
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
- 101.020 Exemption from certain provisions of CAR
- 101.021 Meaning of *RPA*
- 101.022 Types of RPA
- 101.023 Meaning of *model aircraft*
- 101.024 Types of model aircraft
- 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

Subpart 101.AB—Authorisations for sections 20AA and 20AB of the Act

- 101.046 Flying without a certificate of airworthiness
- 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
 - 101.066 Operation in prescribed area—requirements prescribed by the Part 101 Manual of Standards
 - 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
 - 101.098 Identification of certain RPA—requirements prescribed by the Part 101 Manual of Standards
 - 101.099 Foreign registered RPA and model aircraft—requirements prescribed by the Part 101 Manual of Standards
 - 101.099AA Foreign registered RPA—unmanned aircraft levy
 - 101.099A Modifications of certain RPA—requirements prescribed by the Part 101 Manual of Standards
-

101.099B Test flights of certain RPA—circumstances and requirements prescribed by the Part 101 Manual of Standards

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
 - 101.250 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 Variation, suspension or 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 Variation, suspension or cancellation of RPA operator's certification
- 101.370 Compliance with RPA operator's practices and procedures

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

- 101.371 Application of Division 101.F.5
- 101.372 Notice of certain operations
- 101.373 Notification of changes in relation to operating very small RPA for hire or reward etc.
- 101.374 Database of notifications

Subpart 101.FA—Excluded RPA and micro RPA accreditation**Division 101.FA.1—General**

- 101.374A Application of this Subpart

Division 101.FA.2—Accreditation requirements

- 101.374B Excluded RPA and micro RPA—requirement for accreditation or remote pilot licence
- 101.374C Excluded RPA and micro RPA—requirement to produce accreditation or remote pilot licence

Division 101.FA.3—Grant of accreditation to operate excluded RPA and micro RPA

- 101.374D Accreditation—application
- 101.374E Accreditation—grant
- 101.374F Accreditation—conduct of online courses and examinations
- 101.374G Accreditation—cessation
- 101.374H Notice to accreditation holder to show cause
- 101.374J Suspension or cancellation of accreditation

Subpart 101.G—Model aircraft

- 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 Rockets other than model rockets must be launched in approved area
- 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.

101.020 Exemption from certain provisions of CAR

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

101.021 Meaning of *RPA*

An *RPA* is a remotely piloted aircraft, other than the following:

- (a) a balloon;
- (b) a kite;
- (c) a model aircraft.

Regulation 101.022

101.022 Types of RPA

The defined terms listed in the following table have the meaning indicated in the table.

Types of RPA		
Item	The term ...	means ...
1	<i>micro RPA</i>	an RPA with a gross weight of not more than 250 g.
2	<i>very small RPA</i>	an RPA with a gross weight of more than 250 g, but not more than 2 kg.
3	<i>small RPA</i>	an RPA with a gross weight of more than 2 kg, but not more than 25 kg.
4	<i>medium RPA</i>	(a) an RPA with a gross weight of more than 25 kg, but not more than 150 kg; or (b) a remotely piloted airship with an envelope capacity of not more than 100 m ³ .
5	<i>large RPA</i>	(a) a remotely piloted aeroplane with a gross weight of more than 150 kg; or (b) a remotely piloted powered parachute with a gross weight of more than 150 kg; or (c) a remotely piloted rotorcraft with a gross weight of more than 150 kg; or (d) a remotely piloted powered-lift aircraft with a gross weight of more than 150 kg; or (e) a remotely piloted airship with an envelope capacity of more than 100 m ³ .

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

101.023 Meaning of *model aircraft*

- (1) A *model aircraft* is an aircraft (other than a balloon or a kite) that does not carry a person:
- (a) if the aircraft:
 - (i) is being operated for the purpose of sport or recreation; and
 - (ii) has a gross weight of not more than 150 kg; or
 - (b) if the aircraft has a gross weight of not more than 7 kg, and is being operated in connection with the educational, training or research purposes of:
 - (i) a school in relation to which there is an approved authority under the *Australian Education Act 2013*; or
 - (ii) a higher education provider within the meaning of the *Higher Education Support Act 2003*.

Regulation 101.024

- (2) However, paragraph (1)(b) does not apply in relation to education, training or research conducted by or on behalf of an entity other than a school or higher education provider mentioned in subparagraph (1)(b)(i) or (ii).

Note: A model aircraft is not an RPA (see the definition of **RPA** in regulation 101.021).

101.024 Types of model aircraft

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

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

101.025 Meaning of *populous area*

For this Part, an area is a ***populous area*** in relation to the operation of an unmanned aircraft 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) 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:
 - (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

Regulation 101.030

- (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.
- (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.
- (10) In the case of an approval of an area as an area for the operation of model aircraft:
 - (a) subregulation (7) does not apply; and
 - (b) subregulation (8) does not require the publication of any details of a revocation or change in NOTAM or on an aeronautical chart.

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.
- (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.

Regulation 101.046

Subpart 101.AB—Authorisations for sections 20AA and 20AB of the Act

101.046 Flying without a certificate of airworthiness

For the purposes of paragraph 20AA(3)(b) of the Act, a flight of an RPA (other than a large RPA) is authorised without a certificate of airworthiness.

Note: For requirements in relation to large RPA, see regulation 101.255.

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 the purposes of paragraph 20AB(1)(b) of the Act, a person performing a duty that is essential to the operation of the aircraft during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act.

101.048 Performance of duties during flight time—remotely piloted aircraft

- (1) For the purposes of paragraph 20AB(1)(b) of the Act, a person performing a duty that is essential to the operation of an RPA during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act.

Operating excluded RPA and micro RPA

- (2) Subregulation (1) applies to a person operating an RPA only if:
 - (a) the RPA is an excluded RPA or a micro RPA; and
 - (b) the operation is of a kind mentioned in subregulation 101.374B(4) (which covers supervised operation by a person under the age of 16).

