

## **Explanatory Statement**

### **Civil Aviation Safety Regulations 1998**

#### **Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2022 (No. 1)**

##### **Purpose**

The *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards Instrument 2019* (the **MOS**) was the first issue of a MOS in relation to unmanned aircraft and rockets (including kites, fireworks, unmanned tethered and free balloons). The power to issue the MOS was conferred on the Civil Aviation Safety Authority (**CASA**) by the *Civil Aviation Legislation Amendment (Part 101) Regulation 2016* (the **amendment regulations**).

The MOS prescribed a range of miscellaneous matters in relation to the safety and regulatory oversight of remotely piloted aircraft (**RPA**), including training and competency standards for remote pilot licences (**RePL**).

The purpose of the *Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2022 (No. 1)* (the **MOS amendment**) is to make a small number of relatively straightforward but miscellaneous modifications to the MOS to clarify, simplify and streamline some provisions and their application.

##### **Legislation — the Act**

Under subsection 98 (1) of the *Civil Aviation Act 1988* (the **Act**), the Governor-General may, among other things, make regulations prescribing matters required, permitted, necessary or convenient for the Act and in the interests of the safety of air navigation. Part 101 of the *Civil Aviation Safety Regulations 1998* (**CASR**) deals with the operation of unmanned aircraft, rockets and fireworks.

##### **Legislation — Part 101 of CASR**

Under regulation 101.028, CASA may issue a MOS prescribing matters required or permitted by the Regulations to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to Part 101. This power is complemented by other provisions in Part 101 which empower CASA to prescribe specific matters in the MOS.

##### **Background**

A post implementation review of the Part 101 MOS identified the need to simplify or correct a miscellaneous range of matters in the MOS. These include, for example, changing the way certain measurements are made in calculating aerodrome no-fly zone boundaries; adjusting the rules for tethered operations at controlled and non-controlled aerodromes; temporarily deferring the date by which RePL training instructors must hold enhanced qualifications (partly arising from the impact of past COVID-19 lockdowns and restrictions); improving certain record keeping; and removing the requirement for registration of RPA or model aircraft used exclusively in test flights for developmental, manufacturing, or maintenance and repair, purposes; and correcting some typographical and numbering errors and omissions.

Of these, the most important is changing the way certain measurements are made in calculating aerodrome no-fly zone boundaries. Previously, calculations were based on the relevant area within 3 NM of “the movement area of an aerodrome”. However,

measurement from the movement area was not always easily represented geographically or defined in an accurate way digitally. The lack of databases accurately recording aerodrome movement areas, which themselves can vary over time with aerodrome developments, could lead to inconsistency in the way movement areas were represented and used for RPA operations. Consequently, references to the movement area have been replaced by a more digitally-friendly, more precise and more accurate concept of measurement from a point along a runway centreline (the *measurement point*).

However, in practice, on the ground, and in the airspace, the geographical distinction between the area within 3 NM of the movement area of an aerodrome, and the area within 3 NM in any direction from the measurement point of any runway at the aerodrome, is considered to be immaterial, and the respective areas are regarded as co-extensive with one another. The measurement point concept brings precision, certainty, comprehensiveness and predictability to measurements that did not always reflect those characteristics.

An important consequence of this co-extensivity is that the definition in regulation 101.238 of CASR of *standard RPA operating conditions* remains unchanged because calculations based on the reference in subparagraph 101.238 (d) (v) to within 3 NM of the movement area of a controlled aerodrome can in practice be accurately calculated by use of measurement point computer applications with no material difference to the outcome.

#### ***Legislation Act 2003 (the LA)***

Under subsection 8 (4) of the LA, an instrument is a legislative instrument if it is made under a power delegated by the Parliament, and any provision determines the law or alters the content of the law, and it has the direct or indirect effect of affecting a privilege or interest, imposing an obligation, creating a right, or varying or removing an obligation or right. The principal MOS satisfied these requirements and, consequentially, the MOS amendment does so also.

Under paragraph 98 (5A) (a) of the Act, regulations made “for” that same provision may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation of aircraft.

