

## Explanatory Statement

### Civil Aviation Safety Regulations 1998

#### Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2023 (No. 1)

##### Purpose

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

The principal 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.

The *Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2023 (No. 1)* (the **MOS amendment**) is the third in a series of amendments designed, in the light of 3 years of practical CASA and industry experience with the principal MOS, to make technical updates and improvements that do not substantially alter existing requirements but improve and clarify the way they operate. Thus, the MOS amendment makes a large number of minor or machinery modifications to the principal MOS to clarify, simplify and streamline numerous provisions and their application.

The commencement of the amendments is staggered for transitional purposes. The amendments in Schedule 1 commence on 19 April 2023. The amendments in Schedule 2 commence on 18 October 2023. This will give relevant operators more time to prepare for the commencement of the Schedule 2 amendments which are essentially administrative in nature.

##### Background

A post-implementation review of the principal MOS identified the need to simplify or correct a miscellaneous range of matters in the MOS. The MOS amendment contains over 160 individual disparate amendments but the following may give some idea of the range of minor or machinery matters addressed. The MOS amendment will:

- add, clarify, correct, or delete, some definitions
- correct typographical errors
- remove gendered language
- add or clarify some Notes
- add transitional provisions
- clarify the distinction between provisions dealing with the initial issue of a remote pilot licence (**RePL**) and an upgrade of such a licence
- update some language to better accommodate communications technology
- clarify significant change processes
- correct the requirements for certain RePL upgrades to avoid the unintended consequence of duplication of learning
- re-express some provisions in clearer language

- recast some provisions to remove some unnecessary procedural and operational requirements
- delete some unnecessary administrative requirements about record keeping
- remove some unnecessary training prescriptions from the aeronautical knowledge units and the practical competency units of a RePL training course.

### **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 principal MOS.

Under regulation 201.025 of CASR, for subsection 98 (5A) of the Act, CASA may issue instruments prescribing matters for definitions in the regulations relating to matters mentioned in the subsection (the subsection empowers regulations which in turn empower the issue of instruments for, in effect, aviation safety).

Under subsection 33 (3) of the *Acts Interpretation Act 1901* (in effect) where regulations empower the making of a MOS, the power includes a parallel power to amend the MOS. The MOS amendment is made under the same head of power, and on the same basis, as the MOS itself.

For convenience in this Explanatory Statement, unless a contrary intention appears, mention of a provision with the prefix “101.” is a reference to that provision in Part 101 of CASR.

### **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. In addition, under paragraph 10 (1) (d) of the LA, an instrument that amends a legislative instrument is itself a legislative instrument.

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, while not subject to sunseting, 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 principal 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, in the terms as that non-legislative instrument exists or as it 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 minor and machinery amendments in the MOS amendment do not incorporate any new documents as such.

Some amendments continue to make reference, as does the principal MOS itself, to an RPA operator’s documented practices and procedures. Although requiring approval by CASA, these documents are the proprietary intellectual property of individual RPA operators and training organisations, detailing how they may most safely and most advantageously conduct their operations, including commercial operations.

CASA would, on request, endeavour to make copies available for inspection by appointment at a CASA office if a relevant RPA operator voluntarily agreed to such accessibility.

### **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 actual draft finalised 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.

CASA has issued such a determination and statement of reasons (*CASA 21/23 — Determination for the Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2023 (No. 1)*), which is available on the CASA website, determining, and explaining why, the MOS amendment is of a minor or machinery nature.

Although CASA considers that the MOS amendment is of a minor or machinery nature, CASA decided nevertheless to carry out consultation on its amendment proposals before attempting to draft a final MOS amendment. Public consultation on proposed amendments to Part 101 CASR and MOS – Unmanned aircraft and rockets – (PP 2107US) opened on 15 December 2021 and closed on 21 February 2022.

Additional consultation has also taken place with the relevant technical working group (TWG) of the Aviation Safety Advisory Panel (ASAP), and between CASA, Airservices Australia, the Department of Defence and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

All representations and comments made by those responding to the consultation process were considered by CASA in formulating its final set of MOS amendments. There was general agreement across the board to the minor or machinery changes that CASA proposed to make to the principal MOS.

### **Office of Impact Analysis (OIA)**

An Impact Analysis (*IA*) is not required because the instrument is covered by a standing agreement between CASA and OIA under which an IA is not required for amendments to Manuals of Standards (OIA 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 some of the relevant administrative overhead costs of operating an RPA. This will arise, in particular, from the greater clarity that is sought to be achieved in the principal MOS, through rationalising and reducing some aspects of the record keeping requirements for RPA operators, and by eliminating some RePL training course requirements that are not considered necessary for safety.

### **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.

### **Environmental impact**

Under subsection 9A (2) of the Act, while regarding the safety of air navigation as the most important consideration, CASA must exercise its powers and perform its functions in a manner that ensures that, as far as practicable, the environment is protected from the effects and associated effects of the operation and use of aircraft.

It is not anticipated there will be any negative environmental impacts as a result of the MOS amendment, as compared to the principal MOS as in force before the MOS amendment. The MOS amendment is a minor or machinery revision and clarification of provisions in the principal MOS, and as such will have no specific negative effect on the environment.