Note: These Regulations allow a person to operate an RPA other than an excluded RPA or micro RPA only if the person holds a remote pilot licence. A person is allowed to operate an excluded RPA or micro RPA if the person is accredited or holds a remote pilot licence, or in the circumstance mentioned in paragraph (2)(b) of this regulation. See regulation 101.252 and subregulations 101.374B(1) and (4).

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:

- (a) is not an aircraft; and
- (b) is not a high power rocket within the meaning of the *Space (Launches and Returns) Act 2018*; and
- (c) is not a space object or part of a space object within the meaning of that Act;

in a way that creates a hazard to another person or to property.

Penalty: 50 penalty units.

Note: Hazards from high power rockets and space objects are regulated under the *Space (Launches and Returns) Act 2018*.

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

101.066 Operation in prescribed area—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 an area prescribed by the Part 101 Manual of Standards.
- (2) A person commits an offence of strict liability if:
- (a) the person operates an unmanned aircraft in an area prescribed under subregulation (1); 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.

101.070 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
 - (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

Regulation 101.075

(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
- (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.

Regulation 101.080

- (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.

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 (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.

Regulation 101.085

- (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.

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.
- (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*.

101.098 Identification of certain RPA—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the identification of RPA required to be registered under Division 47.C.2.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an RPA required to be registered under Division 47.C.2; and
 - (b) the person is subject to a requirement prescribed for the purposes of subregulation (1) in relation to that operation or conduct; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.099 Foreign registered RPA and model aircraft—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of, or the conduct of operations using, RPA or model aircraft registered under a law of a foreign country.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an RPA, or a model aircraft, within Australian territory; and
 - (b) the person is subject to a requirement prescribed under subregulation (1) in relation to that operation or conduct; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

Regulation 101.099AA

101.099AA Foreign registered RPA—unmanned aircraft levy

Payment of unmanned aircraft levy

- (1) An application under Chapter 13 of the *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019* for permission to operate, or to conduct operations using, an RPA registered under a law of a foreign country must be accompanied by the unmanned aircraft levy (if any) for the application.

Waiver or refund of unmanned aircraft levy

- (2) CASA may, on behalf of the Commonwealth, waive the payment of unmanned aircraft levy under subregulation (1), or refund levy that has been paid under that subregulation, if CASA is satisfied that there are exceptional circumstances justifying the waiver or refund.
- (3) The waiver or refund:
 - (a) may be of the whole or part of the levy; and
 - (b) may be made by CASA on its own initiative, or on written application in the approved form by the applicant for the registration.

101.099A Modifications of certain RPA—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the modification of an RPA registered under Division 47.C.2, including the extent to which modifications may be made to such an aircraft before the aircraft is considered to be no longer the aircraft to which the aircraft's registration applies.
- (2) A person commits an offence of strict liability if:
 - (a) the RPA is registered under Division 47.C.2; and
 - (b) the aircraft is modified after it is registered under that Division; and
 - (c) the person operates the modified aircraft, or conducts an operation using the modified aircraft; and
 - (d) the person is subject to a requirement prescribed for the purposes of subregulation (1) in relation to that operation or conduct; and
 - (e) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.099B Test flights of certain RPA—circumstances and requirements prescribed by the Part 101 Manual of Standards

Circumstances in which aircraft may be operated for test flights while not registered for the flights

- (1) The Part 101 Manual of Standards may prescribe the circumstances in which an RPA that is not required to be registered under Division 47.C.1, and is not

Regulation 101.099B

registered under Division 47.C.2, may be operated for the purposes of a test flight.

- (2) For the purposes of subregulation (1), circumstances in which an aircraft may be operated for the purposes of a test flight may be prescribed only if the circumstances are relevant to the development, manufacture, repair or maintenance of the aircraft or of equipment associated with the aircraft.

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

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

Penalty: 50 penalty units.

Subpart 101.D—Tethered balloons and kites

101.100 Applicability of this Subpart

This Subpart applies to the operation of tethered balloons and kites.

- Note: This Subpart does not apply to:
- (a) the shielded operation (that is, operation within 100 metres of a structure and not above the top of the structure) of a small balloon; or
 - (b) the operation of an unmanned tethered balloon or kite below 400 feet AGL.
- See subregulation 101.005(3).

101.105 Definitions for Subpart

- (1) In this Subpart:

tethered balloon means an unmanned balloon that is attached to the ground, or an object on the ground, by a cable.

- (2) For this Subpart, the height of a tethered balloon is taken to be the height above ground or water level of the topmost part of its envelope.

101.110 Tethered balloons and kites that may be operated outside approved areas

- (1) A person may operate a tethered balloon or a kite above 400 feet AGL outside an area approved under regulation 101.030 as an area for the operation of unmanned balloons or kites (as the case requires) only if:
- (a) the mass of the balloon or kite is no more than 15 kilograms; and
 - (b) the horizontal visibility at the time is at least 5 kilometres; and
 - (c) the person gives to CASA the information required by table 101.110 about the proposed operation at least 1 working day before it is due to start.

Penalty: 10 penalty units.

- Note 1: A person can comply with this requirement by telling:
- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
 - (b) the appropriate approved aviation administration organisation.
- See regulation 101.035.

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).

- (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) If more than 1 tethered balloon or kite is to be operated at a time, such a requirement is a requirement to give the information about each such balloon or kite.