Under subsection 98 (5AA) of the Act, an instrument (like the principal MOS) issued under paragraph 98 (5A) (a) is taken to be a legislative instrument if it is expressed to apply in relation to a class of persons or aircraft or aeronautical products.

The principal MOS was an instrument empowered by regulation 101.028 made by the amendment regulations “For subsection 98 (5A) of the Act”.

The standards set by the principal MOS apply, not to a particular remote pilot or a particular RPA but to the class of such pilots and aircraft. The principal MOS was, therefore, by virtue of subsection 98 (5AA), a legislative instrument and subject to registration, and tabling and disallowance in the Parliament, under sections 15G, and 38 and 42, of the LA.

Consequentially, the same provisions and conclusions apply to the MOS amendment.

### *Sunsetting*

As the instrument relates to aviation safety and is made under CASR, Part 4 of Chapter 3 of the LA (the sunseting provisions) does not apply to the instrument (as per item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). The instrument deals with aviation safety matters that, once identified, require a risk response or treatment plan. As such, the instrument is intended to have enduring operation and it would not be appropriate for it to be subject to sunseting.

The exemption from the sunseting provisions affects parliamentary oversight by not requiring the instrument to be remade at the end of the sunseting period (remaking would have the effect that the whole instrument must be retabled and would become subject to disallowance in the Parliament under sections 38 and 42 of the LA). However, it is likely that, over time, further MOS amendments will be made and these will be subject to tabling and disallowance in the Parliament in the normal way.

### **Incorporation by reference**

Under subsection 98 (5D) of the Act, the MOS may apply, adopt or incorporate any matter contained in any instrument or other writing. A non-legislative instrument may be incorporated into a legislative instrument made under the Act, as that non-legislative instrument exists or is in force at a particular time or from time to time (including a non-legislative instrument that does not exist when the legislative instrument is made).

Under paragraph 15J (2) (c) of the LA, the Explanatory Statement must contain a description of the incorporated documents and indicate how they may be obtained. The MOS amendment, as such, incorporates the following further documents.

For a tethered operation in the no-fly zone of a controlled or non-controlled aerodrome, a certified RPA operator must (among other things) conduct the operation in accordance with the operator's documented practices and procedures for such operations (paragraphs 4.04 (3) (c) and 9.05 (3) (c)). These are the proprietary documents of each operator and for that reason are not necessarily publicly available. CASA will endeavour to make copies available for inspection by appointment at a CASA office if the operator voluntarily agrees to such accessibility.

For a tethered operation in the no-fly zone of a controlled aerodrome, a certified RPA operator must (among other things) ensure that the RPA is flown in accordance with any instructions issued by ATC (paragraph 4.04 (3) (e)). However, such instructions are invariably oral.

### **Consultation**

Under section 16 of the Act, in performing its functions and exercising its powers, CASA must consult government, industrial, commercial consumer and other relevant bodies and organisations insofar as CASA considers such consultation to be appropriate.

Under section 17 of the LA, before a legislative instrument is made, CASA must be satisfied that it has undertaken any consultation it considers appropriate and practicable in order to draw on relevant expertise and involve persons likely to be affected by the proposals.

Under regulation 11.280 in Subpart 11.J of CASR, if CASA intends to issue a MOS, CASA must, in effect, engage in public consultation on the draft MOS. This requirement also applies to a MOS amendment.

However, under paragraph 11.275 (1) (d) of CASR, CASA is not obliged to consult if the Director of Aviation Safety determines that the MOS is of a minor or machinery nature that does not substantially alter existing arrangements. In such circumstances, under subregulation 11.275 (2), CASA must publish the determination, and a statement of reasons for it, on the internet within 28 days after making the determination.

Although CASA considers that the MOS amendment is of a minor or machinery nature, CASA decided nevertheless to carry out consultation.

There were 3 consultation exercises. Initial consultation was with the relevant technical working group (**TWG**) of the Aviation Safety Advisory Panel. Over a dozen representative bodies, organisations and groups participated in a video conference on 14, 15 and 20 July 2021 to consider the policies and amendments. The TWG reached general consensus in support of the proposed policies and MOS amendments and recommended that CASA proceed with public consultation.

