

Part 101—Unmanned aircraft and rockets

Table of contents

Subpart 101.A—Preliminary

- 101.005 Applicability of this Part
- 101.010 Application to rocket-powered unmanned aircraft
- 101.015 Application of registration and marking requirements
- 101.020 Exemption from certain provisions of CAR
- 101.025 Meaning of populous area
- 101.028 Issue of Manual of Standards for Part 101
- 101.029 Approvals for Part 101
- 101.030 Approval of areas for operation of unmanned aircraft or rockets
- 101.035 Requirements in this Part to give information to CASA
- 101.040 Exemptions
- 101.045 Conditions imposed by CASA or another authority

Subpart 101.AB—Authorisations for section 20AB of the Act

- 101.047 Performance of duties during flight time—balloons, kites and model aircraft
- 101.048 Performance of duties during flight time—remotely piloted aircraft

Subpart 101.B—General prohibition on unsafe operation

- 101.050 Applicability of this Subpart
- 101.055 Hazardous operation prohibited

Subpart 101.C—Provisions applicable to unmanned aircraft generally

- 101.060 Applicability of this Subpart
- 101.065 Operation in prohibited or restricted area
- 101.070 Operation in controlled airspace above 400 ft AGL
- 101.072 Operation in controlled airspace—requirements prescribed by the Part 101 Manual of Standards
- 101.073 Operation must generally be within visual line of sight
- 101.075 Operation near aerodromes
- 101.080 Permission for operation of unmanned aircraft near aerodrome
- 101.085 Maximum operating height
- 101.090 Dropping or discharging of things
- 101.095 Weather and day limitations
- 101.097 Autonomous aircraft—launch or release without approval prohibited

Subpart 101.D—Tethered balloons and kites

- 101.100 Applicability of this Subpart
- 101.105 Definitions for Subpart
- 101.110 Tethered balloons and kites that may be operated outside approved areas
- 101.115 Mooring-line marking
- 101.120 Operation of tethered balloon or kite under cloud
- 101.125 Tethered balloon to be lit at night
- 101.130 Rapid deflation device required
- 101.135 What to do if tethered balloon escapes

Subpart 101.E—Unmanned free balloons

- 101.140 Applicability of this Subpart
- 101.145 Kinds of unmanned free balloons
- 101.150 Definition for Subpart—*approved area*
- 101.155 Releasing small balloons
- 101.160 Light balloons that may be released outside approved areas
- 101.165 Release of medium and heavy balloons outside approved areas
- 101.170 Medium and heavy balloons not to be flown low
- 101.175 Medium and heavy balloons to be flown in clear sky
- 101.180 How payload must be supported—medium and heavy balloons
- 101.185 Equipment that must be carried—medium and heavy balloons
- 101.190 Lighting—medium and heavy balloons
- 101.195 Marking—unmanned free balloons generally
- 101.200 Marking by day—heavy balloons
- 101.205 Lighting by night—heavy balloons
- 101.210 Obligation to stay in communication with ATC—medium and heavy balloons
- 101.215 Tracking of flight—medium and heavy balloons
- 101.220 Flight reporting—medium and heavy balloons
- 101.225 Ending flight and recovery—medium and heavy balloons
- 101.230 Direction by ATC to end flight in certain circumstances

Subpart 101.F—Remotely piloted aircraft**Division 101.F.1—General**

- 101.235 Application of Subpart 101.F
- 101.236 Meaning of *approved area*
- 101.237 Meaning of *excluded RPA*
- 101.238 Meaning of standard RPA operating conditions

Division 101.F.2—Operation of RPA generally

- 101.245 Operation near people
- 101.247 Operations in prescribed areas—requirements prescribed by the Part 101 Manual of Standards
- 101.250 Where very small, small and medium RPA may be operated
- 101.252 Certain RPA—requirement for remote pilot licence
- 101.255 Large RPA—requirement for certificate
- 101.260 Maintenance of large RPA
- 101.265 Large RPA—persons permitted to carry out maintenance
- 101.270 Certain RPA—requirement for RPA operator’s certificate
- 101.272 Certain RPA—requirement to keep records or give information to CASA
- 101.275 Approval of operation of large RPA
- 101.280 RPA not to be operated over populous areas
- 101.285 Use of aeronautical radio

Division 101.F.3—Remote pilot licences

- 101.290 Application for remote pilot licence
- 101.295 Eligibility for remote pilot licence
- 101.300 Conditions on remote pilot licences
- 101.315 Notice to holder of remote pilot licence to show cause
- 101.320 Cancellation of remote pilot licence

Division 101.F.4—Certification of RPA operators

- 101.330 Application for certification as RPA operator
- 101.335 Eligibility for certification as RPA operator
- 101.340 Conditions on certification
- 101.342 Functions and duties of chief remote pilot
- 101.360 Notice to certified RPA operator to show cause
- 101.365 Cancellation of RPA operator’s certification
- 101.370 Compliance with RPA operator’s practices and procedures

Division 101.F.5—Operation of very small RPA for hire or reward

- 101.371 Requirement to give notice before operating very small RPA for hire or reward etc.
- 101.372 Notice to operate very small RPA for hire or reward etc.
- 101.373 Notification of changes in relation to operating very small RPA for hire or reward etc.
- 101.374 Database of notifications

Subpart 101.G—Model aircraft

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- 101.375 Applicability of this Subpart
 - 101.380 Definitions for Subpart
 - 101.385 Visibility for operation of model aircraft
 - 101.390 Operating model aircraft at night
 - 101.395 Keeping model aircraft away from people
 - 101.400 Operation of model aircraft outside approved areas
 - 101.405 Giant model aircraft
 - 101.410 Model flying displays

Subpart 101.H—Rockets

- 101.415 Applicability of this Subpart
- 101.420 Application of State and Territory laws about rockets
- 101.425 Definitions for Subpart
- 101.430 Launching rocket in or over prohibited or restricted area
- 101.435 Launching rockets into controlled airspace
- 101.440 Launching rockets near aerodromes
- 101.445 Getting permission for launch of rocket near aerodrome
- 101.450 High power rockets
- 101.455 Maximum operating height of rockets
- 101.460 Dropping or discharging of things from rockets
- 101.465 Weather and day limitations—rockets other than model rockets
- 101.470 Model rockets

