

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Infrastructure, Transport, Regional Development and Local Government

Civil Aviation Act 1988

Civil Aviation (Unmanned Aircraft Levy) Act 2020

Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023

The *Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023* (the Regulations) amend the *Civil Aviation Safety Regulations 1998* (CASR) and the *Civil Aviation (Unmanned Aircraft Levy) Regulations 2021* (the Levy Regulations), primarily to repeal the scheme for model aircraft registration and model aircraft operator accreditation.

The *Civil Aviation Act 1988* (the Act) establishes the regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.

Subsection 98(1) of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 98(1) also provides that the Governor-General may make regulations relating to aviation safety, and in relation to the safety of air navigation, being regulations with respect to any other matters about which the Parliament has power to make laws.

Subsection 9(1) of the Act specifies, in part, that the Civil Aviation Safety Authority (CASA) has the function of conducting the safety regulation of civil air operations in Australian territory by means that include developing and promulgating appropriate, clear and concise aviation safety standards and issuing certificates, licences, registrations and permits.

The *Civil Aviation Safety Regulations 1998* (CASR) are made under the Act. Relevantly:

- Part 47 of the CASR regulates requirements for aircraft to be registered, the assignment of registration marks, duration of registration and the requirements to produce a certificate of registration
- CASR Part 101 regulates the operation of remotely piloted aircraft (RPA), model aircraft and rockets
- CASR Part 117 relevantly makes provision for industry participants to provide safety-related information and makes it an offence to disclose information provided under Part 117.
- CASR Part 201 contains miscellaneous provisions. These relevantly include requirements for disclosure of information relating to registration of unmanned aircraft, and the

relationship of CASR requirements for the carriage of medicines on certain aircraft with other laws

- CASR Part 202 sets out transitional provisions for a phased introduction of new regulations, including the model aircraft registration and operator accreditation scheme.

The *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019* inserted into the CASR a scheme for the registration and operator accreditation for RPA used in commercial operations and ‘model aircraft’, which are uncrewed aircraft used for non-commercial purposes.

In support of the CASR scheme for RPA and model aircraft registration and operator accreditation, the *Civil Aviation (Unmanned Aircraft Levy) Act 2020* (the Levy Act) establishes a scheme for a levy to be imposed on RPA and model aircraft registration. Section 6 of the Levy Act provides for the prescription of levy amounts in regulations. Section 8 of the Levy Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Levy Act to be prescribed by the regulations. Relevantly, the Levy Regulations have been made under the Levy Act.

Prior to the commencement of the Regulations, the Levy Regulations included provision for the prescription of a levy for the registration of model aircraft, with the levy amount set at nil.

Schedule 1 to the Regulations repeals the scheme for model aircraft registration and operator accreditation through a series of amendments to CASR Parts 47, 101, 201 and 202.

Schedule 2 to the Regulations makes minor amendments to CASR Parts 117 and 201 in response to comments of the Senate Standing Committee for the Scrutiny of Delegated Legislation (Scrutiny Committee) on the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

Consultation

The Regulations were not subject to public consultation and such consultation was not considered necessary.

The amendments to repeal the model aircraft registration and operator accreditation scheme are not expected to be controversial as they remove burden that was not well supported when originally consulted.

The amendments to address comments of the Scrutiny Committee are technical in nature, and the amendment proposed to CASR Part 117 confers greater protections on a defendant in criminal proceedings.

Regulation Impact Statement

A Regulation Impact Statement (RIS) was prepared for the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft - Registration and Accreditation) Regulations 2019* (OBPR id: 24246), being the instrument that legislated the scheme now proposed to be repealed. The Office of Impact Analysis advised that no further Impact Analysis is required for the amendments in Schedule 1 to the Regulations to repeal the accreditation and registration scheme for model aircraft (OIA ref: OIA23-04821).

The amendments in Schedule 1 to the Regulations are expected to save administrative costs for persons using model aircraft, by removing the registration and accreditation requirements.