Detailed proposals were then posted on the internet for further consultation between 5 November 2021 and 18 November 2021, with a final closure consultation between 15 December 2021 and 21 February 2022. In all, CASA considered some 255 responses to the consulted proposals for which there was general support.

#### **Office of Best Practice Regulation (OBPR)**

A Regulation Impact Statement (**RIS**) is not required because the instrument is covered by a standing agreement between CASA and OBPR under which a RIS is not required for amendments to Manuals of Standards (OBPR id: 14507).

#### **Sector risk, economic and cost impact**

Subsection 9A (1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration. Subsection 9A (3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9 (1) (c), CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and
- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses, and the community to incur. The economic impact of a standard refers to the impact a standard would have on the production, distribution, and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

In terms of economic and cost impacts for subsection 9A (3) of the Act, the MOS amendment will in practice reduce the relevant costs of operating an RPA. RPA involved in prescribed test flights will not be required to be registered; a degree of

uncertainty about the geographical extent of aerodrome no-fly zones will be removed; the accuracy of and hence the utility and availability of digital apps for calculating no-fly zones will be enhanced; rules for tethered operations are simplified and hence easier to apply; the requirement to update CASA model aircraft registration records with an operator's own changed information is not onerous.

### **Rural and regional impacts**

The Minister's Statement of Expectations for the CASA Board states: "I expect that CASA will: ... (b) fully consider the impact of new regulations on general aviation, with a particular focus on regional and remote Australia. All Explanatory Statements drafted by CASA for subordinate legislation should identify the impact on the various categories of operations as well as on communities in regional and remote Australia served by those operations and how these impacts have been considered."

There are no identified rural and regional impacts that differ in any material way from the general economic and cost impacts described above.

### **Statement of Compatibility with Human Rights**

The Statement of Compatibility with Human Rights at Appendix 1 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The legislative instrument indirectly engages some of the applicable rights and freedoms but, in the context of aviation safety, does so in a reasonable, necessary and proportionate way to ensure safety and is, therefore, compatible with human rights, as it does not improperly infringe any human rights.

### **Commencement and making**

The MOS commences on 1 April 2022, following registration.

The MOS amendment has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

## Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2022 (No. 1)

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### 1 Name of instrument

This section names the instrument as the *Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2022 (No. 1)*.

### 2 Commencement

This section provides for the instrument to commence on 1 April 2022.

### 3 Amendment of the Part 101 Manual of Standards

Schedule 1 amends the *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards Instrument 2019*.

## Schedule 1 Amendments

### [1] Section 1.03, the Table, Item 1A

Under paragraph 2.30 (2) (c) of the MOS, a RePL training instructor must (among several other competency requirements) have 1 or more of the following:

1. a pilot instructor rating issued under Part 61 of CASR;
2. a Certificate IV in Training and Assessment issued by an approved educational institution;
3. a tertiary level qualification in teaching that is recognised as such by a State or Territory government;
4. a certificate of successful completion of a training program in the principles of instruction issued by a person approved in writing by CASA.

Under Item 1A of the Table in section 1.03, this requirement was to take effect on 10 April 2022. However, the differing COVID-19 pandemic restrictions and lockdowns across Australia since 2020 has had an impact on candidates' equality of opportunity to acquire one of the relevant qualification. CASA has, therefore, decided to defer the taking effect of this requirement until 10 April 2024.

### [2] Subsection 1.04 (2), definition of *tethered operation*

This amendment is consequential on Amendment No. 13.

### [3] Subsection 1.04 (2)

This amendment provides a number of key definitions needed for the new provisions in the MOS amendment, including *measurement point* and *test flight*.

### [4] Section 2.04

This section repeals provisions concerning aeronautical radio operator knowledge and competency standards that are not relevant to RePL training courses. A Note is substituted to the effect that CASA is preparing guidance material on the matter.

**[5] Subsection 2.06 (1), the Note**

This amendment repeals a Note about the imposition of conditions on RePLs. Conditions of the kind described are not used in practice because other safety mechanisms are more apposite.

**[6] Section 4.01, the chapeau**

This amendment corrects a typographical error.

**[7] Section 4.02, the chapeau**

This amendment corrects a typographical error.