### **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 MOS amendment, as such, does not engage any of the applicable rights and freedoms and is, therefore, compatible with human rights, as it does not improperly infringe any human rights.

**Commencement and making**

The amendments in Schedule 1 of the MOS amendment commence on 19 April 2023. The amendments in Schedule 2 of the MOS amendment commence on 18 October 2023.

The purpose of this delay for the Schedule 2 amendments is to give the relevant remote pilot aircraft system (*RPAS*) industry a grace period in which to transition and prepare for their commencement.

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 2023 (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 2023 (No. 1)*.

### 2 Commencement

- (1) Under this subsection, the amendments in Schedule 1 commence on 19 April 2023.
- (2) Under this subsection, the amendments in Schedule 2 commence on 18 October 2023.

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

This section enlivens the Schedule 1 amendments to amend the *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019*.

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

This section enlivens the Schedule 2 amendments to amend the *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019*.

## Schedule 1 Amendments

*Note* These amendments commence on 19 April 2023.

### [1] Section 1.03, Note 2

This amendment updates a Note whose contents are impacted by the MOS amendment.

### [2] and [3] Subsection 1.04 (2), definitions of AC and AC 101-10, including the Notes

These amendment remove references to AC and AC 101-10 as AC 101-10 is to be removed from publication on the CASA website. Content can be found in the Plain English guide for Micro and Excluded RPA operations.

### [4] Subsection 1.04 (2), Definitions

This amendment adds some new definitions, in particular, *nominated personnel* and *significant change*.

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

This amendment clarifies the way part of the definition is expressed.

### [6] Subsection 1.04 (2), definition of *examiner*, for a medium or large RPA

This is one of several amendments in the MOS amendment to create gender neutral language.

- [7] **Subsection 1.04 (2), paragraphs (e) and (f) of the definition of *examiner*, for a medium or large RPA**  
This amendment removes an unnecessary requirement that an examiner of an applicant for a medium or large RPA RePL must not have been the applicant's RePL training instructor.
- [8] **Subsection 1.04 (2), definition of *examiner*, for a small or very small RPA**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [9] **Subsection 1.04 (2), definition of *CASA RePL Upgrade Supplement for the Part 101 MOS*, including the Note**  
This amendment removes the definition of a CASA standards document that is not used for the MOS.
- [10] **Subsection 1.04 (2), definition of *helicopter***  
This amendment aligns the definition of *helicopter* with the terms used in regulation 101.022 to describe types of RPA.
- [11] **Subsection 1.04 (2), definition of *RPA***  
This definition is to replace reference to the size of an RPA with reference to its type as defined in regulation 101.022.
- [12] **Subsection 1.04 (2), definition of *threshold centrepint***  
This amendment corrects a typographical error.
- [13] **Subsection 1.04 (2), definition of *type***  
This amendment aligns the definition of *type*, for an RPA, with the terms used in regulation 101.022 to describe types of RPA.
- [14] **Paragraph 1.04 (3) (f)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [15] **Section 2.02A**  
This provision is a transitional provision for the amendments made by Schedule 2 so that they do not apply to a RePL training organisation for, or in relation to, a student who commenced, but did not complete, a RePL training course with the organisation before 18 October 2023; and completed the course on or after 18 October 2023 but before 4 February 2024. The pre-18 October 2023 version of the MOS would apply to such students.
- [16] **Subsection 2.05 (1)**  
This amendment simplifies the statement of what the aeronautical knowledge component of a RePL training course for a particular category of RPA must include. With this change, a new Note explains the purpose of subsections 2.05 (2) and (3).
- [17] **Subsection 2.05 (4), the chapeau and paragraph (a)**  
In relation to aeronautical knowledge standards, this amendment removes mention of a RePL upgrade to avoid reader confusion between the requirements for grant of an initial RePL (under Division 2.2) and those for



grant of an upgrade of a RePL (under Division 2.5). A Note explains that an initial RePL is one granted to a person who has not previously held any RePL. The Note is also a signpost to the principal upgrade provisions.

- [18] **Paragraph 2.05 (4) (f)**  
This amendment corrects a typographical error.
- [19] **Paragraph 2.05 (4) (g)**  
This amendment corrects a typographical error.
- [20] **Subsection 2.05 (6)**  
This amendment repeals a provision that is, in effect, spent.
- [21] **Subsection 2.05 (7) and (8)**  
This amendment repeals both a provision that is, in effect, spent, and a related definition.
- [22] **Subsection 2.06 (3)**  
This amendment simplifies the statement of what the practical competency component of a RePL training course for a particular category of RPA must include. With this change, a new Note explains the purpose of subsections 2.06 (4) and (5).
- [23] **Subsection 2.06 (6), the chapeau and paragraph (a)**  
In relation to practical competency standards, this amendment removes mention of a RePL upgrade to avoid reader confusion between the requirements for grant of an initial RePL (under Division 2.2) and those for grant of an upgrade of a RePL (under Division 2.5). A Note explains that an initial RePL is one granted to a person who has not previously held any RePL. The Note is also a signpost to the principal upgrade provisions.
- [24] **Paragraph 2.06A (1) (c)**  
This amendment corrects a typographical error.
- [25] **Paragraph 2.06A (1) (c)**  
For alternative practical competency standards, behaviours, and flight test standards, this amendment removes a confusing reference to types or kinds of medium RPA or large RPA.
- [26] **Subsection 2.09 (3), the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [27] **Paragraph 2.09 (3) (a)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [28] **Subsection 2.10 (1)**  
This amendment removes reference to 80 as the target for multiple-choice questions for examinations. This is because, in some circumstances, the aeronautical knowledge standards may have prescribed more than 80 questions.