The amendments in Schedule 2 to the Regulations, amending CASR Parts 117 and 201 to give effect to the comments of the Scrutiny Committee, are not expected to have any regulatory impact. The Office of Impact Analysis advised that these amendments were unlikely to have a more than minor regulatory impact and that the preparation of an Impact Analysis was not required (OIA ref: OIA23-04860).

The amendments are not expected to have any specific impacts on general aviation, or citizens in regional or remote Australia.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Attachment A.

Commencement and making

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the Regulations are set out at Attachment B.

The Act and the Levy Act specify no conditions that need to be satisfied before the power to make the proposed Regulations may be exercised.

The provisions of the *Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023* commence on the day after registration, as they do not impose any obligations on regulated entities.

Authority: Subsection 98(1) of the
Civil Aviation Act 1988
Section 8 of the
Civil Aviation (Unmanned Aircraft Levy) Act 2020

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023

This legislative instrument 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 Disallowable Legislative Instrument

Part 47 of the *Civil Aviation Safety Regulations 1998* (CASR) regulates requirements for aircraft to be registered, the assignment of registration marks, duration of registration and the requirements to produce a certificate of registration. Part 101 of the CASR regulates the operation of remotely piloted aircraft (RPA), model aircraft and rockets. Part 117 of the CASR relevantly makes provision for industry participants to provide safety-related information and includes offence provisions for making misrepresentations to CASA. Part 201 of the CASR contains miscellaneous provisions. These relevantly include requirements for disclosure of information relating to registration of remotely piloted aircraft, and the relationship between CASR requirements for the carriage of medicines on certain aircraft and other Australian laws. Part 202 of the CASR sets out transitional provisions for a phased introduction of new regulations, including the model aircraft registration and operator accreditation scheme.

The *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019* inserted into the CASR a scheme for the registration and operator accreditation for RPA used in commercial operations and model aircraft used for non-commercial purposes. The model aircraft scheme was scheduled to commence on 1 July 2023. The Regulations repeal the scheme for model aircraft registration and operator accreditation.

The *Civil Aviation (Unmanned Aircraft Levy) Act 2020* (the Levy Act) establishes a scheme for a levy to be imposed on RPA and model aircraft registration. The Levy Regulations prescribe levy amounts for the purposes of the scheme. Consequential to the repeal of the model aircraft registration scheme in the CASR, the Regulations also repeal provisions of the Levy Regulations establishing the levy for model aircraft registration.

The Regulations also make 2 minor amendments to Parts 117 and 201 of CASR in response to comments made by the Senate Standing Committee for the Scrutiny of Delegated Legislation (the Scrutiny Committee) on CASR provisions inserted by the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*. The first of these 2 amendments repeals an exception to a strict liability offence provision in CASR Part 117, in circumstances where the onus to prove the exception was reversed onto a defendant. CASA agrees that the onus to prove the exception that was the subject of the Scrutiny Committee comment is inappropriately reversed onto the defendant and should be repealed to better protect the rights of a defendant. The second of the 2 amendments addresses Scrutiny Committee comments by omitting text so that aviation regulations for the carriage of medicines on aircraft do not displace other laws of the Commonwealth.

Human rights implications

The Regulations engage the following human rights:

- A. the right to a fair trial and fair hearing under Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

A The right to a fair trial and fair hearing: the presumption of innocence

Article 14 of the ICCPR provides that in the determination of a criminal charge, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Further, in criminal proceedings, people are entitled to a range of protections including minimum guarantees as set out in paragraph 14(3) and following of the ICCPR. The presumption of innocence in paragraph 14(2) of the ICCPR imposes on the prosecution the burden of proving the charge and guarantees that no guilt can be presumed until the charge has been proven beyond reasonable doubt. For the charge to be proven beyond reasonable doubt, the legal and evidential burden is on the prosecution.

The Regulations repeal paragraph 117.030(3)(d) of the CASR. Subregulation 117.030(2) of CASR provides it is an offence to disclose certain information. Subregulation 117.030(3) of CASR provides subregulation 117.030(2) does not apply if certain elements are met, including paragraph (d), which stated “CASA is satisfied that the disclosure is necessary in the interests of the safety of air navigation.” A defendant bears an evidential burden in relation to the matters in subregulation 117.030(3). In relation to an element that related to the state of satisfaction of CASA, it would generally not be possible for a defendant to discharge the evidential burden for that element. Accordingly, the Regulations promote human rights by repealing that element.