**[8] Section 4.02**

This amendment corrects typographical errors.

**[9] Section 4.02, paragraph (a) of definition of *no-fly zone of a controlled aerodrome***

This amendment changes the way certain measurements are made in calculating controlled aerodrome no-fly zone boundaries. Previously, such calculations were based on measurements from “the movement area” of the relevant aerodrome, a concept which lacks a sufficient degree of precision for the purpose of consistent measurements. The expression “measurement point” is substituted. It means any point on the actual or notional centreline of a runway between the 2 threshold centrepoinTs. The threshold centrepoinT is the point on the threshold of a runway at which the centreline of the runway intersects (or would intersect if there were a centreline) the threshold. *Threshold*, for a runway, means the beginning of that portion of the runway usable for landing.

**[10] Section 4.02, paragraph (b) of definition of *no-fly zone of a controlled aerodrome***

This amendment is the same as that described under Amendment No. 9.

**[11] Section 4.02, definition of *RPA***

This amendment corrects a typographical error.

**[12] Section 4.04, the heading**

This amendment provides a more accurate section heading.

**[13] Subsection 4.04 (3), including the Note**

This amendment condenses the rules for tethered operations in the no-fly zone of a controlled aerodrome, in order to reduce their detail without making any significant change. However, one change is the removal of the inappropriate reference to obtaining “ACT clearance”. ACT must still receive a notification before an operation, and any ATC instructions must be adhered to. The amendment also reflects the change described under Amendment No. 9.

**[14] Section 4.05**

This amendment remakes section 4.05 in almost identical terms as before. The section describes the approach and departure paths at a controlled aerodrome in terms of a newly-drawn Figure 4.05 (1)-1. The amendment removes references to the progressive width of the splay which is now considered to be confusing and unnecessary. The amendment, in subsection 4.05 (4), applies the measurement point as discussed under Amendment No. 9.

- [15] Section 4.05, Figure 4.05 (1)-1 and Figure 4.05 (1)-2**  
 This amendment inserts the newly-drawn Figure 4.05 (1)-1, corresponding to the descriptions in section 4.05, subsection 4.05 (4) which reflects the change described under Amendment No. 9. The status of the figure is also modified to indicate that it both shows and illustrates relevant matters. The amendment also repeals Figure 4.05 (1)-2 which is redundant.
- [16] Section 4.05, Figure 4.05 (1)-3: Intersecting runways (illustrates matters), the caption**  
 This amendment consequentially renumbers Figure 4.05 (1)-3.
- [17] Paragraph 5.11 (2) (c)**  
 The amendment reflects the change described under Amendment No. 9.
- [18] Section 9.01**  
 This amendment corrects what had become an incorrect citation as a result of former subregulation 101.247 (1) (about prescribed areas) being relocated to be regulation 101.066 by virtue of the *Civil Aviation Safety Amendment Remotely Piloted Aircraft and Model aircraft — Registration and Accreditation) Regulations 2019*.
- [19] Section 9.02, paragraph (b) of definition of *no-fly zone of an HLS***  
 For consistency in terminology, this amendment replaces a mention of “diameter” with mention of “radius”.
- [20] Section 9.02, paragraph (a) of definition of *no-fly zone of a non-controlled aerodrome***  
 The amendment reflects the change described under Amendment No. 9.
- [21] Section 9.02, paragraph (b) of definition of *no fly zone of a non-controlled aerodrome***  
 The amendment reflects the change described under Amendment No. 9.
- [22] Section 9.02, definition of *no-fly zone of a non-controlled aerodrome***  
 This amendment adds a Note, consequential on the introduction of the concept of the measurement point (see Amendment No. 9) to refer to the notional centreline on a grass landing strip.
- [23] Section 9.05, the heading**  
 This amendment provides a more accurate section heading.
- [24] Subsection 9.05 (3)**  
 This amendment condenses the rules for tethered operations in the no-fly zone of a non-controlled aerodrome in order to reduce their detail without making any significant change.
- [25] Section 9.06**  
 This amendment remakes section 9.06 in almost identical terms as before. The section describes the approach and departure paths at a non-controlled aerodrome in terms of a newly-drawn Figure 9.06 (1)-1. The amendment removes references to the progressive width of the splay which is now considered to be confusing and unnecessary. The amendment, in



subsection 9.06 (4), applies the measurement point as discussed under Amendment No. 9.