- [29] Subsection 2.10 (1A), the Note**  
This amendment corrects examples of the numbers of correct answers required to achieve an examination pass mark.
- [30] Subsection 2.10 (3), the Note**  
This amendment is consequential on amendment 28.
- [31] Paragraph 2.12 (2) (a)**  
This amendment is consequential on amendment 28.
- [32] Subsection 2.12 (5)**  
This amendment preserves the right of a RePL training organisation to make certain question modifications. It also removes a requirement that RePL training organisations must keep records of certain permissible modifications to examination questions for 5 years. More appropriate record keeping requirements are elsewhere in the MOS, for example, new section 10.03 (amendment 84).
- [33] Section 2.13**  
This amendment simplifies the requirement to notify an applicant of their examination result.
- [34] Section 2.14**  
This amendment repeals section 2.14 about examination records because these are now dealt with under new section 10.03A (amendment 85).
- [35] Subsection 2.18A (7)**  
For training course flight tests, this amendment removes a confusing reference to types or kinds of medium RPA or large RPA.
- [36] Paragraph 2.20 (1) (b)**  
This amendment is consequential on amendment 38.
- [37] Subsection 2.20 (2)**  
In the context of an upgrade from a small RPA whose gross weight is less than 7 kg to a small RPA of the same category whose weight is 7 kg or more, this amendment removes the requirement for an applicant to again complete relevant Schedule 4 aeronautical knowledge and Schedule 5 practical competency standards requirements which had already been completed for the initial RePL. Such duplication was not intended for this kind of upgrade.
- [38] After subsection 2.20 (2)**  
This amendment clarifies and standardises the requirements for supervision and examination for an RePL training course for a particular category of upgrade of a RePL (small RPA of less than 7 kg to another small RPA of the same category whose weight is more than 7 kg).
- [39] Subsection 2.21 (2), including the Note**  
For the aeronautical knowledge component of a RePL training course, this amendment recasts the requirements for a RePL upgrade (from a small RPA to a different category of small RPA) by removing the requirement that applied to some RePL holders to conduct the Common units.

- [40] Subsection 2.21 (5)**  
For the practical competency component of a RePL training course, this amendment recasts the requirements for a RePL upgrade (from a small RPA to a different category of small RPA) by removing the requirement that applied to some RePL holders to conduct the Common units.
- [41] Subsection 2.21 (7)**  
This amendment removes a redundant definition.
- [42] Subsection 2.22 (3)**  
In the context of an upgrade from a small RPA to a medium or large RPA of the same category, this amendment, in effect, removes the requirement for an applicant to again complete relevant Schedule 5 practical competency standards requirements which had already been completed for the initial RePL. Such duplication was not intended for this kind of upgrade.
- [43] Subsection 2.23 (2), including the Note**  
For the aeronautical knowledge component of a RePL training course, this amendment recasts the requirements for a RePL upgrade (from a small RPA to a medium or large RPA of a different category) by removing the requirement that applied to some RePL holders to conduct the Common units.
- [44] Subsection 2.23 (5)**  
For the practical competency component of a RePL training course, this amendment recasts the requirements for a RePL upgrade (from a small RPA to a medium or large RPA of a different category) by removing the requirement that applied to some RePL holders to conduct the Common units.
- [45] Subsection 2.23 (8)**  
This amendment removes a redundant definition.
- [46] Subsection 2.24 (3)**  
In the context of an upgrade from a medium or large RPA to include another medium or large RPA of the same category, this amendment, in effect, removes the requirement for an applicant to again complete relevant Schedule 5 practical competency standards requirements which had already been completed for the initial RePL. Such duplication was not intended for this kind of upgrade.
- [47] Subsection 2.25 (2), including the Notes**  
For the aeronautical knowledge component of a RePL training course, this amendment recasts the requirements for a RePL upgrade (from a medium or large RPA to a medium or large RPA of a different category) by removing the requirement that applied to some RePL holders to conduct the Common units. Note 2 (concerning training and examination in a liquid-fuel system) is, in effect, retained.
- [48] Subsection 2.25 (5), including the Note**  
For the practical competency component of a RePL training course, this amendment recasts the requirements for a RePL upgrade (from a medium or large RPA to a medium or large RPA of a different category) by removing the requirement that applied to some RePL holders to conduct the Common units.

Note 2 (concerning training and examination in a liquid-fuel system) is, in effect, retained.

**[49] Subsection 2.25 (7)**

This amendment removes a redundant definition.

**[50] Subsection 2.26 (3), including the Note**

This amendment recasts the description of the nature of the virtual contact time for the aeronautical knowledge component of a RePL training course. Thus, the instructor must be either physically present, instructing and responding in a class room, or virtually present, online in real time, instructing and responding visually and with sound.