Subpart 101.I—Firework displays

- 101.475 What this Subpart does
- 101.480 Application of State and Territory laws about fireworks
- 101.485 Meaning of operate a firework display
- 101.490 Certain projectiles prohibited in firework displays
- 101.495 Firework displays not permitted near aerodromes
- 101.500 Notice to CASA of certain firework displays

Subpart 101.A—Preliminary

101.005 Applicability of this Part

- (1) This Part sets out the requirements for the operation of unmanned aircraft (including model aircraft), and (to the extent that the operation of rockets and fireworks affects or may affect the safety of air navigation) the operation of rockets and the use of certain fireworks.
- (2) Nothing in this Part applies to the operation of a manned balloon or a hot air balloon.
- (3) Subparts 101.C to 101.I do not apply to the operation of:
 - (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
 - (b) a model aircraft indoors; or
 - (c) an unmanned airship indoors; or
 - (d) a small balloon within 100 metres of a structure and not above the top of the structure; or
 - (e) an unmanned tethered balloon that remains below 400 feet AGL; or
 - (f) a firework rocket not capable of rising more than 400 feet AGL.

Note: Subpart 101.B applies to the operation of all unmanned aircraft (including model aircraft) and rockets, including firework rockets.

- (4) For paragraph (3)(c), a flight does not take place indoors if the building in which it takes place has the roof, or 1 or more walls, removed.

101.010 Application to rocket-powered unmanned aircraft

This Part applies to a rocket-powered unmanned aircraft, and to the operation of such an aircraft, unless the contrary intention appears.

101.015 Application of registration and marking requirements

Parts 45 and 47 do not apply to an aircraft (other than a large RPA) to which this Part applies, nor to a micro RPA.

Note: A large RPA is required to carry a manufacturer's data plate and an aircraft registration identification plate—see respectively regulation 21.820 and Subpart 45.D of Part 45.

101.020 Exemption from certain provisions of CAR

Parts 4, 4A, 4B, 4C, 5, 7, 9, 10, 11, 12, 13 and 14 of CAR do not apply to an aircraft to which this Part applies, nor to a micro RPA.

101.025 Meaning of *populous area*

For this Part, an area is a *populous area* in relation to the operation of an unmanned aircraft or rocket if the area has a sufficient density of population for some aspect of the operation, or some event that might happen during the operation (in particular, a fault in, or failure of, the aircraft or rocket) to pose an unreasonable risk to the life, safety or property of somebody who is in the area but is not connected with the operation.

101.028 Issue of Manual of Standards for Part 101

For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 101 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

101.029 Approvals for Part 101

- (1) If a provision in this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval if:
 - (a) for an approval relating to a training course:

Regulation 101.030

- (i) the course covers the units of competency (if any) prescribed by the Part 101 Manual of Standards for the course; and
 - (ii) the course meets the standards (if any) prescribed by the Part 101 Manual of Standards for the course; or
- (b) for an approval relating to any other thing for which requirements are prescribed by the Part 101 Manual of Standards—the prescribed requirements are met.

101.030 Approval of areas for operation of unmanned aircraft or rockets

- (1) A person may apply to CASA for the approval of an area as an area for the operation of:
 - (a) unmanned aircraft generally, or a particular class of unmanned aircraft; or
 - (b) rockets.
- (2) For paragraph (1)(a), the classes of unmanned aircraft are the following:
 - (a) tethered balloons and kites;
 - (b) unmanned free balloons;
 - (c) RPA;
 - (d) model aircraft.
- (3) In considering whether to approve an area for any of those purposes, CASA must take into account the likely effect on the safety of air navigation of the operation of unmanned aircraft in, or the launching of rockets in or over, the area.
- (4) An approval has effect from the time written notice of it is given to the applicant, or a later day or day and time stated in the approval.
- (5) An approval may be expressed to have effect for a particular period (including a period of less than 1 day), or indefinitely.
- (6) CASA may impose conditions on the approval in the interests of the safety of air navigation.

Regulation 101.035

- (7) If CASA approves an area under subregulation (1), it must publish details of the approval (including any condition) in NOTAM or on an aeronautical chart.
- (8) CASA may revoke the approval of an area, or change the conditions that apply to such an approval, in the interests of the safety of air navigation, but must publish details of any revocation or change in NOTAM or on an aeronautical chart.
- (9) CASA must also give written notice of the revocation or change:
 - (a) to the person who applied for the approval of the area; or
 - (b) if that person applied for that approval as an officer of an organisation concerned with unmanned aircraft or rockets, and no longer holds that office—to the person who now holds the office.

101.035 Requirements in this Part to give information to CASA

- (1) If a provision of this Part requires a person to give information to CASA about the operation, launching or release of an unmanned aircraft or rocket, then, unless the provision says otherwise, the person may do so by giving the information to:
 - (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
 - (b) an appropriate approved aviation administration organisation.
- (2) However, subregulation (1) does not apply in relation to the release of small balloons, or in relation to a firework display.
- (3) The information need not be given in writing unless:
 - (a) CASA or the authority to which it is given asks for it to be given in writing in the particular case; or
 - (b) another provision of these Regulations requires it to be given in writing.
- (4) If a person gives the information to an authority mentioned in paragraph (1)(a) or (b), then, subject to subregulation (6), the person is taken, for all purposes, to have complied with the requirement to give the information.

Regulation 101.035

- (5) If in a particular case CASA or the authority to which the information is given reasonably requires extra information about the operation, launching or release, CASA or the authority may ask the person for the extra information.
- (6) If CASA or an authority asks for more information under subregulation (5), the person is not taken to have complied with the requirement mentioned in subregulation (1) to give the information until the person gives to CASA or the authority the extra information.
- (7) If a day is not a working day for the office of CASA or an authority to which notice of an event is given or an application made, that day does not count for the purpose of working out how many working days' notice of the event has been given, or how many working days before an event the application has been made.
- (8) In subregulation (7):
working day, in relation to an office of CASA or an authority, means a day on which that office is open for business.

Subpart 101.AB—Authorisations for section 20AB of the Act

101.047 Performance of duties during flight time—balloons, kites and model aircraft

- (1) This regulation applies to an Australian aircraft that is an unmanned aircraft if it is:
 - (a) a balloon; or
 - (b) a kite; or
 - (c) a model aircraft.
- (2) For paragraph 20AB(1)(a) of the Act, a person performing a duty that is essential to the operation of the aircraft during flight time is taken to hold a civil aviation authorisation that:
 - (a) is in force; and
 - (b) authorises the person to perform the duty.