**[26] Section 9.06, Figure 9.06 (1)-1 and Figure 9.06 (1)-2**

This amendment inserts the newly-drawn Figure 9.06 (1)-1, corresponding to the descriptions in section 9.06, subsection 9.06 (4) which reflects the change described under Amendment No. 9. The status of the figure is also modified to indicate that it both shows and illustrates relevant matters. The amendment also repeals Figure 9.06 (1)-2 which is redundant.

**[27] Section 9.06, Figure 9.06 (1)-3: Intersecting runways (illustrates matters), the caption**

This amendment consequentially renumbers Figure 9.06 (1)-3.

**[28] Chapter 10, the heading**

This change in the Chapter heading to add mention of model aircraft is consequential of new section 10.18 which deals with model aircraft.

**[29] After section 10.17**

This amendment inserts new section 10.18 to require a person who has registered a model aircraft, to keep information details given to CASA at the time of registration up-to-date through their myCASA account.

**[30] Chapter 11**

This amendment inserts a new Chapter 11 to prescribe, for regulation 101.099B of CASR, the circumstances in which there is no requirement for registration of RPA or model aircraft used exclusively in test flights for developmental, manufacturing, or maintenance and repair, purposes.

The circumstances in which this alleviation may occur are when the RPA or the model aircraft (or the model aircraft operated as an RPA) is operated for a purpose mentioned below, provided that the operation is relevant to the development, manufacture, repair or maintenance of the relevant aircraft or its aircraft system, or of equipment associated with the relevant aircraft or its aircraft system:

- (a) a test flight conducted by, or at the request of, the manufacturer developing the relevant aircraft, system or equipment, and for the purpose of such development; and
- (b) a test flight, following the manufacture of the relevant aircraft, system or equipment, that is conducted:
  - (i) by, or at the request of, the manufacturer of the relevant aircraft, system or equipment; and
  - (ii) before it is provided to the initial purchaser of the relevant aircraft, system or equipment; and
- (c) a test flight following the fitting of relevant equipment to a relevant aircraft or system, that is conducted by, or at the request of, the person who fitted the equipment; and
- (d) a test flight before or after repair or maintenance of the relevant aircraft, system or equipment, that is conducted by, or at the request of, the person who carried out, or will carry out, the maintenance or repair.

The person who operates a relevant aircraft for a test flight must prepare and sign, and retain for 3 years, and make available to CASA on written request, a written record of the test flight that includes:

- (a) the serial number of the relevant aircraft flown; and
- (b) the name, address and ARN (if any) of the owner of relevant aircraft; and
- (c) the time and date of the test flight; and
- (d) the location of the test flight; and
- (e) the reason for the test flight; and
- (f) any accident, incident or malfunction that occurred during the test flight; and
- (g) the name of the relevant operator.

A final provision is designed preserve the confidentiality of the CASA record.

**[31] Item 3 of Unit 2 in Appendix 1 of Schedule 4**

The amendment provides a more accurate description of an RPA training course item.

**[32] Item 4 of Unit 2 in Appendix 1 of Schedule 4**

The amendment provides a more accurate classification of an RPA training course item contents.

**[33] Subparagraph (a) (i) in item 8 of Unit 6, Appendix 1 of Schedule 4**

This amendment is consequential on the introduction of the concept of the threshold centrepoint training in which must be included in RPAS training courses.

**[34] The heading in column 1 of Item 1 of Unit 23 in Appendix 2 of Schedule 5**

The amendment provides a more accurate description of an RPA training course item.

**[35] Paragraphs (b) and (c) in column 3 of Item 1 of Unit 23 in Appendix 2 of Schedule 5**

This amendment provides a more accurate description of an RPA training course item by deleting a reference to stalling.

**[36] Paragraphs (e) and (f) in column 1 of Item 1 of Unit 27 in Appendix 3 of Schedule 5**

This amendment deletes mentions of “attitude mode” and replaces them with reference to “GPS hold”.