Table 101.110 Details of operation of tethered balloon or kite to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will operate the balloon or kite (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the operation)
2	The date and time the operation is to begin, and how long it is to last
3	Where it is to be carried out
4	A brief description of the balloon or kite, including its predominant colour
5	The height to which it is to be operated
6	Its mass
7	If more than 1 tethered balloon or kite is to be operated at a time, how many tethered balloons or kites are to be operated at the time

101.115 Mooring-line marking

- (1) A person may operate a tethered balloon only if:
 - (a) each mooring line has coloured streamers attached at intervals of no more than 15 metres along it, with the first streamer no more than 150 feet AGL; and
 - (b) the streamers would be visible in normal daylight for at least 1.5 kilometres.

Penalty: 10 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*.

101.120 Operation of tethered balloon or kite under cloud

- (1) A person may operate a tethered balloon or kite under cloud only if he or she keeps the balloon or kite at least 500 feet (measured vertically) below the cloud.

Penalty: 10 penalty units.

Note: For *tethered balloon*, see regulation 101.105.

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

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

101.125 Tethered balloon to be lit at night

- (1) A person may operate a tethered balloon at night at or above 400 feet AGL only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 10 penalty units.

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

Regulation 101.130

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

- (2) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.

101.130 Rapid deflation device required

- (1) A person may operate a tethered balloon only if it is fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.

Penalty: 10 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*.

101.135 What to do if tethered balloon escapes

- (1) If a tethered balloon escapes from its mooring, and the deflation device does not cause it to deflate, the person operating it must tell Airservices Australia as soon as possible:

- (a) where the balloon was launched; and
- (b) what time it broke free; and
- (c) the direction it was headed when last seen.

Penalty: 10 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*.

Subpart 101.E—Unmanned free balloons

101.140 Applicability of this Subpart

This Subpart applies to the operation of an unmanned free balloon.

101.145 Kinds of unmanned free balloons

- (1) There are 4 kinds of unmanned free balloon. These are defined (in order of ascending size) in the following 4 subregulations.
- (2) A **small balloon** is an unmanned free balloon that:
 - (a) has a diameter of 2 metres or less at launch; and
 - (b) either:
 - (i) is not carrying a payload; or
 - (ii) is carrying a payload with a combined mass of 50 g or less.
- (3) A **light balloon** is an unmanned free balloon that:
 - (a) carries a payload to which all of the following apply:
 - (i) the payload does not include a heavy package;
 - (ii) the payload has a combined mass of more than 50 g but less than 4 kg;
 - (iii) if a rope or other device has been used for the suspension of the payload—an impact force of less than 230 N is required to separate the suspended payload from the balloon; or
 - (b) has a diameter of greater than 2 metres at launch and either:
 - (i) is not carrying a payload; or
 - (ii) is carrying a payload with a combined mass of 50 g or less.
- (4) A **medium balloon** is an unmanned free balloon that carries a payload to which all of the following apply:
 - (a) the payload includes at least 2 packages but no heavy packages;
 - (b) the payload has a combined mass of at least 4 kg but less than 6 kg;
 - (c) if a rope or other device has been used for the suspension of the payload—an impact force of less than 230 N is required to separate the suspended payload from the balloon.
- (5) A **heavy balloon** is an unmanned free balloon that carries a payload to which any of the following apply:
 - (a) the payload includes a heavy package;
 - (b) the combined mass of the payload is at least 6 kg;
 - (c) if a rope or other device has been used for the suspension of the payload—an impact force of 230 N or more is required to separate the suspended payload from the balloon.
- (6) A **heavy package** means a package that:

Regulation 101.150

- (a) weighs at least 3 kg; or
 - (b) weighs at least 2 kg and has an area density of more than 13 g per cm².
- (7) For paragraph (6)(b), the area density of a package is worked out by dividing the total mass in grams of the package by the area in square centimetres of its smallest surface.

101.150 Definition for Subpart—*approved area*

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation or release of unmanned free balloons.

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(7).

101.155 Releasing small balloons

- (1) A person may release a small balloon only if the person has first complied with any requirements as to approval or notice set out in table 101.155-1.

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 no more than 100 balloons are to be released at once.

Table 101.155-1 Requirements for release of small balloons

Item	Number of balloons to be released at once	Distance from place of release to nearest aerodrome			
		less than 3 nautical miles	3–6 nautical miles	6–12 nautical miles	over 12 nautical miles
1	101–1 000	approval required	NOTAM	no approval required	no approval required
2	1 001–10 000	approval required	approval required	NOTAM	no approval required
3	Over 10 000	approval required	approval required	approval required	NOTAM

- (3) In the table, for a combination of a number of balloons to be released and a distance to an aerodrome:

approval required means that an approval under subregulation (5) is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

Regulation 101.160

no approval required means that no such approval is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

NOTAM means that CASA's approval is not required, but the person intending to release that number of balloons at a place that distance from the nearest aerodrome must give to CASA the information about the proposed release required by table 101.155-2.

Table 101.155-2 Details of release of small balloons to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will release the balloons (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin, and how long it will take
3	Where it is to be carried out
4	How many balloons are to be released
5	The estimated size and mass of any payload

Note: CASA will tell the NOTAM Office about the release.

- (4) A person may apply to CASA, in writing, for approval to release small balloons.

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.

- (5) Subject to regulation 11.055, if approval is required under subregulation (1) to release small balloons, CASA must grant the approval.

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: CASA will tell the NOTAM Office about the release.

101.160 Light balloons that may be released outside approved areas

- (1) A person may release a light balloon outside an approved area only if the person gives to CASA the information required by table 101.160 at least 1 working day before the proposed release.

Penalty: 10 penalty units.

Note 1: A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

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).

Regulation 101.165

(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) If more than 1 balloon is to be released at a time, such a requirement is a requirement to give the information about each such balloon.

Table 101.160 Details of release of light balloon to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will 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 release)
2	The date and time the release is to begin
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

(3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a light balloon if:

- (a) the release is part of the Bureau's normal meteorological procedures; and
- (b) the release location has been notified in AIP or NOTAM.