**[51] Subsection 2.26 (4)**

By removing an inadvertent double negative, this amendment simplifies the description of the nature of the exclusively physical contact time required for the practical competency component of a RePL training course. Thus, the practical competency components must be conducted in the physical presence of the RePL training instructor.

**[52] Paragraph 2.27 (1) (b)**

For the practical component, there may now be 10 students to 1 instructor, modified from 5:1. This is acceptable because of the existence of other safety mitigations, for example, in relation to requirements for flight time, close supervision of actual flying, competency requirements and practical examinations. For students each actually flying an RPA, the ratio of students to instructors is modified from 2-to-1 to 3-to-1, regardless of the complexity of the RPA, or the number of observing students. The current ratio rules affect student instructor ratios across each component of the course which can be burdensome for training organisations to fulfill. There are also conflicting ratios in relation to flying complex and non-complex RPA. This amendment simplifies the requirement by controlling the ratio during actual operation of the RPA and only for the students under instruction. Any number up to the normal practical training ratio of students should be able to observe, listen to instructor feedback and be involved in other aspects of the training so long as only 3 students are flying under instruction.

**[53] Paragraph 2.30 (2) (b)**

This is one of several amendments in the MOS amendment to create gender neutral language.

**[54] Subparagraph 2.30 (2) (c) (iii)**

This amendment is consequential on amendment 55.

**[55] Subparagraph 2.30 (2) (c) (iv), including the Note**

This amendment removes the requirement that, for a RePL training course, a RePL training instructor must have completed a program in the principles of instruction approved by CASA as guided by the *Principles and methods of instruction* mentioned in clause 3 of Section 2.4 in Schedule 3 of the Part 61 Manual of Standards (page 538). Currently there are limited pathways available to a RePL holder to complete a training course in the principles of instruction (often referred to as principles and methods of instruction (*PMI*)). PMI is not designed as a standalone course but is a teaching method that is

integrated into a particular course. It is rarely offered as a standalone course even by flying schools for conventional aviation. Conventional aviation pilot instructor courses are mostly practical in nature and are guided by the principles of PMI. Removing this PMI requirement will provide clarity on what pathways are available.

**[56] After section 2.30**

This amendment is designed to make it clear that a RePL training instructor can undertake responsibilities as an examiner if they meet the requirements detailed under the definition of *examiner*. Hence, for the definitions of *examiner* in subsection 1.04 (2), the amendment inserts a new *Division 2.7A, Requirements for RePL training instructor to act as an examiner*. This requires that before an operator's chief remote pilot authorises the operator's RePL training instructor to be an examiner for a medium or large RPA, or a small or very small RPA, the chief remote pilot must be satisfied that the instructor meets each of the requirements prescribed for such an instructor in the relevant definition of an *examiner*.

**[57] Subsection 2.31 (4), the Note**

This is one of several amendments in the MOS amendment to create gender neutral language.

**[58] After subsection 2.31 (6)**

This amendment corrects the labelling of tabular columns in each relevant Appendix of Schedule 6, to make it easier to locate the relevant practical competency manoeuvres and tolerances for a flight test.

**[59] Subsection 2.31 (8)**

This amendment moves the requirement that examiners conducting flight tests keep certain flight test records from Chapter 2 into the new section 10.03A (amendment 85).

**[60] Subsection 2.31 (9)**

This is one of several amendments in the MOS amendment to create gender neutral language.

**[61] Subsection 2.31 (11)**

This amendment is consequential on amendment 59.

**[62] Section 5.04, subparagraph (e) (iii) of the definition of *EVLOS operation class 2***

This amendment is designed to take account of the development, and use by observers in extended visual line of sight (*EVLOS*) operations (that is beyond the RPA controller's sight), of more advanced technologies than radio or telephone. The amendment removes prescriptive provisions regarding the use of communication devices to allow an applicant the ability to demonstrate a system that may be acceptable to CASA.

**[63] After subparagraph (e) (iii) of the definition of *EVLOS operation class 2* in section 5.04**

This amendment supports amendment 62 by inserting a Note that the relevant communication system must use reliable modern technology that enables effective spoken communication.

- [64] **Section 5.04, definition of *EVLOS operation class 2*, Note 2**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [65] **Sub-subparagraph 5.06 (c) (i) (B)**  
This amendment modifies the description of one of the persons who may conduct a proficiency check for a remote pilot who proposes to conduct an EVLOS operation. The person must be a RePL holder of the certified RPA operator, be authorised under the operator's ReOC to conduct the check, and be approved in writing for the purpose by the operator's chief remote pilot.
- [66] **Subsection 5.07 (5)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [67] **Section 5.10**  
This amendment is consequential on amendment 62, allowing communication systems other than radio and telephone. It also removes the current restriction in the principal MOS which does not permit a mobile telephone to be used as a secondary communication system if a mobile telephone is a primary communication system. CASA considers that a person may use the same type of communication system with considerations such as alternate service providers, independent software and independent protocols.
- [68] **Section 5.11**  
This amendment simplifies the requirements for conducting an EVLOS operation. They remain essentially unchanged in effect, although a requirement for GPS satellite locks is removed as unnecessary. Thus, in an EVLOS operation, an RPA may only be flown while the control link performance from the remote pilot station to the RPA is reliably and consistently maintained, while the communication link between the remote pilot and a relevant observer is maintained, and at a distance from the relevant observer that is the lesser of 1 500 m or the distance at which the relevant observer is able to perform all of their duties. New Notes provide additional explanations. It is also provided that RPA operators authorised to conduct EVLOS operations prior to this amendment may continue to operate under such approvals.
- [69] **Paragraph 5.14 (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [70] **Section 5.17, the heading**  
This amendment renames the section and is consequential on amendment 62 and the deletion of specific mention of radios or telephones.
- [71] **Paragraph 5.17 (1) (a)**  
This amendment is consequential on amendment 62.
- [72] **Subsection 9.01 (1)**  
This amendment removes an erroneous reference to the definitions in Division 9.2.