101.048 Performance of duties during flight time—remotely piloted aircraft

Performing essential duties in relation to excluded RPA

- (1) For paragraph 20AB(1)(a) of the Act, a person performing a duty that is essential to the operation of an excluded RPA during flight time is taken to hold a civil aviation authorisation that:
 - (a) is in force; and
 - (b) authorises the person to perform the duty.

Note: For the definition of *excluded RPA*, see regulation 101.237.

Performing essential duties in relation to other RPA

- (2) For paragraph 20AB(1)(a) of the Act, a person performing a duty that is essential to the operation of an RPA during flight time is taken to hold a civil aviation authorisation that:
 - (a) is in force; and

Part 101 Unmanned aircraft and rockets

Subpart 101.AB Authorisations for section 20AB of the Act

Regulation 101.048

(b) authorises the person to perform the duty.

(3) Subregulation (2) does not apply:

- (a) to an excluded RPA; or
- (b) to a person operating an RPA.

Note: Excluded RPA are covered by subregulation (1). Persons operating RPA other than excluded RPA require a remote pilot licence: see regulation 101.252.

Subpart 101.B—General prohibition on unsafe operation

101.050 Applicability of this Subpart

This Subpart applies to the operation of all unmanned aircraft and rockets that are not aircraft, whether or not any of Subparts C to I applies.

101.055 Hazardous operation prohibited

- (1) A person must not operate an unmanned aircraft in a way that creates a hazard to another aircraft, another person, or property.

Penalty: 50 penalty units.

- (2) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to an aircraft.

Penalty: 50 penalty units.

- (3) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to another person or to property.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is not a defence to a charge of contravening subregulation (1), (2) or (3) that the relevant unmanned aircraft was being operated, or the relevant rocket was launched, in a way that complied with the operations manual of an approved aviation administration organisation.

- (5) In subregulations (2) and (3):

rocket includes a firework rocket.

Subpart 101.C—Provisions applicable to unmanned aircraft generally

101.060 Applicability of this Subpart

This Subpart applies to the operation of unmanned aircraft of all kinds, except operation mentioned in subregulation 101.005(3).

Note: Rockets that are not aircraft are dealt with separately in Subpart 101.H.

101.065 Operation in prohibited or restricted area

- (1) A person may operate an unmanned aircraft in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

Note: Details of prohibited and restricted areas are published in the AIP or NOTAMS.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) In subregulation (1):

authority controlling the area means:

- (a) in the case of a prohibited area—the Secretary of the Department administered by the Minister administering section 1 of the *Defence Act 1903*; and
 - (b) in the case of a restricted area—the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.
- (3) For subregulation (1):
 - (a) the authority controlling the area must give a written statement of any condition so imposed to the person who applied for the permission; and

Regulation 101.070

- (b) unless the authority gives the statement to the person, the person is not bound by the condition.

101.070 Operation in controlled airspace above 400 ft AGL

- (1) A person may operate an unmanned aircraft above 400 feet AGL in controlled airspace only:
- (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same kind as the aircraft, and in accordance with any conditions of the approval; and
 - (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.072 Operation in controlled airspace—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of unmanned aircraft in controlled airspace.
- (2) A person commits an offence of strict liability if:
- (a) the person operates an unmanned aircraft in controlled airspace; and
 - (b) the person is subject to a requirement under subregulation (1) in relation to the operation; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.073 Operation must generally be within visual line of sight

Unmanned aircraft must be operated within visual line of sight

- (1) A person commits an offence of strict liability if:
- (a) the person operates an unmanned aircraft; and

Regulation 101.075

- (b) the aircraft is not operated within the person's visual line of sight.

Penalty: 50 penalty units.

Exception—CASA approval

- (2) Subregulation (1) does not apply if:
 - (a) the person holds an approval under regulation 101.029 to operate the unmanned aircraft beyond the person's visual line of sight; and
 - (b) the conditions (if any) imposed on the approval are complied with.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Meaning of operated within visual line of sight

- (3) An unmanned aircraft is being ***operated within the visual line of sight*** of the person operating the aircraft if the person can continually see, orient and navigate the aircraft to meet the person's separation and collision avoidance responsibilities, with or without corrective lenses, but without the use of binoculars, a telescope or other similar device.

101.075 Operation near aerodromes

- (1) A person may operate an unmanned aircraft at an altitude above 400 feet AGL within 3 nautical miles of an aerodrome only if:
 - (a) the operation is permitted by another provision of this Part;
or
 - (b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

- (2) A person may operate an unmanned aircraft over an area mentioned in paragraph (3)(a) or (b) only if:
 - (a) the operation is permitted by another provision of this Part;
or

Regulation 101.080

- (b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

- (3) The areas for subregulation (2) are:
 - (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (4) A person must not operate an unmanned aircraft in such a manner as to create an obstruction to an aircraft taking off from, or approaching for landing at, a landing area or a runway of an aerodrome.

Penalty: 25 penalty units.

- (5) An offence against subregulation (1), (2) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.080 Permission for operation of unmanned aircraft near aerodrome

- (1) The authority from which permission must be obtained for the purposes of regulation 101.075 is:
 - (a) if the aerodrome concerned is a controlled aerodrome—the air traffic control service for the aerodrome; or
 - (b) in the case of any other aerodrome—CASA.
- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.080, so far as relevant to the proposed operation.

Regulation 101.080

Table 101.080 Details of operation of unmanned aircraft to be given to CASA or ATC

Item	Information to be provided
1	In all cases: (a) the name, address, email address and telephone number of the person who will operate the aircraft or (if the aircraft concerned is an unmanned free balloon) release the balloon (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the operation); and (b) the date and time the operation or release is to begin and how long it is to last; and (c) where it is to be carried out; and (d) if more than 1 unmanned aircraft is to be operated at a time, how many unmanned aircraft are to be operated at that time
2	In the case of the operation of a tethered balloon or a kite: (a) a brief description of the balloon or kite, including its predominant colour; and (b) the height to which it is to be operated; and (c) its mass
3	In the case of the release of an unmanned free balloon: (a) how many balloons are to be released; and (b) the estimated size and mass of the balloon's payload
4	In the case of the release of a medium or heavy balloon: (a) the balloon's flight identification or its project code name; and (b) the balloon's classification, or a description of the balloon; and (c) the balloon's SSR code or NDB frequency, and its Morse identification; and (d) the expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb; and (e) the balloon's float level (given as pressure altitude); and (f) when the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so; and

Regulation 101.085

Table 101.080 Details of operation of unmanned aircraft to be given to CASA or ATC

Item Information to be provided

(g) when the flight is expected to end, and where the balloon and its payload are expected to fall

Note: For *free balloon* and *heavy balloon*, see regulation 101.145. For *tethered balloon*, see regulation 101.105.