Conclusion

The Amendment Regulations are compatible with human rights because they do not affect the protection of human rights but promote them.

Details of the proposed *Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023*

Section 1 - Name of Regulations

This section provides that the title of this instrument is the *Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023*

Section 2 - Commencement

This section provides for the Regulations to commence on the day after registration on the Federal Register of Legislation.

Section 3 - Authority

This section provides that the *Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023* is made under the *Civil Aviation Act 1988* and the *Civil Aviation (Unmanned Aircraft Levy) Act 2020*.

Section 4 - Schedule(s)

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 – Amendments

Civil Aviation Safety Regulations 1998 (CASR)

Item 1 Paragraph 47.015(1)(f)

Item 1 omits words from the application provision for Part 47 so that model aircraft are excluded from the registration requirements in Part 47 generally, and not only by reference to the limited class of model aircraft described in subregulation 47.015(1A) (which are repealed in item 3).

Item 2

Item 2 omits words from the application provision for Part 47 so that the registration exclusion requirements no longer apply to model aircraft when being operated in a test flight. This provision is no longer necessary because the amendment in item 1 excludes model aircraft from the registration requirement generally.

Item 3 Subregulation 47.015(1A)

Item 3 repeals subregulation 47.015(1A) which currently provides the scope of the limited exclusion of model aircraft from the registration scheme in Part 47. This provision is no longer

necessary because the amendment in item 1 excludes model aircraft from the registration requirement generally.

Item 4 Paragraphs 47.015(1B)(a) and (b)

Item 4 amends paragraphs 47.015(1B)(a) and (b) to remove the application of subregulation 47.015(1B) to model aircraft. The application of this provision to model aircraft is no longer necessary because the amendment in item 1 excludes model aircraft from the registration requirement generally.

Item 5 Division 47.C.1 of Part 47 (heading)

Item 5 omits the reference to model aircraft from the Division heading, as part of the repeal of the model aircraft registration scheme.

Item 6 Regulation 47.058 (note)

Item 6 omits the reference to model aircraft from the note, as part of the repeal of the model aircraft registration scheme.

Item 7 Division 47.C.2 of Part 47 (heading)

Item 7 omits the reference to model aircraft from the Division heading, as part of the repeal of the model aircraft registration scheme.

Item 8 Paragraph 47.096(1)(d)

Item 8 makes a punctuation change to the paragraph consequential on the repeal of paragraph 47.096(1)(e).

Item 9 Paragraph 47.096(1)(e)

Item 9 repeals the paragraph so that the registration scheme in Division 47.C.2 no longer applies to model aircraft.

Item 10 Subregulation 47.096(2)

Item 10 omits the reference to model aircraft from the subregulation, as part of the repeal of the model aircraft registration scheme.

Item 11 Regulation 47.096A (heading)

Item 11 omits the reference to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 12 Subregulation 47.096A(1) (heading)

Item 12 omits the heading, because the regulation does not deal with RPA and model aircraft separately after the repeal of subregulations (3) and (4) in item 13 as part of the repeal of the model aircraft registration scheme.

Item 13 Subregulations 47.096A(3) and (4)

Item 13 repeals the subregulations as part of the repeal of the model aircraft registration scheme.

Item 14 Regulation 47.097 (heading)

Item 14 omits the reference to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 15 Subregulations 47.097(1) and (2)

Item 15 omits the references to model aircraft from the subregulations, as part of the repeal of the model aircraft registration scheme.

Item 16 Subregulation 47.097(3)

Item 16 repeals the subregulation as part of the repeal of the model aircraft registration scheme.

Item 17 Regulation 47.098 (heading)

Item 17 omits the reference to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 18 Subregulation 47.098(1) and (2)

Item 18 omits the references to model aircraft from the subregulations, as part of the repeal of the model aircraft registration scheme.