101.165 Release of medium and heavy balloons outside approved areas

(1) Subject to subregulation (3), a person may release a medium or heavy balloon outside an approved area only if the person gives to CASA the information required by table 101.165 at least 2 working days before the proposed release.

Penalty: 10 penalty units.

Note 1: A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

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) If more than 1 balloon is to be operated at a time, such a requirement is a requirement to give the information about each such balloon.

Table 101.165 Details of release of medium or heavy balloon to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will 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 release)
2	The date and time the release is to begin

Table 101.165 Details of release of medium or heavy balloon to be given to CASA

Item	Information to be provided
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	The balloon's flight identification or the project code name
6	The balloon's classification, or a description of the balloon
7	The balloon's SSR code or NDB frequency, and its Morse identification
8	The expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb
9	The balloon's planned float level (given as pressure altitude)
10	The time the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so
11	The time the flight is expected to end, and where the balloon and its payload are expected to fall
12	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

- (3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a medium balloon if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.
- (4) Subject to subregulation (5), the person must also confirm the details of the proposed release to the air traffic control service that has responsibility for the airspace within which the balloon will be released no later than the earlier of:
- (a) 6 hours before the expected release time; or
 - (b) the time the balloon begins to be inflated.

Penalty: 10 penalty units.

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

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

- (5) Subregulation (4) does not require the Bureau of Meteorology to confirm the details of the release of a medium balloon with an air traffic control service if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.

101.170 Medium and heavy balloons not to be flown low

- (1) A person who is operating a medium or heavy balloon must not allow it to go below 3 000 feet AGL while it is over a populous area.

Penalty: 10 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*.

Regulation 101.175

101.175 Medium and heavy balloons to be flown in clear sky

- (1) Subject to subregulations (3) and (4), a person must not operate a medium or heavy balloon below 60 000 feet pressure altitude if, at the altitude at which the balloon is being operated, the horizontal visibility is less than 8 kilometres.

Penalty: 10 penalty units.

- (2) Subject to subregulations (3) and (4), a person who is operating a medium or heavy balloon must not allow it to remain at an altitude below 60 000 feet pressure altitude at which cloud, fog or mist obscures more than half the sky.

Penalty: 10 penalty units.

- (2A) 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*.

- (3) Subregulations (1) and (2) do not apply to operation outside controlled airspace if CASA approves the operation and the operation is carried out in accordance with the approval.
- (4) Those subregulations also do not apply to operation in controlled airspace in accordance with an air traffic control clearance.

101.180 How payload must be supported—medium and heavy balloons

- (1) A person may operate a medium or heavy balloon only if the means by which the payload is attached to the balloon can support at least 10 times the mass of the payload.

Penalty: 10 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*.

101.185 Equipment that must be carried—medium and heavy balloons

- (1) A person may operate a medium or heavy balloon only if:
 - (a) the balloon is fitted with at least 2 independent ways (either automatic or remotely-operated) of releasing its payload; and
 - (b) if the balloon is not a zero-pressure balloon, it has at least 2 independent ways of ending the flight of the balloon envelope; and
 - (c) either:
 - (i) the balloon envelope carries a radar reflector, or radar-reflective material, that will return an echo to a surface radar operating in the frequency range 200 megahertz to 2 700 megahertz; or
 - (ii) the balloon is fitted with a device to allow it to be continuously tracked by the operator beyond the range of ground-based radar; and
 - (d) if the balloon is operated in an area in which ground-based secondary surveillance radar is in use, it is fitted with an SSR transponder (with

Regulation 101.190

altitude-reporting capability) that either operates continuously or can be turned on by the operator if an air traffic control service so requires.

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*.

101.190 Lighting—medium and heavy balloons

- (1) A person may operate a medium or heavy balloon below 60 000 feet pressure altitude at night only if both the balloon and its payload are lit (whether or not they become separated during the operation) so as to be visible, under the prevailing conditions, for at least 4 kilometres in all directions.

Penalty: 25 penalty units.

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.

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

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

101.195 Marking—unmanned free balloons generally

- (1) A person may operate an unmanned free balloon that carries a trailing antenna that requires a force of more than 230 newtons to break it only if the antenna has coloured streamers or pennants attached to it every 15 metres.

Penalty: 25 penalty units.

- (2) A person may operate an unmanned free balloon that carries a payload only if the payload has fixed to it a durable identification plate carrying sufficient information:

- (a) to identify the payload; and
- (b) to enable somebody who finds the payload to contact the person who released the balloon.

Penalty: 10 penalty units.

- (3) Subregulation (2) does not apply to a light or medium balloon operated by the Bureau of Meteorology.

- (4) 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*.

101.200 Marking by day—heavy balloons

- (1) A person may operate a heavy balloon (being a heavy balloon that has its payload suspended more than 15 metres below the envelope) above 60 000 feet pressure altitude by day only if:

Regulation 101.205

- (a) the payload's suspension is coloured in alternate bands of conspicuous colours, or has coloured pennants attached to it; or
- (b) the balloon has a conspicuous payload-recovery parachute suspended under the envelope, or the balloon is suspended beneath a conspicuous open parachute.

Penalty: 25 penalty units.

- (2) For subregulation (1), a balloon is being operated by day if the sun is above the balloon's horizon.
- (3) An offence against subregulation (1) is an offence of strict liability.

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

101.205 Lighting by night—heavy balloons

- (1) A person may operate a heavy balloon above 60 000 feet pressure altitude at night only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 25 penalty units.

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.
- (3) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.
- (4) An offence against subregulation (1) is an offence of strict liability.

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

101.210 Obligation to stay in communication with ATC—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must establish and maintain communication with the relevant air traffic control service from the time the balloon begins to be inflated until the flight ends.

Penalty: 25 penalty units.