- (3) If more than 1 aircraft is to be operated at a time, such a requirement is a requirement to give the information about each such aircraft.
- (4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035(1)(a) or (b).
- (5) If the authority grants the permission, it may impose conditions on the permission in the interests of the safety of air navigation.
- (6) A person must not contravene a condition imposed under subregulation (5).
- Penalty: 50 penalty units.
- (7) An offence against subregulation (6) is an offence of strict liability.
- Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.085 Maximum operating height

- (1) A person may operate an unmanned aircraft above 400 feet AGL only:
- (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same class as the aircraft concerned, and in accordance with any conditions of the approval; or
- (b) as otherwise permitted by this Part.
- Penalty: 50 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 101.090

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.090 Dropping or discharging of things

- (1) A person must not cause a thing to be dropped or discharged from an unmanned aircraft in a way that creates a hazard to another aircraft, a person, or property.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.095 Weather and day limitations

- (1) A person may operate an unmanned aircraft:

- (a) in or into cloud; or
- (b) at night; or
- (c) in conditions other than VMC;

only if permitted by another provision of this Part, or in accordance with an air traffic control direction.

Penalty: 25 penalty units.

- (1A) Subregulation (1) does not apply if the person holds an approval under regulation 101.029 for the purposes of this subregulation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1A): see subsection 13.3(3) of the *Criminal Code*.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.097 Autonomous aircraft—launch or release without approval prohibited

- (1) This regulation:

- (a) applies to an unmanned aircraft (an *autonomous aircraft*) that does not allow pilot intervention during all stages of the flight of the aircraft; but
- (b) does not apply to balloons, kites or model aircraft.

Regulation 101.097

- (2) A person commits an offence of strict liability if the person causes an autonomous aircraft to be launched or released.

Penalty: 50 penalty units.

- (3) Subregulation (2) does not apply if:
- (a) the person holds an approval under regulation 101.029 to launch or release the autonomous aircraft; and
 - (b) the conditions (if any) imposed on the approval are complied with.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Subpart 101.F—Remotely piloted aircraft

Division 101.F.1—General

101.235 Application of Subpart 101.F

This Subpart applies to the operation of the following:

- (a) very small RPA, other than for the purpose of sport or recreation;
- (b) small RPA, other than for the purpose of sport or recreation;
- (c) medium RPA, other than for the purpose of sport or recreation;
- (d) large RPA.

101.236 Meaning of *approved area*

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of RPA.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAMS or on an aeronautical chart: see subregulation 101.030(7).

101.237 Meaning of *excluded RPA*

- (1) This regulation sets out what is an ***excluded RPA***.

Note: Excluded RPA can be operated without certain licences and permissions. See for example regulation 101.252, which requires a person to have a remote pilot licence to operate an RPA, unless it is an excluded RPA.

- (2) A micro RPA is an ***excluded RPA***.
- (3) A very small RPA is an ***excluded RPA*** if it is being operated:
- (a) for the purpose of sport or recreation; or
 - (b) in standard RPA operating conditions.
- (4) A small RPA is an ***excluded RPA*** if it is being operated:
-

Regulation 101.237

- (a) by or on behalf of the owner of the RPA; and
 - (b) over land owned or occupied by the owner of the RPA; and
 - (c) in standard RPA operating conditions; and
 - (d) for the purposes of one or more of the following:
 - (i) aerial spotting;
 - (ii) aerial photography;
 - (iii) agricultural operations;
 - (iv) aerial communications retransmission;
 - (v) the carriage of cargo;
 - (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; andfor which no remuneration is received by the operator or the owner of the RPA, the owner or occupier of the land or any person on whose behalf the activity is being conducted.
- (5) A small RPA, or a medium RPA, is an **excluded RPA** if it is being operated for the purpose of sport or recreation.
- (6) A small RPA, or a medium RPA, is an **excluded RPA** if it is being operated in standard RPA operating conditions by:
- (a) a person for the sole purpose of meeting the experience requirement mentioned in paragraph 101.295(2)(c) for the grant of a remote pilot licence; or
 - (b) the holder of a remote pilot licence for the sole purpose of getting practical experience and gaining competency in the operation of an RPA, including a kind of RPA that is not specified in the holder's remote pilot licence.
- (7) A medium RPA is an **excluded RPA** if it is being operated:
- (a) by or on behalf of the owner of the RPA; and
 - (b) by a person who holds a remote pilot licence that authorises the person to operate the RPA; and
 - (c) over land owned or occupied by the owner of the RPA; and
 - (d) in standard RPA operating conditions; and
 - (e) for the purposes of one or more of the following:
 - (i) aerial spotting;
 - (ii) aerial photography;
 - (iii) agricultural operations;

Regulation 101.238

- (iv) aerial communications retransmission;
 - (v) the carriage of cargo;
 - (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; and
- for which no remuneration is received by the operator or owner of the RPA, the owner or occupier of the land or any person on whose behalf the activity is being conducted.
- (8) An RPA is an ***excluded RPA*** if it is being operated:
- (a) by a person solely for the purpose of the person receiving training from an RPA operator who holds a certificate under Division 101.F.4 that authorises the operator to conduct operations using the RPA; and
 - (b) in accordance with the operator's documented training procedures.

101.238 Meaning of standard RPA operating conditions

An RPA is operated in ***standard RPA operating conditions*** if, during the operation:

- (a) the RPA is operated within the visual line of sight of the person operating the RPA; and
- (b) the RPA is operated at or below 400 ft AGL by day; and
- (c) the RPA is not operated within 30 m of a person who is not directly associated with the operation of the RPA; and
- (d) the RPA is not operated:
 - (i) in a prohibited area; or
 - (ii) in a restricted area that is classified as RA3; or
 - (iii) in a restricted area that is classified as RA2 or RA1 otherwise than in accordance with regulation 101.065; or
 - (iv) over a populous area; or
 - (v) within 3 nautical miles of the movement area of a controlled aerodrome; and
- (e) the RPA is not operated over an area where a fire, police or other public safety or emergency operation is being conducted without the approval of a person in charge of the operation; and

Part 101 Unmanned aircraft and rockets
Subpart 101.F Remotely piloted aircraft
Division 101.F.1 General

Regulation 101.238

(f) the person operating the RPA operates only that RPA.