- [73] **Section 9.02, definition of *area that is shaded black***  
This amendment corrects a typographical error.
- [74] **Section 9.02, definition of *area that is shaded grey***  
This amendment corrects the same typographical error.
- [75] **Section 9.02, definition of *no-fly zone of a non-controlled aerodrome, paragraph (b)***  
This amendment corrects the same typographical error.
- [76] **Section 9.02, definition of *no-fly zone of a non-controlled aerodrome, the Note***  
This amendment corrects a typographical error.
- [77] **Section 9.03**  
For section 9.03, this amendment provides the meaning of *to become aware* of a relevant event in the no-fly zone of a non-controlled aerodrome (meaning, in effect, aware of a crewed aircraft in that relevant airspace). The amendment also recasts section 9.03 to set out more clearly when an RPA may fly in the no-fly zone of a non-controlled aerodrome.
- Thus, a person may fly an RPA, or conduct RPA operations, in relevant airspace provided that the flight or operation does not occur during a relevant event, and if, during the flight or operation, the person becomes aware that a relevant event is occurring, the person complies with section 9.04 (in effect to immediately manoeuvre the RPA away and land as soon as possible).
- However, a certified RPA operator may conduct RPA operations in relevant airspace during a relevant event, only if the RPA operation is exclusively an indoors operation, a tethered operation, or an operation using a defined unmanned aircraft (that is a micro RPA or an approved or authorised RPA).
- A person who is not a certified RPA operator may fly an RPA in relevant airspace during a relevant event but only if the flight is exclusively an indoors flight. Two Notes add supporting explanations.
- [78] **Subsection 9.04 (1)**  
This amendment is consequential on amendments 77 and 79.
- [79] **Subsection 9.04 (2), including the Note**  
This amendment repeals subsection 9.04 (2), consequential on the definition of *to become aware*, set out in amendment 77.
- [80] **Subsection 9.06 (1)**  
This amendment removes reference to a certified aerodrome, which is a misdescription of the relevant aerodrome for the section.
- [81] **Paragraph 9.06 (3) (a)**  
Based on accurate information in Figure 9.06 (1)-1, this amendment corrects an error in the textual description of the approach and departure paths of a non-controlled aerodrome.

**[82] Division 9.2 (sections 9.07, 9.08, and 9.09)**

This amendment repeals Division 9.2, containing sections 9.07, 9.08 and 9.09. The intent of the provisions was to create a no-fly zone to provide a buffer for operations from accidentally penetrating overlying controlled airspace. However, this is not required as there are no approval requirements to operate in the non-controlled airspace. The Division is Reserved as a placeholder within Chapter 9.

**[83] Section 10.01, definition of *unique identification mark***

This is one of several amendments in the MOS amendment to create gender neutral language.

**[84] Section 10.03**

Multiple record keeping requirements exist throughout MOS Chapters in addition to requirements prescribed in Chapter 10. The purpose of the amendment is to remove duplicated record keeping requirements by centralising them in section 10.03.

Thus, a certified RPA operator must ensure that the chief remote pilot keeps specified RPAS operational records for at least 7 years after the day the record was made.

**[85] After section 10.03**

This amendment creates a new section 10.03A to provide that a certified RPA operator must ensure that the chief remote pilot keeps a wide range of specified RePL training course records for at least 7 years after the day the record was made.

**[86] Paragraph 10.04 (1) (b)**

This amendment removes the requirement for an operator to include the unique identification mark for an RPA at the flight authorisation stage. This is presently a burden to operators as it can be difficult to assess the future serviceability of an RPA and can result in an operator adding an RPA that may not be used or require the flight authorisation to be redone. The unique identification mark is already required to be recorded in the RPAS operational log as soon as practicable after the operation (section 10.05) and in the relevant remote pilot's logbook. This amendment is consequential on other amendments to section 10.04 to reduce administrative burden in relation to record keeping for operators.

**[87] Subparagraph 10.04 (1) (e) (ii)**

This amendment clarifies that a certified operator's RPAS operational release prepared before the operation commences must record the maximum height (AGL) permitted for the operation.

**[88] Paragraph 10.04 (1) (g)**

This amendment provides that the operational release must include the name, and position (as described in the operator's documented practices and procedures) of individuals who are not remote pilots but who are assigned duty in relation to the RPA operation. The individual's actual duties will, therefore, be found in the operator's documented practices and procedures.