- (2) The operator must tell the relevant air traffic control service at least 1 hour before the balloon is launched.

Penalty: 50 penalty units.

- (3) 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*.

101.215 Tracking of flight—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must track its flight continuously.

Regulation 101.220

Penalty: 10 penalty units.

- (2) While the balloon is below 60 000 feet pressure altitude, if it cannot be tracked visually from the ground or by radar, the operator must ensure that a tracking aircraft accompanies it continuously.

Penalty: 10 penalty units.

- (3) 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*.

101.220 Flight reporting—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must report the progress of the balloon's flight to the relevant air traffic control service as follows:
- (a) the operator must tell the service immediately when the balloon is released;
 - (b) the operator must tell the service when the balloon leaves each 10 000-foot level up to 60 000 feet (pressure altitude);
 - (c) the operator must report the balloon's position to the relevant air traffic control service periodically, as follows:
 - (i) when required to do so by the service;
 - (ii) while the balloon is below 60 000 feet pressure altitude—every 10 minutes;
 - (iii) while the balloon is at or above 60 000 feet pressure altitude—every 2 hours;
 - (d) if the operator loses the balloon's position, the operator must tell the service immediately that tracking has been lost and the balloon's last known position;
 - (e) after having re-established tracking of the balloon, the operator must tell the service immediately that tracking has been re-established and the balloon's position at that time.

Penalty: 10 penalty units.

- (2) If the balloon is being accompanied by a tracking aircraft, the operator must ensure that the crew of the aircraft maintains continuous 2-way communication with the relevant air traffic control service.

Penalty: 10 penalty units.

- (2A) 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*.

- (3) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

Regulation 101.225

101.225 Ending flight and recovery—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must give to the relevant air traffic control service at least 1 hour's notice of the time the flight is planned to end, and when doing so must also give to the air traffic control service the following information:
 - (a) the balloon's current position and altitude;
 - (b) the estimated time at which, and the estimated location over which, the balloon will pass through 60 000 feet pressure altitude during its descent;
 - (c) the estimated time when, and place where, the payload will fall.

Penalty: 10 penalty units.

- (2) The operator may command the balloon to end its flight only:
 - (a) in an emergency; or
 - (b) if cleared to do so by the relevant air traffic control service.

Penalty: 50 penalty units.

- (3) If the operator commands the balloon to end its flight when not cleared by air traffic control to do so, the operator must tell the relevant air traffic control service immediately, and when doing so must also give to it the following information:
 - (a) the balloon's current position and altitude;
 - (b) the estimated time when and place where the payload will fall.

Penalty: 10 penalty units.

- (4) The operator must tell the relevant air traffic control service as soon as possible after the balloon's payload falls.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

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

- (5) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

101.230 Direction by ATC to end flight in certain circumstances

- (1) If a balloon is in controlled airspace and an air traffic control service considers that it poses a hazard to other aircraft, or to people or property on the ground, that service may direct the balloon's operator to end the balloon's flight immediately.
- (2) The operator must comply with the direction by ending the balloon's flight by the fastest possible method.

Regulation 101.230

Penalty: 50 penalty units.

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

Note: For *strict liability*, see section 6.1 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;
- (b) small RPA;
- (c) medium RPA;
- (d) large RPA.

Note 1: This Subpart does not apply to model aircraft, as they are not RPA—see the definitions of *RPA* in regulation 101.021 and *model aircraft* in regulation 101.023.

Note 2: This Subpart also does not apply to micro RPA—see the definition of *micro RPA* in regulation 101.022.

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: A remote pilot licence is not required to operate an excluded RPA. An accreditation is sufficient—see regulation 101.252 and Subpart 101.FA.

- (3) A very small RPA is an *excluded RPA* if it is being operated in standard RPA operating conditions.
- (4) A small RPA is an *excluded RPA* if it is being operated:
- (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; and

for 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.

- (6) A small 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 of a category that is specified in the licence.

Note: For paragraph (b), for example, if a remote pilot licence states that the holder is authorised to operate a small RPA with a gross weight of not more than 7 kg that is an aeroplane, a small RPA with a gross weight of 10 kg that is an aeroplane may be an excluded RPA when operated by that holder. However, a small RPA (of any weight) that is a helicopter cannot be an excluded RPA when operated by that holder, because an aeroplane is not of the same category of RPA as a helicopter (see the definition of **category** in Part 1 of the Dictionary).

- (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;
 - (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, at all times during the operation:

Regulation 101.238

- (aa) the RPA is operated in Australian territory; and
- (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
- (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*.

101.250 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*.

Regulation 101.252

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.

- (3) A person (the *offender*) commits an offence of strict liability if:
 - (a) the offender operates an RPA; and
 - (b) one of the following persons demands the offender to produce, for inspection by the person, a remote pilot licence that authorises the offender to operate the RPA:
 - (i) an authorised person;
 - (ii) a member or special member of the Australian Federal Police;
 - (iii) a member of a police force or a police service of a State or Territory;
 - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

- (4) Subregulation 302(1) of CAR does not apply in relation to a remote pilot licence.

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 101.022.

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.

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.

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.

Regulation 101.280

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.

Note 1: For **populous area**, see regulation 101.025. For **RPA**, see regulation 101.022.

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 ATC 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

Regulation 101.285

(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:

- (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 prescribed by the Part 91 Manual of Standards for the purposes of subregulation 91.255(1) or paragraph 91.630(1)(b).

(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, ATC 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.

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:

Regulation 101.300

- (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
 - (c) an ATC licence, or a military qualification equivalent to an ATC 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 ATC 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 101.029 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

Show cause notice—variation, cancellation or suspension

- (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 variation, suspension or 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 variation, suspension or 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 varied, suspended or cancelled.