Division 101.F.2—Operation of RPA generally

101.245 Operation near people

- (1) Subject to subregulations (2) and (3), a person must not operate an RPA within 30 metres of a person (the **second person**) who is not directly associated with the operation of the RPA.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply if the second person is standing behind the RPA while the RPA is taking off.
- (3) Subregulation (1) does not apply if:
- (a) the RPA is a very small RPA, small RPA or medium RPA; and
 - (b) the second person has consented to the RPA operating within 30 m of him or her; and
 - (c) the RPA is operated no closer than 15 m of him or her.
- (4) Subregulation (1) does not apply if:
- (a) the RPA is an airship; and
 - (b) the airship approaches no closer to the second person than 10 m horizontally and 30 ft vertically.
- (5) Subregulation (1) does not apply if the person holds an approval under regulation 101.029 for the purposes of this subregulation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) to (5): see subsection 13.3(3) of the *Criminal Code*.

101.247 Operations in prescribed areas—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of RPA in areas (**prescribed areas**) prescribed by the Part 101 Manual of Standards.

Regulation 101.250

- (2) A person commits an offence of strict liability if:
- (a) the person operates an RPA in a prescribed area; and
 - (b) the person is subject to a requirement under subregulation (1) in relation to the operation of the RPA in the area; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.250 Where very small, small and medium RPA may be operated

- (1) A person may operate a very small RPA, a small RPA or a medium RPA outside an approved area only if:
- (a) where the RPA is operated above 400 feet AGL, the operator has CASA's approval to do so; and
 - (b) the RPA stays clear of populous areas.

Penalty: 10 penalty units.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

Note 3: This Subpart only applies to the operation of certain RPA: see regulation 101.235.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.252 Certain RPA—requirement for remote pilot licence

- (1) This regulation does not apply in relation to the operation of an excluded RPA.
- (2) A person commits an offence of strict liability if:
- (a) the person operates an RPA; and
 - (b) the person does not hold a remote pilot licence that authorises the person to operate the RPA.

Penalty: 50 penalty units.

101.255 Large RPA—requirement for certificate

- (1) A person may operate a large RPA only if either a special certificate of airworthiness (restricted category), or an experimental certificate, has been issued for it under Subpart 21.H of Part 21.

Penalty: 50 penalty units.

Note 1: For *large RPA*, see regulation 101.240.

Note 2: A large RPA is required to carry a manufacturer's data plate and an aircraft registration identification plate—see respectively regulation 21.820 and Subpart 45.D of Part 45.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.260 Maintenance of large RPA

- (1) Subdivision 2 of Division 2 of Part 4A of CAR applies to large RPA.

Note: That is, a large RPA must be maintained as a Class B aircraft.

- (2) A person who carries out maintenance on a large RPA must comply with any directions given in writing by CASA in relation to the maintenance of the RPA, or the maintenance of RPA of a class that includes the RPA.

101.265 Large RPA—persons permitted to carry out maintenance

- (3) For subsection 20AB(2) of the Act, and despite anything in regulation 42ZC of CAR 1988, a person may carry out maintenance on:

- (a) a large RPA that is an Australian aircraft; or
- (b) an aircraft component for such an RPA; or
- (c) aircraft material for such an RPA;

if the person:

- (d) holds an airworthiness authority that authorises the maintenance; or
- (e) carries out the maintenance under the supervision of a person who holds such an authority.

Regulation 101.270

101.270 Certain RPA—requirement for RPA operator’s certificate

- (1) This regulation does not apply in relation to the operation of an excluded RPA.
- (2) A person commits an offence of strict liability if:
 - (a) the person conducts operations using RPA; and
 - (b) the person does not hold a certificate as an RPA operator under Division 101.F.4 that authorises the person to conduct the operations.

Penalty: 50 penalty units.

101.272 Certain RPA—requirement to keep records or give information to CASA

- (1) The Part 101 Manual of Standards may require a person who operates, or proposes to operate, RPA to do either or both of the following:
 - (a) keep records, in accordance with the requirements prescribed by the Part 101 Manual of Standards;
 - (b) give information to CASA, in accordance with the requirements prescribed by the Part 101 Manual of Standards.
- (2) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subregulation (1); and
 - (b) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.275 Approval of operation of large RPA

- (1) A person may operate a large RPA only with CASA’s approval.

Penalty: 50 penalty units.

- (1A) A person may apply to CASA, in writing, for approval to operate a large RPA.

Regulation 101.280

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (1B) Subject to regulation 11.055, CASA must grant the approval if:
- (a) the person is certified as an operator of large RPA; and
 - (b) the operation would not contravene any condition of the certification.

Note 1: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Note 2: For certification as an operator of RPA, see Division 101.F.4.

- (3) Without limiting regulations 11.056 and 11.067, CASA may impose conditions on an approval:
- (a) prohibiting the operation of the relevant RPA at night or in conditions other than VMC; or
 - (b) restricting the extent to which the RPA may be operated at night or in conditions other than VMC; or
 - (c) requiring the RPA to stay within a specified area, or
 - (d) requiring the operator to make specified broadcasts.
- (6) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.280 RPA not to be operated over populous areas

- (1) In this regulation:

certificated RPA means an RPA for which a certificate of airworthiness has been issued.

- (2) A person must not operate an RPA that is not a certificated RPA over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

Part 101 Unmanned aircraft and rockets
Subpart 101.F Remotely piloted aircraft
Division 101.F.2 Operation of RPA generally

Regulation 101.285

Note 1: For *populous area*, see regulation 101.025. For *RPA*, see regulation 101.240.

Note 2: For the kinds of RPA operation to which this Subpart applies, see regulation 101.235.

- (3) Without the approval of CASA, a person must not operate a certificated RPA over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) In considering whether to give an approval under subregulation (3), CASA must take into account:
- (a) the degree of redundancy in the RPA's critical systems; and
 - (b) any fail-safe design characteristics of the RPA; and
 - (c) the security of its communications and navigation systems.
- (5) Before giving an approval under subregulation (3), CASA must be satisfied that the person who intends to operate the RPA will take proper precautions to prevent the proposed flight being dangerous to people and property.