Item 19 Regulation 47.099 (example)

Item 19 omits the references to model aircraft from the example in the regulation, as part of the repeal of the model aircraft registration scheme.

Item 20 Subregulation 47.099B(1), (3), (4) and (5)

Item 20 omits the references to model aircraft from the subregulations, as part of the repeal of the model aircraft registration scheme.

Item 21 Regulation 47.131C (heading)

Item 21 omits the references to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 22 Subregulation 47.131C(1)

Item 22 omits the references to model aircraft from the subregulation, as part of the repeal of the model aircraft registration scheme.

Item 23 Subregulation 47.131C(2)

Item 23 repeals the subregulation as part of the repeal of the model aircraft registration scheme and substitutes a new subregulation that has the same effect but without application to model aircraft.

Item 24 Subregulation 101.047(3)

Item 24 repeals the subregulation, including the associated note, as part of the repeal of the model aircraft operator accreditation scheme. In particular, subregulation (3) operates to define the kinds of model aircraft for which operator accreditation is required. To give effect to the repeal of the model aircraft registration and accreditation scheme, it is sufficient to rely on the exemption in subregulation (2) of the regulation that applies to all model aircraft by operation of subregulation (1).

Item 25 Regulation 101.098 (heading)

Item 25 omits the references to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 26 Subregulation 101.098(1)

Item 26 omits the references to model aircraft from the subregulation, as part of the repeal of the model aircraft registration scheme.

Item 27 Paragraph 101.098(2)(a)

Item 27 omits the references to model aircraft from the paragraph, as part of the repeal of the model aircraft registration scheme.

Item 28 Regulation 101.099AA (heading)

Item 28 omits the references to model aircraft from the regulation, as part of the repeal of the model aircraft registration scheme.

Item 29 Regulation 101.099A (heading)

Item 29 omits the references to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 30 Subregulation 101.099A(1)

Item 30 omits the references to model aircraft from the subregulation, as part of the repeal of the model aircraft registration scheme.

Item 31 Paragraph 101.099A(2)(a)

Item 31 omits the references to model aircraft from the paragraph, as part of the repeal of the model aircraft registration scheme.

Item 32 Regulation 101.099B (heading)

Item 32 omits the references to model aircraft from the regulation heading, as part of the repeal of the model aircraft registration scheme.

Item 33 Subregulation 101.099B(1)

Item 33 repeals the subregulation as part of the repeal of the model aircraft registration scheme and substitutes a new subregulation that has the same effect but without application to model aircraft.

Item 34 Subregulation 101.099B(3)

Item 34 amends the subregulation to make cross-referencing changes consequential on the amendment to subregulation 101.099B(1).

Item 35 Paragraph 101.099B(4)(a)

Item 35 omits the references to model aircraft from the paragraph, as part of the repeal of the model aircraft registration scheme.

Item 36 Subpart 101.FA of Part 101 (heading)

Item 36 omits the references to model aircraft from the Subpart heading, as part of the repeal of the model aircraft operator accreditation scheme.

Item 37 Regulation 101.374A

Item 37 omits the references to model aircraft from the regulation, as part of the repeal of the model aircraft operator accreditation scheme.

Item 38 Regulation 101.374A (note 2)

Item 38 replaces the existing note 2 with a new note that explains that Subpart 101.FA does not apply to model aircraft.

Item 39 Regulation 101.374B (heading)

Item 39 omits the references to model aircraft from the regulation heading, as part of the repeal of the model aircraft operator accreditation scheme.

Item 40 Subparagraph 101.374B(1)(b)(i)

Item 40 omits the references to model aircraft from the subparagraph, as part of the repeal of the model aircraft operator accreditation scheme.

Item 41 Subregulation 101.374B(2) and (3)

Item 41 repeals the subregulations as part of the repeal of the model aircraft operator accreditation scheme.

Item 42 Subregulation 101.374B(4) (heading)

Item 42 omits the references to model aircraft from the subregulation heading, as part of the repeal of the model aircraft operator accreditation scheme.