- [89] Paragraph 10.04 (1) (j), including the Note**  
This amendment provides that the operational release must record that the relevant RPA is serviceable for the operation. The operation is not permitted if the RPA is not serviceable.
- [90] Subsection 10.04 (2)**  
This amendment provides that an RPA operation must not commence until the RPAS operational release has been approved by a person authorised for the purpose under the operator's documented practices and procedures. A Note adds that the approved operational release can be provided electronically, for example, through a software program or an email.
- [91] Subsection 10.04 (4)**  
This amendment repeals subsection 10.04 (4) to remove a redundant definition.
- [92] Paragraph 10.05 (1) (i)**  
This amendment removes a requirement that, if the RPA was operated beyond visual line of sight (*VLOS*), the certified RPA operator's RPAS operational log must record the flight route and the turning points. This requirement is no longer necessary.
- [93] Paragraph 10.05 (1) (k)**  
This amendment more clearly expresses the requirement that the RPAS operational log must record whether the RPA became unserviceable during an operation.
- [94] Paragraph 10.05 (1) (l), the Note**  
Under paragraph 10.05 (1) (l), if the RPAS operational log is not part of the RPAS operational record and the RPAS operational release, it must identify that record and release. In this context, this amendment creates a more useful Note by explaining that the RPAS operational log may confirm that no operational release records have changed. If operational release records have changed, such changes may be individually identified and do not require completion of a separate operational log.
- [95] Subsection 10.06 (1)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [96] Subparagraph 10.07 (1) (c) (iii)**  
This amendment removes a requirement that the RPAS technical log for a certified RPA operator must record the minimum gross weight of an RPA for operations. This information is considered unnecessary.
- [97] Subsection 10.07 (3)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [98] Subsection 10.07 (4), the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.

- [99] Paragraph 10.07 (4) (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [100] Subsection 10.11 (2)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [101] Subparagraph 10.12 (2) (a) (iii)**  
This amendment removes a requirement that the RPAS technical log for a medium excluded RPA must record the minimum gross weight of an RPA for operations. This information is considered unnecessary.
- [102] Subsection 10.12 (4)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [103] Subsection 10.12 (5), the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [104] Paragraph 10.12 (5) (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [105] Paragraph 10.17 (3) (f), including the Note**  
This amendment is consequential on amendment 13.
- [106] After paragraph 10.17 (3) (g)**  
This amendment adds a Note to make it clear that any significant changes to a certified RPA operator's documented practices and procedures require separate CASA approval in accordance with the new Chapter 10A.
- [107] Subsection 10.07 (4)**  
This amendment is consequential on amendment 110.
- [108] Paragraph 10.17 (5) (b)**  
This amendment removes a confusing reference to an approval when what is intended is a reference to an approved form and manner for giving information to CASA.
- [109] Paragraph 10.17 (5) (b), the Note**  
This information is consequential on amendment 108.
- [110] After subsection 10.18 (new sections 10A.01, 10A.02 and 10A.03)**  
New section 10A.01 corrects a misunderstanding in relation to significant change approvals. Some certified RPA operators had thought that CASA's approval of the form and manner of reporting prescribed information to CASA, constituted CASA's approval of the information reported, including, potentially, significant changes. This was incorrect.

Consequently, to clarify the matter, this amendment creates a new Division 10A.1 and section 10A.01 for the definition of *significant change* in

subsection 1.04 (2). Under this new section, a certified RPA operator who is reporting information to CASA must not make a significant change unless CASA has, in writing, approved the significant change.

New sections 10A.02 and 10A.03 set out transitional provisions for existing and new operators to obtain CASA approval of certain significant changes in their documented practices and procedures, namely, those needed to comply with, or accommodate a requirement or change caused by, an amendment in *Schedule 2 of the Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2023 (No. 1)*. For the purposes of transition, such changes are deemed to be significant changes requiring CASA approval. The sections set out administrative procedures and timeframes for relevant operators to obtain CASA approvals, either on or before the commencement of the Schedule 2 amendments on 18 October 2023 for timely approval applications, or later, for late approval applications, consistent with CASA's resourcing for granting such approvals. Decisions on the treatment of late applications would be reviewable.

**[111] Subparagraph 15.05 (c) (iii)**

This is one of several amendments in the MOS amendment to create gender neutral language.

**[112] Schedule 1, Abbreviation AC, Meaning Advisory Circular**

This amendment is consequential on amendments 2 and 3.

**[113] Schedule 4, Appendix 1, second occurring**

This amendment removes a duplication in the naming of appendices.

**[114] Schedule 5, Appendix 1, Unit 14, Range of variables, item 5, paragraph (b)**

This amendment is consequential on amendment 13.

**[115] Schedule 5, Appendix 1, Unit 15, Range of variables, item 4, paragraph (a)**

This amendment is consequential on amendment 13.

**[116] Schedule 5, Appendix 1, Unit 19, Range of variables, item 1, paragraph (c)**

This amendment is consequential on amendment 13.

**[117] Schedule 5, Appendix 1, Unit 19, Range of variables, item 2, paragraph (c)**

This amendment is consequential on amendment 13.

**[118] Schedule 5, Appendix 1, Unit 19, Range of variables, item 3**

For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable variable and aligning terminology (such as in amendment 13).

**[119] Schedule 5, Appendix 2, Unit 20, Range of variables, item 2, paragraph (a)**

This amendment is consequential on amendment 13.

