



Civil Aviation Safety Amendment (Parts 47 and 101) Regulations 2022

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 17 February 2022

David Hurley
Governor-General

By His Excellency's Command

Barnaby Joyce
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 (Parts 47 and 101) Regulations 2022*.

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 this instrument is registered.	19 February 2022

Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Civil Aviation Safety Regulations 1998

1 At the end of subregulation 47.015(1) (before the note)

Add:

- ; (n) an RPA or a model aircraft (other than a large RPA or an aircraft prescribed for the purposes of subregulation 47.096(2)) that is being operated only:
 - (i) for the purposes of a test flight; and
 - (ii) in circumstances applicable to the aircraft and the test flight that are prescribed by the Part 101 Manual of Standards for the purposes of subregulation 101.099B(1).

2 Paragraph 47.098(2)(b)

Repeal the paragraph, substitute:

- (b) issue a certificate of registration for the aircraft to the registration holder of the aircraft.

3 Subregulation 47.098(2) (note)

Repeal the note.

4 Regulations 47.099 and 47.099A

Repeal the regulations, substitute:

47.099 Period of registration

The registration of an aircraft under this Division:

- (a) begins at the time when the aircraft 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.

Example: If an RPA or model aircraft is registered on 15 October 2022, the registration of the RPA or model aircraft will generally end at the end of 14 October 2023.

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

5 After regulation 101.023

Insert:

101.024 Types of model aircraft

The defined term listed in the following table has the meaning indicated in the table.

Types of model aircraft		
Item	The term ...	means ...
1	<i>giant model aircraft</i>	a model aircraft that has a take-off weight (excluding fuel) of more than 25 kilograms.

6 At the end of Subpart 101.C

Add:

101.099B Test flights of certain RPA and model aircraft—circumstances and requirements prescribed by the Part 101 Manual of Standards*Circumstances in which aircraft may be operated for test flights while not registered for the flights*

- (1) The Part 101 Manual of Standards may prescribe the circumstances in which:
 - (a) an RPA or a model aircraft that is not required to be registered under Division 47.C.1, and is not registered under Division 47.C.2, may be operated for the purposes of a test flight; or
 - (b) an aircraft that is registered as a model aircraft under Division 47.C.2 may be operated as an RPA for the purposes of a test flight.
- (2) For the purposes of subregulation (1), circumstances in which an aircraft may be operated for the purposes of a test flight may be prescribed only if the circumstances are relevant to the development, manufacture, repair or maintenance of the aircraft or of equipment associated with the aircraft.

Requirements for aircraft operated for test flights while not registered for the flights

- (3) The Part 101 Manual of Standards may prescribe requirements relating to the operation of an aircraft mentioned in paragraph (1)(a) or (b) for the purposes of a test flight.
- (4) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an RPA or a model aircraft for the purposes of a test flight; and
 - (b) the person is subject to a requirement prescribed for the purposes of subregulation (3) in relation to that operation or conduct; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

6A After subsection 101.374E(3)

Insert:

- (3A) An applicant may undertake a course or an examination mentioned in subsection (2) only if the applicant is at least 16 years old at that time.

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

Repeal the definition (including the note).

8 Subregulation 101.405(1) (note)

Omit “regulation 101.380”, substitute “regulation 101.024”.

9 Subregulation 202.229(1) (paragraphs (a) and (b) of the definition of *model aircraft stage 1 application day*)

Omit “1 March 2022”, substitute “1 July 2022”.

10 Subregulation 202.229(1) (paragraph (b) of the definition of *model aircraft stage 1 application day*)

Omit “1 September 2022”, substitute “1 February 2023”.

11 Subregulation 202.229(1) (paragraphs (a) and (b) of the definition of *model aircraft stage 2 application day*)

Omit “30 May 2022”, substitute “30 September 2022”.

12 Subregulation 202.229(1) (paragraph (b) of the definition of *model aircraft stage 2 application day*)

Omit “30 November 2022”, substitute “30 May 2023”.

13 Subregulation 202.229(1) (definition of *RPA application day*)

Repeal the definition.

14 Subregulation 202.229(2)

Omit “*day, model aircraft stage 2 application day or RPA application day*”, substitute “*day or model aircraft stage 2 application day*”.

15 Subregulation 202.229(3)

Omit “1 March 2022”, substitute “1 July 2022”.

16 Subregulation 202.229(4)

Repeal the subregulation.

17 Regulation 202.230

Repeal the regulation.

18 Subregulation 202.231(1) (note)

Omit “1 March 2022”, substitute “1 July 2022”.

19 Subregulation 202.231(2) (note)

Omit “30 May 2022”, substitute “30 September 2022”.

20 Subregulation 202.231(3) (note)

Repeal the note.

21 Paragraph 202.232(1)(a)

Omit “26 April 2022”, substitute “26 August 2022”.

22 Paragraph 202.232(1)(b)

Omit “subparagraph 47.098(2)(b)(i)”, substitute “paragraph 47.098(2)(b)”.

23 Subregulation 202.232(2)

Omit “subparagraph 47.099(2)(b)(i)”, substitute “paragraph 47.099(b)”.

24 Subregulation 202.232(2) (table items 1 to 4)

Repeal the items, substitute:

1	between 1 July 2022 and 15 July 2022	29 September 2023
2	between 16 July 2022 and 29 July 2022	22 September 2023
3	between 30 July 2022 and 12 August 2022	15 September 2023
4	between 13 August 2022 and 31 August 2022	31 August 2023

25 Subregulation 202.232(2) (notes 1 and 2)

Repeal the notes, substitute:

Note: The registration of an aircraft as a model aircraft under Division 47.C.2 on or after 1 September 2022, 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 October 2022, the registration generally ends at the end of 14 October 2023.

26 Subregulation 202.232(3)

Omit “1 March 2022”, substitute “1 July 2022”.

27 Subregulation 202.232(3) (example)

Omit “15 March 2022 (14 days later than 1 March 2022)”, substitute “15 July 2022 (14 days later than 1 July 2022)”.

28 Regulation 202.463 (note to the definition of *model aircraft stage 1 application day*)

Omit “1 March 2022”, substitute “1 July 2022”.

29 Regulation 202.463 (note to the definition of *model aircraft stage 2 application day*)

Omit “30 May 2022”, substitute “30 September 2022”.

30 Regulation 202.463 (definition of *RPA application day*)

Repeal the definition (including the note).

31 Regulation 202.465

Repeal the regulation.

32 Subregulation 202.466(1) (note 2)

Omit “1 March 2022”, substitute “1 July 2022”.

33 Subregulation 202.466(5) (notes 1 and 2)

Repeal the notes, substitute:

Note: The model aircraft stage 2 application day is 30 September 2022 (or a later day): see regulation 202.229.

34 Part 1 of the Dictionary (paragraph (b) of the definition of *certificate of registration*)

Repeal the paragraph, substitute:

(b) in relation to an aircraft registered under Division 47.C.2—a certificate issued under paragraph 47.098(2)(b).

35 Part 1 of the Dictionary (definition of *giant model aircraft*)

Omit “regulation 101.380”, substitute “regulation 101.024”.