**[37] Paragraphs (b) and (c) in column 3 of Item 1 of Unit 32 in Appendix 4 of Schedule 5**

This amendment deletes mentions of required training in “various sizes of RPA”. It is satisfactory for an organisation to use a single-sized RPA.

**[38] The heading in column 1 of Item 2 of Unit 34 in Appendix 5 of Schedule 5**

The amendment provides a more accurate description of an RPA training course item.

**[39] Paragraph (b) in column 2 of Item 2 of Unit 34 in Appendix 5 of Schedule 5**

The amendment removes a training requirement for an RPA to remain in the hover over the take-off position for 10 seconds on launching. This may cause overheating or battery drain and is unnecessary.

**[40] The heading in column 1 of Item 1 of Unit 37 in Appendix 5 of Schedule 5**

The amendment provides a more accurate description of an RPA training course item.

**[41] Paragraphs (b) and (c) in column 3 of Item 4 of Unit 37 in Appendix 5 of Schedule 5**

This amendment deletes mention of required training in “various sizes of RPA”. It is satisfactory for an organisation to use a single sized RPA.

**[42-149] Various Items in section of Appendices 1 to 4 of Schedule 6**

These amendments provide numbering for various unnumbered elements in Items of various RPA training course Appendices for ease of reader and reference.

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the  
Human Rights (Parliamentary Scrutiny) Act 2011*

### Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2022 (No. 1)

The *Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2022 (No. 1)* (the **MOS amendment**) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### Overview of the legislative instrument

The *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards Instrument 2019* (the **MOS**) was the first issue of a MOS in relation to unmanned aircraft and rockets (including kites, fireworks, unmanned tethered and free balloons). The power to issue the MOS was conferred on the Civil Aviation Safety Authority (**CASA**) by the *Civil Aviation Legislation Amendment (Part 101) Regulation 2016* (the **amendment regulations**).

The MOS prescribed a range of miscellaneous matters in relation to the safety and regulatory oversight of remotely piloted aircraft (**RPA**), including training and competency standards for remote pilot licences (**RePL**).

The purpose of the MOS amendment is to make a small number of relatively straightforward but miscellaneous modifications to the MOS to clarify, simplify and streamline some provisions and their application.

A post-implementation review of the MOS identified the need to simplify or correct a miscellaneous range of matters in the MOS. These include, for example, changing the way certain measurements are made in calculating aerodrome no-fly zone boundaries; adjusting the rules for tethered operations at controlled and non-controlled aerodromes; temporarily deferring the date by which RePL training instructors must hold enhanced qualifications (partly arising from the impact of past COVID-19 lockdowns and restrictions); improving certain record keeping; removing the requirement for registration of RPA used exclusively in test flights for developmental, manufacturing, or maintenance and repair, purposes; and correcting some typographical and numbering errors and omissions.

#### Human rights implications

##### *The right to work*

The MOS amendment may engage the right to work that is protected under Article 6 (1) of the *International Covenant on Economic, Social and Cultural Rights*. This right includes the right of everyone to the opportunity to gain their living by work which they freely choose or accept.

The creation of no-fly zones generally within 3 NM of the runways of controlled and uncontrolled aerodromes restricts flight in these zones and may conceivably affect RPA-related work in these areas. However, there is clearly an aviation safety imperative for the restrictions which are reasonable, necessary and proportionate.

***The right to privacy***

The MOS amendment may engage the right to privacy under Article 17 of the International Covenant on Civil and Political Rights.

A person who has registered a model aircraft must update registration details if they have changed, and must give CASA other operational information if requested, the request is necessary in the interests of aviation safety; and the safety justification for the request is explained. While some of the information may conceivably be of a personal nature, for example, dates, times and places of model aircraft flights, there is clearly an aviation safety imperative for CASA's power to ask for relevant information which, in the circumstances, is reasonable, necessary and proportionate.

**Conclusion**

The MOS amendment is a legislative instrument that is compatible with human rights and, to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate to ensure the safety of aviation operations and to promote the integrity of the aviation safety system.

**Civil Aviation Safety Authority**