Item 43 Subregulation 101.374B(4)

Item 43 repeals the subregulation as part of the repeal of the model aircraft operator accreditation scheme and substitutes a new subregulation that has the same effect but without application with respect to model aircraft.

Item 44 Paragraph 101.374B(4)(c)

Item 44 omits text from the paragraph that is not necessary as a consequence of the repeal of model aircraft accreditation requirements from regulation 101.374B. With the repeal of paragraph (d), the chapeau to subregulation (4) means the text to be omitted is duplicated.

Item 45 Subparagraph 101.374B(4)(c)(i)

Item 45 omits the references to model aircraft from the subparagraph, as part of the repeal of the model aircraft operator accreditation scheme.

Item 46 Subparagraph 101.374B(4)(c)(ii)

Item 46 makes a punctuation change consequential on the repeal of paragraph (d).

Item 47 Paragraph 101.374B(4)(d)

Item 47 repeals the paragraph as part of the repeal of the model aircraft operator accreditation scheme.

Item 48 Regulation 101.374C (heading)

Item 48 omits the references to model aircraft from the regulation heading, as part of the repeal of the model aircraft operator accreditation scheme.

Item 49 Subregulation 101.374C(1)

Item 49 omits the references to model aircraft from the subregulation, as part of the repeal of the model aircraft operator accreditation scheme.

Item 50 Subregulation 101.374C(2)

Item 50 repeals the subregulation as part of the repeal of the model aircraft operator accreditation scheme and substitutes a new subregulation that has the same effect but without application with respect to model aircraft.

Item 51 Paragraph 101.374C(4)(a)

Item 51 omits the references to model aircraft from the paragraph, as part of the repeal of the model aircraft operator accreditation scheme.

Item 52 Subregulation 101.374C(5)

Item 52 omits the references to model aircraft from the subregulation, as part of the repeal of the model aircraft operator accreditation scheme.

Item 53 Paragraph 101.374C(5)(b)

Item 53 omits the reference to subregulation 101.374B(3) consequential to the repeal of that subregulation, as part of the repeal of the model aircraft operator accreditation scheme.

Item 54 Subregulation 101.374C(6)

Item 54 omits the references to model aircraft from the subregulation, as part of the repeal of the model aircraft operator accreditation scheme.

Item 55 Subregulation 101.374C(6)

Item 55 omits the second reference to model aircraft from the subregulation (the first having been omitted by the prior amendment item), as part of the repeal of the model aircraft operator accreditation scheme.

Item 56 Paragraph 101.374C(7)(a)

Item 56 omits the references to model aircraft from the paragraph, as part of the repeal of the model aircraft operator accreditation scheme.

Item 57 Division 101.FA.3 of Subpart 101.FA (heading)

Item 57 omits the references to model aircraft from the Division heading, as part of the repeal of the model aircraft operator accreditation scheme.

Item 58 Regulation 101.374D

Item 58 repeals the regulation as part of the repeal of the model aircraft operator accreditation scheme and substitutes a new subregulation that has the same effect but without application with respect to model aircraft. The effect of the regulation, as amended, is that there is only 1 kind of accreditation under Subpart 101.FA. This triggers consequential changes to regulation 101.374E, which is presently drafted by reference to multiple kinds of accreditation.

Item 59 Subregulation 101.374E(1)

Item 59 amends the subregulation to reflect the removal of multiple kinds of accreditation, consequential to the amendment to regulation 101.374D.

Item 60 Subregulation 101.374E(2)

Item 60 amends the subregulation to reflect the removal of multiple kinds of accreditation, consequential to the amendment to regulation 101.374D.

Item 61 Paragraphs 101.374E(2)(b) and (c)

Item 61 amends the paragraphs to reflect the removal of multiple kinds of accreditation, consequential to the amendment to regulation 101.374D.

Item 62 Subregulation 101.374E(3)

Item 62 amends the subregulation to reflect the removal of multiple kinds of accreditation, consequential to the amendment to regulation 101.374D.