Immediate suspension if serious risk to the safety of air navigation

- (3) The remote pilot licence is suspended from the time the show cause notice is given to the holder, if:
 - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the licence were not suspended; and
 - (b) the show cause notice states that the licence is suspended for that reason.
- (5) CASA may at any time revoke the suspension.
- (6) If the licence is suspended under subregulation (3):

Regulation 101.320

- (a) the holder is taken not to be the holder of a remote pilot licence during the period of suspension; and
- (b) the licence is not in force while suspended; and
- (c) if CASA has not dealt with the suspension under regulation 101.320 within 90 days after the day the licence is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (5) of this regulation or subregulation 101.320(2)).

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

101.320 Variation, suspension or cancellation of remote pilot licence

- (1) CASA may vary, suspend or 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, an instrument under these Regulations or a condition of the licence; or
 - (ii) has operated an RPA negligently or carelessly; or
 - (iii) in operating an RPA, has recklessly endangered human life or property; or
 - (iv) at the time of the grant of the licence did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time of the grant.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

Notice of decision

- (2) If CASA has given a show cause notice under regulation 101.315 to the holder of a remote pilot licence:
 - (a) in the event that CASA decides to vary, suspend or cancel the licence—CASA must give the holder notice of the decision, including (in the case of a decision to suspend the licence) notice of the period of suspension; and
 - (b) in the event that CASA decides not to vary, suspend or cancel the licence—CASA must, in writing:
 - (i) give the holder notice accordingly; and
 - (ii) if the licence was suspended under subregulation 101.315(3)—revoke the suspension.

Effect of suspension

- (3) If a remote pilot licence is suspended under this regulation:

Regulation 101.320

- (a) the holder is taken not to be the holder of a remote pilot licence during the period of suspension; and
- (b) the licence is not in force during the period of suspension stated in the notice under paragraph (2)(a).

Note 1: CASA may also impose a condition on the licence, or vary an existing condition of the licence—see regulation 11.067.

Note 2: 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.

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:
 - (i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in an advisory circular 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;

Regulation 101.360

- (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

Show cause notice—variation, cancellation or suspension

- (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 variation, suspension or cancellation of the certification under regulation 101.365.
- (2) A show cause notice must:
 - (a) tell the operator of the facts and circumstances that, in CASA's opinion, would justify the variation, suspension or 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 varied, suspended or cancelled.

Immediate suspension if serious risk to the safety of air navigation

- (3) The certification is suspended from the time the show cause notice is given to the operator, if:
 - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the certification were not suspended; and
 - (b) the show cause notice states that the certification is suspended for that reason.
- (5) CASA may at any time revoke the suspension.
- (6) If the certification of a person as an RPA operator is suspended under subregulation (3):
 - (a) the operator is taken not to be a certified RPA operator during the period of suspension; and
 - (b) the certification is not in force while suspended; and
 - (c) if CASA has not dealt with the suspension under regulation 101.365 within 90 days after the day the certification is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (5) of this regulation or subregulation 101.365(2)).

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

101.365 Variation, suspension or cancellation of RPA operator's certification

- (1) CASA may vary, suspend or cancel a certified RPA operator's certification by written notice to the operator, if:
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Regulation 101.365

- (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:
 - (i) the operator has operated an RPA in contravention of these Regulations, an instrument under these Regulations or 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; or
 - (iv) at the time the operator was certified the operator did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time of certification.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

Notice of decision

- (2) If CASA has given a show cause notice under regulation 101.360 to a certified RPA operator:
 - (a) in the event that CASA decides to vary, suspend or cancel the certification—CASA must give the operator notice of the decision, including (in the case of a decision to suspend the certification) notice of the period of suspension; and
 - (b) in the event that CASA decides not to vary, suspend or cancel the certification—CASA must, in writing:
 - (i) give the operator notice accordingly; and
 - (ii) if the certification was suspended under subregulation 101.360(3)—revoke the suspension.

Effect of suspension

- (3) If the certification of a person as an RPA operator is suspended under this regulation:
 - (a) the operator is taken not to be a certified RPA operator during the period of suspension; and
 - (b) the certification is not in force during the period of suspension stated in the notice under paragraph (2)(a).

Note 1: CASA may also impose a condition on the certification, or vary an existing condition of the certification—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Regulation 101.370

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 certain RPA for hire or reward

101.371 Application of Division 101.F.5

- (1) This Division applies in relation to the first operation of a very small RPA, a small RPA or a medium RPA while the RPA is an excluded RPA under any of the following provisions:
 - (a) subregulation 101.237(3) (a very small RPA being operated in standard RPA operating conditions);
 - (b) subregulation 101.237(4) (a small RPA being operated in certain circumstances);
 - (c) subregulation 101.237(7) (a medium RPA being operated in certain circumstances).
- (2) The *first operation* of an RPA while it is an excluded RPA under a provision mentioned in subregulation (1) is its first operation, while it is such an excluded RPA, in each period during which it is registered under Subpart 47.C.

101.372 Notice of certain operations

- (1) Before the first operation of an RPA to which this Division applies (whether by the registration holder for the RPA or another person), the registration holder must notify CASA of the operation, in writing, in a form and manner approved by CASA.
- (2) A registration holder for an RPA commits an offence of strict liability if:
 - (a) the registration holder is subject to the requirement under subregulation (1) in relation to the RPA; and
 - (b) the registration holder fails to comply with the requirement.

Penalty: 50 penalty units.

- (3) Subregulations (1) and (2) do not apply if the registration holder, or another person, is certified under Division 101.F.4 to conduct the operation.

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

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.

Regulation 101.374

- (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.FA—Excluded RPA and micro RPA accreditation

Division 101.FA.1—General

101.374A Application of this Subpart

This Subpart applies to the operation of excluded RPA and micro RPA.

Note 1: See the definition of *excluded RPA* in regulation 101.237.