101.285 Use of aeronautical radio

- (1) A person may operate an RPA (other than a very small RPA) in controlled airspace only if he or she:
- (a) holds a relevant qualification; and
 - (b) maintains a listening watch on a specified frequency or frequencies; and
 - (c) makes broadcasts on a specified frequency or frequencies at the specified interval giving the specified information.

Penalty: 25 penalty units.

Note: This Subpart only applies to the operation of certain RPA: see regulation 101.235.

(2) In this regulation:

relevant qualification means any of the following qualifications:

- (a) an aeronautical radio operator certificate;
- (b) a flight crew licence;
- (c) an air traffic control licence;
- (d) a military qualification equivalent to a licence mentioned in paragraph (b) or (c);
- (e) a flight service licence.

specified frequency for particular airspace means a frequency specified from time to time in AIP or by ATC as a frequency for use in the airspace.

specified information for particular airspace means information specified from time to time in AIP or by ATC as information that must be broadcast in the airspace.

specified interval for particular airspace means the interval specified from time to time in AIP or by ATC as the interval at which broadcasts must be made while in that airspace.

(3) CASA may direct that a particular person must not operate an RPA unless the person:

- (a) holds a relevant qualification; and
- (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
- (c) makes broadcasts:
 - (i) on a frequency or frequencies; and
 - (ii) at intervals; and
 - (iii) giving information—
specified in the direction.

(4) The person must comply with the direction.

Penalty: 50 penalty units.

(5) CASA may direct, in regard to a particular RPA or type of RPA, that a person must not operate the RPA, or an RPA of that type, unless he or she:

Regulation 101.285

- (a) holds a relevant qualification; and
 - (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
 - (c) makes broadcasts:
 - (i) on a frequency or frequencies; and
 - (ii) at intervals; and
 - (iii) giving information—
specified in the direction.
- (6) The person must comply with the direction.
- Penalty: 50 penalty units.
- (7) For subregulations (3) and (5), CASA may specify that a frequency is to be a frequency specified under paragraph 99A(3)(b) of CAR for a particular area or aerodrome.
- (8) An offence against subregulation (1), (4) or (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Division 101.F.3—Remote pilot licences

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for a remote pilot licence.

101.290 Application for remote pilot licence

(1A) An individual may apply to CASA, in writing, for a licence (a *remote pilot licence*) to operate an RPA.

Note: For the kinds of RPA to which this Subpart applies, see regulation 101.235.

- (1) An application for a remote pilot licence must include the following information:
- (a) details of any flight crew licence, air traffic control licence or flight service licence that the applicant holds (including details of ratings, endorsements and qualifications);
 - (aa) details of any military qualification the applicant holds that is equivalent to a licence mentioned in paragraph (a);
 - (b) details of any aeronautical experience that the applicant has;
 - (c) details of any of the following examinations the applicant has passed (other than any examination passed in the course of gaining a licence mentioned in paragraph (a)):
 - (i) an aeronautical examination (within the meaning of Part 61);
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of a flight crew licence under regulation 202.274;
 - (d) if the applicant does not hold a licence mentioned in paragraph (a), details of any aeronautical radio operator certificate that the applicant holds;
 - (e) details of the applicant's experience in operating RPA;
 - (f) evidence of the completion of any training course in RPA operation that the applicant has undertaken.

Regulation 101.295

101.295 Eligibility for remote pilot licence

- (2) Subject to regulation 11.055, CASA must grant a remote pilot licence to the applicant if he or she:
- (a) has passed:
 - (i) an aeronautical knowledge examination (within the meaning of Part 61) for a flight crew licence under Part 61; or
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of a flight crew licence under regulation 202.274; or
 - (iii) the theory component of an RPL training course; or
 - (iv) the theory component of a course conducted in a foreign country which CASA is satisfied is equivalent to the theory component of an RPL training course; and
 - (b) has completed:
 - (i) an RPL training course in the manual or automated operation of a category of RPA that he or she proposes to operate; or
 - (ii) before 1 June 2017, a training course in the operation of a category of RPA that he or she proposes to operate, conducted by the RPA's manufacturer or an agent of the manufacturer; or
 - (iii) a flight test conducted by CASA for the purposes of this subparagraph; and
 - (c) has at least 5 hours experience in operating an RPA under standard RPA operating conditions.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a licence; or
- (b) a decision imposing a condition on a licence.

See also section 31 of the Act.

- (3) A person who holds or has held:
- (a) a flight crew licence; or
 - (b) a military qualification equivalent to a flight crew licence; or

Regulation 101.300

- (c) an air traffic control licence, or a military qualification equivalent to an air traffic control licence;
is taken to satisfy the condition in paragraph (2)(a).

101.300 Conditions on remote pilot licences

- (2) Without limiting regulations 11.056 and 11.067, a condition may:
- (a) allow the person to operate RPA of only specified kinds; or
 - (b) limit the areas where he or she may operate RPA; or
 - (c) allow him or her to operate RPA only in VMC.
- (3) It is a condition of a remote pilot licence that the licence holder must not operate an RPA above 400 ft AGL in controlled airspace, or within 3 nautical miles of the movement area of a controlled aerodrome, unless he or she holds at least one of the following qualifications:
- (a) an aeronautical radio operator certificate;
 - (b) a flight crew licence;
 - (c) an air traffic control licence;
 - (d) a military qualification equivalent to a licence mentioned in paragraph (b) or (c);
 - (e) a flight service licence.
- (4) It is a condition of a remote pilot licence that an RPA must be operated within the visual line of sight of the licence holder unless he or she:
- (a) has passed:
 - (i) an aeronautical knowledge examination (within the meaning of Part 61) for the grant of an instrument rating under Part 61; or
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of an instrument rating under regulation 202.274; or
 - (iii) an approved examination; and
 - (b) either:
 - (i) holds both a certificate as an RPA operator under Division 101.F.4 and an approval under

Regulation 101.315

- regulation 101.029 to operate the RPA beyond the person's visual line of sight; or
- (ii) is a member of an RPA operator's personnel and the RPA operator holds both a certificate as an RPA operator under Division 101.F.4 and an approval under regulation 101.029 for the operator's personnel to operate RPA beyond their visual line of sight.
- (5) It is a condition of a remote pilot licence that the licence holder must not operate more than 1 RPA at a time unless:
- (a) he or she holds an approval under regulation 101.029 to operate more than 1 RPA at a time; and
- (b) the conditions (if any) imposed on the approval are complied with.
- (6) The holder of a remote pilot licence commits an offence of strict liability if the holder contravenes a condition mentioned in subregulation (3), (4) or (5).
- Penalty: 50 penalty units.