- [120] Schedule 5, Appendix 2, Unit 20, Range of variables, item 3, paragraph (a)**  
This amendment is consequential on amendment 13.
- [121] Schedule 5, Appendix 2, Unit 21, Range of variables, item 1**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing inapplicable or unnecessary variables.
- [122] Schedule 5, Appendix 2, Unit 21, Range of variables, item 2**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [123] Schedule 5, Appendix 2, Unit 21, Range of variables, item 3**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [124] Schedule 5, Appendix 2, Unit 21, Range of variables, item 4**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [125] Schedule 5, Appendix 2, Unit 21, Range of variables, item 5**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [126] Schedule 5, Appendix 2, Unit 22, Topic and requirement, item 1, paragraph (a)**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment revises the required topic and requirement, including by removing unnecessary or inapplicable minima.
- [127] Schedule 5, Appendix 2, Unit 23, Topic and requirement, item 4, paragraphs (a) and (b)**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment revises the required topic and requirement, including by removing unnecessary or inapplicable minima.
- [128] Schedule 5, Appendix 2, Unit 24, Range of variables, item 1, paragraph (d)**  
This amendment corrects a spelling error.
- [129] Schedule 5, Appendix 2, Unit 24, Range of variables, item 2, paragraph (b)**  
This amendment corrects a spelling error.
- [130] Schedule 5, Appendix 3, Unit 25, Range of variables, item 2**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.

- [131] Schedule 5, Appendix 3, Unit 25, Topic and requirement, item 3, paragraph (e)**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment revises the required topic and requirement, including by removing unnecessary or inapplicable minima.
- [132] Schedule 5, Appendix 4, Unit 30, Topic and requirement, item 1, paragraph (g)**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment revises the required topic and requirement, including by removing unnecessary or inapplicable minima.
- [133] Schedule 5, Appendix 4, Unit 30, Range of variables, item 1**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [134] Schedule 5, Appendix 5, Unit 34, Range of variables, item 2**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [135] Schedule 5, Appendix 5, Unit 35, Range of variables, item 1**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [136] Schedule 5, Appendix 5, Unit 35, Range of variables, item 2**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [136] Schedule 5, Appendix 5, Unit 35, Range of variables, item 3**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [138] Schedule 5, Appendix 5, Unit 36, Range of variables, item 1**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing inapplicable or unnecessary variables.
- [139] Schedule 5, Appendix 5, Unit 36, Range of variables, item 2**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [140] Schedule 5, Appendix 5, Unit 36, Range of variables, item 3**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.

- [141] Schedule 5, Appendix 5, Unit 36, Range of variables, item 4**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [142] Schedule 5, Appendix 5, Unit 36, Range of variables, item 5**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [143] Schedule 5, Appendix 5, Unit 37, Topic and requirement, item 4, paragraphs (a) and (b)**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment revises the required topic and requirement, including by removing unnecessary or inapplicable minima.
- [144] Schedule 5, Appendix 5, Unit 38, Range of variables, item 1, paragraph (d)**  
This amendment corrects a spelling error.
- [145] Schedule 5, Appendix 5, Unit 38, Range of variables, item 2, paragraph (b)**  
This amendment corrects a spelling error.
- [146] Schedule 5, Appendix 5, Unit 38, Range of variables, item 4**  
For the specified Schedule, Appendix and Unit of the practical competency units of an RPA training course, this amendment has the effect of removing an inapplicable or unnecessary variable.
- [147] Schedule 6, Appendix 1, subclause 1.1**  
This amendment recasts the subclause more clearly, including by removing gendered language, and correcting Table column references.
- [148] Schedule 6, Appendix 1, subclause 1.4**  
This amendment corrects terminology.
- [149] Schedule 6, Appendix 1, subclause 1.4, paragraph (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [150] Schedule 6, Appendix 1, clause 2, the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [151] Schedule 6, Appendix 2, subclause 1.1**  
This amendment recasts the subclause more clearly, including by removing gendered language, and correcting Table column references.
- [152] Schedule 6, Appendix 2, subclause 1.4**  
This amendment corrects terminology.

- [153] Schedule 6, Appendix 2, subclause 1.4, paragraph (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [154] Schedule 6, Appendix 2, clause 2, the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [155] Schedule 6, Appendix 3, subclause 1.1**  
This amendment recasts the subclause more clearly, including by removing gendered language, and correcting Table column references.
- [156] Schedule 6, Appendix 3, subclause 1.4**  
This amendment corrects terminology.
- [157] Schedule 6, Appendix 3, subclause 1.4, paragraph (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [158] Schedule 6, Appendix 3, clause 2, the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [159] Schedule 6, Appendix 4, subclause 1.1**  
This amendment recasts the subclause more clearly, including by removing gendered language, and correcting Table column references.
- [160] Schedule 6, Appendix 4, subclause 1.4**  
This amendment corrects terminology.
- [161] Schedule 6, Appendix 4, subclause 1.4, paragraph (b)**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [162] Schedule 6, Appendix 4, clause 2, the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [163] Schedule 6, Appendix 4, clause 3, item 7, Item/manoeuvre, paragraph 1, the heading**  
This amendment is consequential on amendment 13.
- [164] Schedule 6, Appendix 5, subclause 1.1**  
This is one of several amendments in the MOS amendment to create gender neutral language.
- [165] Schedule 6, Appendix 5, clause 2, the chapeau**  
This is one of several amendments in the MOS amendment to create gender neutral language.