Note 2: This Subpart does not apply to model aircraft, as they are not RPA—see the definitions of *RPA* in regulation 101.021 and *model aircraft* in regulation 101.023.

Division 101.FA.2—Accreditation requirements

101.374B Excluded RPA and micro RPA—requirement for accreditation or remote pilot licence

Excluded RPA and micro RPA

- (1) A person commits an offence of strict liability if:
 - (a) the person operates an excluded RPA or a micro RPA; and
 - (b) the person holds neither of the following:
 - (i) an accreditation authorising the person to operate excluded RPA and micro RPA;
 - (ii) a remote pilot licence.

Penalty: 50 penalty units.

General exception—excluded RPA operated by child under adult supervision

- (4) Subregulation (1) does not apply to a person under 16 years old (the *child*) operating an excluded RPA or a micro RPA if:
 - (a) when the aircraft is being operated, the child is being supervised by another person (the *supervisor*); and
 - (b) the supervisor is at least 18 years old; and
 - (c) the supervisor holds:
 - (i) an accreditation authorising the supervisor to operate excluded RPA and micro RPA; or
 - (ii) a remote pilot licence.

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

101.374C Excluded RPA and micro RPA—requirement to produce accreditation or remote pilot licence

General requirement

- (1) A person who operates an excluded RPA or micro RPA must produce an accreditation or licence covered by subregulation (2) that authorises the person to do so, or a copy of such an accreditation or licence, for inspection on a demand made by a person covered by subregulation (3).

Accreditations and licences covered

- (2) The following accreditations and licences are covered by this subregulation:
 - (a) an accreditation authorising the operation of excluded RPA and micro RPA;
 - (b) a remote pilot licence.

Persons who may demand production of accreditations and licences

- (3) The following persons are covered by this subregulation:
- (a) an authorised person;
 - (b) a member or special member of the Australian Federal Police;
 - (c) a member of a police force or a police service of a State or Territory.

Offence for failing to comply with demand

- (4) A person (the **offender**) commits an offence of strict liability if:
- (a) the offender operates an excluded RPA or micro RPA; and
 - (b) a person makes a demand of the offender under subregulation (1); and
 - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

Operation permissible without an accreditation or licence

- (5) Subregulations (1) to (4) do not apply to a person operating an excluded RPA or micro RPA if:
- (a) such operation by the person without an accreditation or licence covered by subregulation (2) of this regulation does not constitute an offence under regulation 101.374B; or
 - (b) subregulation (4) applies in relation to such operation.

Supervised operations

- (6) A person who supervises the operation by another person of an excluded RPA or micro RPA must produce an accreditation or licence covered by subregulation (2) for that RPA, or a copy of such accreditation or licence, for inspection on a demand made by a person covered by subregulation (3).
- (7) A person (the **supervisor**) commits an offence of strict liability if:
- (a) the supervisor supervises the operation by another person of an excluded RPA or micro RPA; and
 - (b) the other person is under 16 years old; and
 - (c) a person makes a demand of the supervisor under subregulation (6); and
 - (d) the supervisor fails to comply with the demand.

Penalty: 5 penalty units.

Regulation 101.374D

Division 101.FA.3—Grant of accreditation to operate excluded RPA and micro RPA

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for accreditation under this Division.

101.374D Accreditation—application

An individual may apply to CASA, in writing, for accreditation authorising the holder to operate excluded RPA and micro RPA.

101.374E Accreditation—grant

- (1) Subject to regulation 11.055, CASA must give an applicant under regulation 101.374D the accreditation applied for if the applicant is eligible for that accreditation under this regulation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal. See also section 31 of the Act.

- (2) The applicant is eligible for the accreditation mentioned in regulation 101.374D if the applicant:
 - (a) is at least 16 years old; and
 - (b) has completed an online training course provided by CASA for that accreditation, to the standard required by CASA, in accordance with any conditions for completing the course required by CASA; and
 - (c) has achieved a standard required by CASA in an examination (including an online examination) for that accreditation, administered by CASA, in accordance with any conditions for undertaking that examination required by CASA.
- (3) However, the applicant is not eligible for the accreditation:
 - (a) if an accreditation formerly held by the applicant has been cancelled within the 12 months before the date of the application; or
 - (b) while an accreditation currently held by the applicant is suspended under regulation 101.374H or 101.374J.

- (3A) An applicant may undertake a course or an examination mentioned in subsection (2) only if the applicant is at least 16 years old at that time.
- (4) Two or more persons cannot jointly hold the accreditation.
- (5) The accreditation authorises the holder to operate excluded RPA and micro RPA as stated in the accreditation.

Note: Any conditions imposed on the accreditation under regulation 11.056 must also be set out in, or attached to, the accreditation.

101.374F Accreditation—conduct of online courses and examinations

- (1) The Part 101 Manual of Standards may prescribe requirements in relation to the following:
 - (a) the completion of an online training course under paragraph 101.374E(2)(b) (including conditions relating to cheating in such a course);
 - (b) the conduct of an online examination under paragraph 101.374E(2)(c) (including conditions relating to cheating in such an examination);
 - (c) the disclosure and use of information or documents which form part of, or are related to, such a training course or examination.
- (2) A person commits an offence if:
 - (a) the person completes, or attempts to complete:
 - (i) an online training course under paragraph 101.374E(2)(b); or
 - (ii) an online examination under paragraph 101.374E(2)(c); and
 - (b) the person is subject to a requirement under subregulation (1) of this regulation in relation to completing the course or examination; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

- (3) A person commits an offence if:
 - (a) the person discloses or uses information or a document which forms part of, or is related to:
 - (i) an online training course under paragraph 101.374E(2)(b); or
 - (ii) an online examination under paragraph 101.374E(2)(c); and
 - (b) the person is subject to a requirement under subregulation (1) of this regulation in relation to disclosing or using the information or document; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.374G Accreditation—cessation

An accreditation ceases at the start of the earlier of the following days (unless sooner cancelled):

- (a) if the person holding the accreditation is granted a remote pilot licence—the day after the licence is granted;
- (b) the day after the end of the period of 3 years beginning on the day the accreditation comes into effect.