Item 63 Subregulation 101.374E(4)

Item 63 amends the subregulation to reflect the removal of multiple kinds of accreditation, consequential to the amendment to regulation 101.374D.

Item 64 Subregulation 101.374E(5)

Item 64 repeals the subregulation as part of the repeal of the model aircraft operator accreditation scheme and substitutes a new subregulation that has the same effect but without application with respect to model aircraft and including to reflect the removal of multiple kinds of accreditation consequential to the amendment to regulation 101.374D.

Item 65 Subparagraphs 101.374J(1)(c)(i), (ii) and (iii)

Item 65 omits the references to model aircraft from the subparagraphs, as part of the repeal of the model aircraft operator accreditation scheme.

Item 66 Subregulation 201.016(3) (heading)

Item 66 omits the references to model aircraft from the subregulation heading, as part of the repeal of the model aircraft registration scheme.

Item 67 Division 202.BF.3 of Part 202

Item 67 repeals the Division as part of the repeal of the model aircraft registration scheme. The Division contains transitional provisions for the introduction of the registration scheme in relation to the general aircraft registration scheme in Part 47 of CASR. These provisions are not required with the repeal of the scheme.

Item 68 Regulation 202.463 (definitions of *model aircraft stage 1 application day* and *model aircraft stage 2 application day*)

Item 68 repeals the definitions as part of the repeal of the model aircraft registration and operator accreditation scheme. These definitions are part of the transitional provisions for the introduction of the registration scheme in relation to the regulation of uncrewed aircraft in Part 101 of CASR, and are sign post definitions that point to definitions in Division 202.BF.3 that are also repealed (item 67).

Item 69 Regulation 202.464

Item 69 repeals the regulation. Regulation 202.464 is a transitional provision related to the introduction of the registration and operator accreditation scheme for uncrewed aircraft in Part 101 of CASR. This transitional provision is spent and can be repealed.

Item 70 Subregulations 202.466 (1), (2), (2A), (4) and (5)

Item 70 repeals the subregulations, which are transitional provisions associated with the introduction of the model aircraft registration and operator accreditation scheme. The subregulations are not required with the repeal of the scheme.

In addition, subregulation (4) is a transitional provision that is now spent.

Item 71 Part 1 of the Dictionary (definition of *accreditation*)

Item 71 repeals the definition of accreditation as part of the repeal of the model aircraft operator accreditation scheme and substitute a new subregulation that has the same effect but without application with respect to model aircraft.

Item 72 Part 1 of the Dictionary (paragraph (b) of the definition of *registration holder*)

Item 72 omits the reference to model aircraft from the definition, as part of the repeal of the model aircraft registration scheme.

Civil Aviation (Unmanned Aircraft Levy) Regulations 2021

Item 73 Paragraph 5(b)

Item 73 makes an editorial change consequential on the repeal of paragraph 5(c).

Item 74 Paragraph 5(c)

Item 74 repeals the paragraph that provides for the prescription of a levy on model aircraft registration, as part of the repeal of the model aircraft registration scheme.

Schedule 2 - Amendments

Civil Aviation Safety Regulations 1998

Item 1 Paragraph 117.030(3)(d)

Item 1 repeals the paragraph to remove a statutory exception to the prohibition in subregulation 117.030(2). The exception permitted an otherwise prohibited disclosure of information if CASA is satisfied that the disclosure is necessary in the interests of the safety of air navigation. By operation of subregulation (4), the onus to prove the exception in a criminal proceeding falls to the defendant.

Removal of the exception better protects the rights of a defendant in criminal proceedings, reflecting the views of the Senate Standing Committee for the Scrutiny of Delegated Legislation.

Subregulation 117.030(3) contains other exceptions that continue to permit otherwise prohibited disclosures of relevant information, including for safety purposes.

Item 2 Subregulation 201.022(3)

Item 2 omits from the subregulation reference to the Commonwealth, so that the subregulation operates to displace only relevant laws of the States and Territories, and not also the laws of the Commonwealth, to ensure that appropriate medicines are carried and can be dispensed in the case of an aircraft medical emergency.