## **Schedule 2 Amendments**

*Note* These amendments commence on 18 October 2023.

- [1] **Subsection 2.09 (2)**  
This amendment uses the defined term *examiner* to prescribe who must supervise and assess an examination for the aeronautical knowledge component of a RePL training course.
- [2] **Paragraphs 2.16 (3) (a) and (b), excluding the Note**  
This amendment is consequential on the role of examiners in supervising and assessing examinations, which also extends to knowledge deficiency reports.
- [3] **After subsection 2.26 (3)**  
This amendment modifies the definition of *contact time* for student instruction to make clearer the existing CASA interpretation of the expression, namely, that contact time does not include time spent in revision or recapitulation of matters already dealt with in previous contact time. A Note explains that all of the contact time mentioned for the section is to be used to progressively move forward through the aeronautical knowledge component of the training course. Time spent in revision or recapitulation of matters already dealt with in previous contact time is recommended, but it is not considered to be part of the 15 hours, or additional 4 hours, of prescribed contact time.
- [4] **Subsection 2.29 (1)**  
This amendment simplifies and clarifies the contents of the certificate of course completion that a RePL training organisation must give to each student who successfully completes a RePL training course.
- [5] **Schedule 4, Appendix 1, Unit 6, after item 9**  
This amendment adds an additional basic safety subject to the *aeronautical knowledge* Common Units of an RPA training course, namely, tethered operations. Tethered operations are currently listed as an item in *practical competency* unit 27 (Schedule 5, Appendix 3, as mentioned in amendment 6 below — advanced manoeuvres for multirotor class helicopters). However, training organisations must have a tethered system, for which a standardised tethering system is not yet developed, as well as having tethered operations procedures reviewed and approved by CASA. Therefore, theory and concepts in tethering operations are more important than the practical competency in this instance.

ReOC holders who are authorised to conduct training will be required to amend their documented practices and procedures, which will be considered a significant change. This is why this amendment (like all of those in Schedule 2) does not commence until 18 October 2023, so that relevant operators have sufficient time to prepare their documents and administration. CASA will waive the associated fee for such operators to submit their documented practices and procedures to CASA for approval in this instance.

This amendment is consequential on amendment 6.

- [6] **Schedule 5, Appendix 3, Unit 27, item 2**  
For tethering operations as mentioned in the specified Schedule, Appendix and Unit of the Schedule 5 *practical competency* units of an RPA training course, this amendment repeals the item which is now dealt with elsewhere as a matter of *aeronautical knowledge* rather than a practical competency (see amendment 5).



## 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 2023 (No. 1)

The *Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2023 (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 2019* (the **principal MOS**) was the first issue of a Manual of Standards in relation to unmanned aircraft and rockets (including kites, fireworks, unmanned tethered and free balloons). The power to issue the principal MOS was conferred on the Civil Aviation Safety Authority (**CASA**) by the *Civil Aviation Legislation Amendment (Part 101) Regulation 2016* (the **amendment regulations**).

The principal 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 *Part 101 Manual of Standards (Miscellaneous Revisions) Amendment Instrument 2023 (No. 1)* (the **MOS amendment**) is the third in a series of amendments designed, in the light of 3 years of practical CASA and industry experience with the principal MOS, to make technical updates and improvements that do not substantially alter existing requirements but improve and clarify the way they operate. Thus, the MOS amendments makes a large number of minor or machinery modifications to the principal MOS to clarify, simplify and streamline numerous provisions and their application.

The commencement of the amendments is staggered for transitional purposes. The amendments in Schedule 1 commence on 19 April 2023. The amendments in Schedule 2 commence on 18 October 2023.

A post-implementation review of the principal MOS identified the need to simplify or correct a miscellaneous range of matters in the MOS. The MOS amendment, therefore, contains over 160 individual disparate amendments but the following may give some idea of the range of minor or machinery matters addressed. The MOS amendment will:

- add, clarify, correct, or delete, some definitions
- correct typographical errors
- remove gendered language
- add or clarify some Notes
- add transitional provisions

- clarify the distinction between provisions dealing with the initial issue of a remote pilot licence (**RePL**) and an upgrade of such a licence
- update some language to better accommodate communications technology
- clarify significant change processes
- re-express some provisions in clearer language
- recast some provisions to remove some unnecessary procedural and operational requirements
- delete some unnecessary administrative requirements about record keeping
- remove some unnecessary training prescriptions from the aeronautical knowledge units and the practical competency units of a RePL training course.

### **Human rights implications**

The MOS amendment is a minor or machinery measure, designed to correct and clarify provisions in the principal MOS. It contains no major or new legal requirements that would amount to increased legislative burdens or obligations on RPA operators, as against the substantive requirements of the pre-existing MOS itself.

As such, therefore, given the nature of the amendments, the MOS amendment in itself does not give rise to any human rights issues for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Conclusion**

The MOS amendment is a legislative instrument that is compatible with human rights and does not in itself raise any human rights issues.

**Civil Aviation Safety Authority**