection (2) applies must comply with the directions of the supervising remote pilot.
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