101.315 Notice to holder of remote pilot licence to show cause

- (1) CASA may give a show cause notice to the holder of a remote pilot licence if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the licence under regulation 101.320.
- (2) A show cause notice must:
- (a) tell the holder of the licence of the facts and circumstances that, in CASA's opinion, would justify the cancellation of the licence under regulation 101.320; and
- (b) invite the holder of the licence to show in writing, within a reasonable time stated in the notice, why the licence should not be cancelled.
- (3) A show cause notice may state that the licence is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the licence were not suspended.

Regulation 101.320

- (4) If a show cause notice states that the licence is suspended, the licence is suspended from when the notice is given to the holder.
- (5) CASA may at any time revoke the suspension.
- (6) If the approval is suspended and CASA has not dealt with it under regulation 101.320 within 90 days after the day it is suspended, the suspension lapses at the end of that period.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.320 Cancellation of remote pilot licence

- (1) CASA may cancel a remote pilot licence by written notice to the holder of the licence, if:
 - (a) CASA has given to the holder a show cause notice under regulation 101.315 in relation to it; and
 - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (c) there are reasonable grounds for believing that the holder:
 - (i) has operated an RPA in contravention of these Regulations or of a condition of the licence; or
 - (ii) has operated the RPA negligently or carelessly; or
 - (iii) in operating the RPA, has recklessly endangered human life or property.
- (2) If CASA has given a show cause notice under regulation 101.315 to the holder of a remote pilot licence, and it decides not to cancel the licence, it:
 - (a) must tell the holder in writing of the decision; and
 - (b) must, if the holder's licence is suspended under that regulation, revoke the suspension.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Division 101.F.4—Certification of RPA operators

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for certification as an RPA operator.

101.330 Application for certification as RPA operator

(1A) A person may apply to CASA, in writing, for certification as an RPA operator.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

(1) An application for certification as an RPA operator must include:

(a) details of:

- (i) the applicant's structure and organisation; and
 - (ii) its staff and their qualifications and experience (including, in particular, the names, qualifications, experience, duties and functions of the persons who are to be the applicant's chief remote pilot and maintenance controller); and
 - (iii) its facilities and equipment; and
 - (iv) its practices and procedures; and
- (b) a general description of the proposed operations, including the type or types of RPA to be used; and
- (c) if the applicant proposes to conduct an RPL training course—details of the proposed training.

(2) The application must be accompanied by a copy of each of the applicant's manuals relevant to the operation of RPA.

101.335 Eligibility for certification as RPA operator

(1A) Subject to regulation 11.055, CASA must certify an applicant as an RPA operator if the applicant is eligible to be certified as an RPA operator in accordance with this regulation.

Regulation 101.340

- Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:
- (a) a decision refusing to grant, or cancelling, suspending or varying, a certificate; or
 - (b) a decision imposing a condition on a certificate.
- See also section 31 of the Act.

- (1) A person is eligible to be certified as an RPA operator if:
 - (a) the person has an organisation and structure that is appropriate for safe operation of RPA; and
 - (b) the person has enough qualified and experienced personnel to undertake the proposed operations safely; and
 - (c) the person has facilities and equipment appropriate to carry out the proposed operations using RPA of the type to be used; and
 - (d) the person has suitable documented practices and procedures to do so, including practices and procedures for the maintenance of the operator's RPASs; and
 - (f) the person has nominated suitable persons to be its chief remote pilot and maintenance controller.
- (2) A body that is not a legal person is not eligible to be certified as an RPA operator.
- (3) Two or more persons cannot be certified jointly as an RPA operator.

101.340 Conditions on certification

- (1) It is a condition of the certification of a person as an RPA operator that the person:
 - (a) maintains within its organisation a position of chief remote pilot having at least the functions and duties set out in regulation 101.342; and
 - (b) employs as its chief remote pilot a person who holds a remote pilot licence under Division 101.F.3 and who is competent to carry out those duties and perform those functions; and
 - (c) either:

Regulation 101.342

- (i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in Advisory Circular 101-05, as issued by CASA from time to time; or
 - (ii) has an arrangement with another qualified and competent person to carry out those functions and duties; and
 - (d) if it maintains within its organisation a position of maintenance controller—employs as its maintenance controller a person who is competent to carry out the duties and perform the functions of a maintenance controller; and
 - (e) complies with the operator's documented practices and procedures.
- (4) Without limiting regulations 11.056 and 11.067, a condition may:
- (a) allow the person to operate RPA of only specified kinds; or
 - (b) allow the person to operate RPA only for specified purposes; or
 - (c) limit the areas where the person may operate RPA; or
 - (d) allow the person to operate RPA only in VMC; or
 - (e) limit the number of RPA that an RPA operator may operate.

101.342 Functions and duties of chief remote pilot

For paragraph 101.340(1)(a), the functions and duties of a chief remote pilot are as follows:

- (a) ensuring the operator's RPA operations are conducted in accordance with the civil aviation legislation;
- (b) maintaining a record of the qualifications held by each person operating RPA for the operator;
- (c) monitoring the operational standards and proficiency of each person operating RPA for the operator;
- (d) maintaining a complete and up-to-date reference library of operational documents required by CASA under subregulation 101.335(1) for the types of operations conducted by the operator.

101.360 Notice to certified RPA operator to show cause

- (1) CASA may give a show cause notice to a certified RPA operator if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the approval under regulation 101.365.
- (2) A show cause notice must:
 - (a) tell the holder of the facts and circumstances that, in CASA's opinion, would justify the cancellation of the certification under regulation 101.365; and
 - (b) invite the operator to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.
- (3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the approval were not suspended.
- (4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.
- (5) CASA may at any time revoke the suspension.
- (6) If the approval is suspended and CASA has not dealt with it under regulation 101.365 within 90 days after the day it is suspended, the suspension lapses at the end of that period.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.365 Cancellation of RPA operator's certification

- (1) CASA may cancel a certified RPA operator's certification by written notice to the operator, if:
 - (a) CASA has given to the operator a show cause notice under regulation 101.360 in relation to it; and
 - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the operator; and
 - (c) there are reasonable grounds for believing that:

Regulation 101.370

- (i) the operator has operated an RPA in contravention of these Regulations or of a condition of the certification; or
 - (ii) a person engaged or employed by the operator has operated an RPA negligently or carelessly; or
 - (iii) a person engaged or employed by the operator, in operating an RPA, has recklessly endangered human life or property.
- (2) If CASA has given a show cause notice under regulation 101.360 to a certified RPA operator, and it decides not to cancel the approval, it:
- (a) must tell the operator in writing of the decision; and
 - (b) must, if the operator's certification is suspended under that regulation, revoke the suspension.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.370 Compliance with RPA operator's practices and procedures

A person commits an offence of strict liability if the person:

- (a) is a member of an RPA operator's personnel; and
- (b) is subject to a requirement under the RPA operator's documented practices and procedures; and
- (c) does not comply with the requirement.

Penalty: 50 penalty units.

Division 101.F.5—Operation of very small RPA for hire or reward

101.371 Requirement to give notice before operating very small RPA for hire or reward etc.

- (1) A person commits an offence of strict liability if:
 - (a) the person operates a very small RPA for hire or reward; and
 - (b) the person has not given a notice to CASA, in accordance with regulation 101.372, at least 5 business days before the person first operates a very small RPA for hire or reward.

Penalty: 50 penalty units.

- (2) A person commits an offence of strict liability if:
 - (a) the person conducts operations using very small RPA for hire or reward; and
 - (b) the person does not hold a certificate as an RPA operator under Division 101.F.4 that authorises the person to conduct the operations; and
 - (c) the person has not given a notice to CASA, in accordance with regulation 101.372, at least 5 business days before the person first conducts the operation.

Penalty: 50 penalty units.

101.372 Notice to operate very small RPA for hire or reward etc.

- (1) A person may notify CASA, in writing, that the person intends to do either or both of the following:
 - (a) operate very small RPA for hire or reward;
 - (b) conduct operations using very small RPA for hire or reward.
- (2) The notification must be given in the form, and in the manner or way, approved by CASA.

Regulation 101.373

101.373 Notification of changes in relation to operating very small RPA for hire or reward etc.

- (1) If:
 - (a) a person has given CASA a notice under regulation 101.372; and
 - (b) a change, event or other matter of a kind prescribed by the Part 101 Manual of Standards occurs;the person must notify CASA of the change, event or matter within 21 business days of the change, event or matter occurring.
- (2) The notification must be given in the form, and in the manner or way, approved by CASA.
- (3) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subregulation (1); and
 - (b) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.374 Database of notifications

- (1) CASA may establish and maintain a database of information that relates to notifications given under regulations 101.372 and 101.373.
- (2) Without limiting subregulation (1), the database may contain the following information in relation to each notification:
 - (a) the name of the person who gave the notification;
 - (b) the person's contact details;
 - (c) the locations at which the operations will take place;
 - (d) the types of RPA covered by the notification.
- (3) The database may be made publicly available.
- (4) The database may be kept and made publicly available in electronic form.

Subpart 101.G—Model aircraft

101.375 Applicability of this Subpart

This Subpart applies to the operation of model aircraft weighing 100 grams or more (except operation mentioned in paragraph 101.005(3)(a) or (b)).

Note 1: For *model aircraft*, see the Dictionary.

Note 2: This Subpart does not apply to:

- (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
- (b) a model aircraft flown indoors.

See subregulation 101.005(3).

101.380 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of model aircraft.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

giant model aircraft means a model aircraft that has a take-off mass (excluding fuel) of more than 25 kilograms, but not more than 150 kilograms.

Note: For *model aircraft*, see the Dictionary.

101.385 Visibility for operation of model aircraft

- (1) A person may operate a model aircraft only if the visibility at the time is good enough for the person operating the model to be able to see it continuously.

Penalty: 25 penalty units.

Regulation 101.390

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.390 Operating model aircraft at night

- (1) A person may operate a model aircraft at night only in accordance with the written procedures of an approved aviation administration organisation.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.395 Keeping model aircraft away from people

- (1) A person must not operate a model aircraft over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

Note: For *populous area*, see regulation 101.025.

- (2) Subject to subregulations (3) and (4), somebody who is operating a powered model aircraft must ensure that, while the model aircraft is in flight, or is landing or taking off, it stays at least 30 metres away from anyone not directly associated with the operation of model aircraft.

Penalty: 50 penalty units.

- (3) Subregulation (2) is not contravened if somebody stands behind the model aircraft while it is taking off.

- (4) Subregulation (2) is also not contravened if, as part of a model flying competition, a model aircraft is flown within 30 metres of somebody who is judging the competition.

- (5) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.400 Operation of model aircraft outside approved areas

- (1) A person may operate a model aircraft outside an approved area above 400 feet AGL only if he or she:
 - (a) keeps it in sight; and
 - (b) keeps it clear of populous areas.

Penalty: 10 penalty units.

Note 1: For *populous area*, see regulation 101.025.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.405 Giant model aircraft

- (1) A person may operate a giant model aircraft only in accordance with:
 - (a) the rules and procedures of an approved aviation administration organisation; or
 - (b) an approval given by CASA.

Penalty: 50 penalty units.

Note: For *giant model aircraft*, see regulation 101.380.

- (2) CASA may impose a condition on the operation of a giant model aircraft if the condition is reasonably necessary in the circumstances in the interests of aviation safety.
- (3) The operator of a giant model aircraft must comply with any condition imposed under subregulation (2).

Penalty: 50 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Regulation 101.410

101.410 Model flying displays

- (1) A person may conduct a model aircraft flying display only in compliance with subregulation (2) or (3).

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) A person complies with this subregulation if the display is conducted:

- (a) in an approved area; and
- (b) in accordance with the rules and procedures of an approved aviation administration organisation.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

- (3) A person complies with this subregulation if the display is conducted in accordance with the following conditions and any other conditions imposed by CASA under subregulation (4):

- (a) at least 21 days before the display, somebody is nominated as the organiser of the display;
- (b) at least 21 days before the display, he or she gives to CASA the following information:
 - (i) his or her name, address, email address and telephone number;
 - (ii) the proposed program of flying;
 - (iii) where the display will be held, and how big the intended flying field is;
 - (iv) how many spectators are expected, and where they will be;
- (c) he or she ensures that:
 - (i) having regard to the events making up the display, proper precautions are taken for the safety of the participants and spectators; and
 - (ii) the operators participating in the display are competent to carry out each proposed manoeuvre safely.

Regulation 101.410

- (4) CASA may impose a condition on the conduct of a model flying display if in the circumstances the condition is reasonably necessary in the interests of aviation safety.