Note 1: For when an accreditation comes into effect, see regulation 11.065.

Note 2: For cancellation, see regulation 101.374J.

Regulation 101.374H

101.374H Notice to accreditation holder to show cause

Show cause notice—cancellation or suspension

- (1) CASA may give a show cause notice to a person who holds an accreditation (the **accreditation holder**) if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the accreditation under regulation 101.374J.
- (2) A show cause notice must:
 - (a) tell the accreditation holder of the facts and circumstances that, in CASA's opinion, would justify the suspension or cancellation of the accreditation; and
 - (b) invite the accreditation holder to show in writing, within a reasonable time stated in the notice, why the accreditation should not be suspended or cancelled.

Immediate suspension if serious risk to the safety of air navigation

- (3) The accreditation is suspended from the time the show cause notice is given to the accreditation holder, if:
 - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the accreditation were not suspended; and
 - (b) the show cause notice states that the accreditation is suspended for that reason.
- (4) CASA may at any time revoke the suspension.
- (5) If the accreditation is suspended under subregulation (3):
 - (a) the accreditation holder is taken not to be the holder of an accreditation during the period of suspension; and
 - (b) the accreditation is not in force while suspended; and
 - (c) the period of the accreditation under paragraph 101.374G(b) continues to run; and
 - (d) if CASA has not dealt with the suspension under regulation 101.374J within 90 days after the day the accreditation is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (4) of this regulation or subregulation 101.374J(2)).

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

101.374J Suspension or cancellation of accreditation

Suspension or cancellation of accreditation

- (1) CASA may suspend or cancel an accreditation by written notice to the accreditation holder, if:
 - (a) CASA has given the accreditation holder a show cause notice under regulation 101.374H; and

- (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the accreditation holder; and
- (c) there are reasonable grounds for believing that the accreditation holder:
 - (i) has operated an RPA in contravention of these Regulations, an instrument under these Regulations or a condition of the accreditation; or
 - (ii) has operated an RPA negligently or carelessly; or
 - (iii) in operating an RPA, has recklessly endangered human life or property; or
 - (iv) at the time the accreditation was given did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time the accreditation was given.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

Notice of decision

- (2) If CASA has given a show cause notice under regulation 101.374H to an accreditation holder:
 - (a) in the event that CASA decides to suspend or cancel the accreditation—CASA must give the accreditation holder notice of the decision, including (in the case of a decision to suspend the accreditation) notice of the period of suspension; and
 - (b) in the event that CASA decides not to suspend or cancel the accreditation—CASA must, in writing:
 - (i) give the accreditation holder notice accordingly; and
 - (ii) if the accreditation was suspended under subregulation 101.374H(3)—revoke the suspension.

Effect of suspension

- (3) If an accreditation is suspended under this regulation:
 - (a) the accreditation holder is taken not to be the holder of an accreditation during the period of suspension; and
 - (b) the accreditation is not in force during the period of suspension stated in the notice under paragraph (2)(a); and
 - (c) the period of the accreditation under paragraph 101.374G(b) continues to run.

Note 1: CASA may also impose a condition on the accreditation, or vary a condition of the accreditation—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Subpart 101.G—Model aircraft

101.375 Applicability of this Subpart

This Subpart applies to the operation of model aircraft weighing more than 250 g (except operation mentioned in paragraph 101.005(3)(a) or (b)).

Note 1: For *model aircraft*, see regulation 101.023.

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.

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.

- (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.

Regulation 101.400

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 101.024.

- (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).

Regulation 101.410

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*.

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.
- (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.

Subpart 101.H—Rockets

101.415 Applicability of this Subpart

This Subpart applies to the operation of rockets of all kinds, except rockets mentioned in paragraph 101.005(3)(f).

Note 1: That is, this Subpart does not apply to a firework rocket not capable of rising more than 400 feet AGL. See paragraph 101.005(3)(f).

Note 2: **Rocket** in this Subpart does not include a rocket-powered aircraft—see regulation 101.425.

101.420 Application of State and Territory laws about rockets

- (1) If a law of a State or Territory deals with the operation or use of rockets, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.425 Definitions for Subpart

In this Subpart:

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

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(7).

model rocket means a rocket that:

- (a) weighs no more than 1 500 grams; and
- (b) carries no more than 125 grams of propellant; and
- (c) produces no more than 320 newton-seconds of impulse; and
- (d) is made of balsa, wood, paper or plastics or a combination of those materials, but contains no metal as structural parts.

rocket does not include a rocket-powered or rocket-assisted aircraft.

101.430 Launching rocket in or over prohibited or restricted area

- (1) A person may launch a rocket (including a model rocket) 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.

Regulation 101.435

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

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

101.435 Launching rockets into controlled airspace

(1) A person may launch a rocket (including a model rocket) to higher than 400 feet AGL in controlled airspace only:

- (a) in an approved area; or
- (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

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).

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

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

101.440 Launching rockets near aerodromes

(1) A person may launch a rocket that is not a small model rocket to higher than 400 feet AGL within 3 nautical miles of an aerodrome only if:

- (a) doing so is permitted by another provision of this Part; or
- (b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

Note 1: For **model rocket**, see regulation 101.425.

Note 2: Some special provisions apply to model rockets—see regulation 101.470.

(2) In subregulation (1):

small model rocket means a model rocket that weighs less than 500 grams and either:

- (a) uses no more than 25 grams of propellant; or
- (b) produces no more than 20 newton-seconds of impulse.

(3) A person may launch a rocket (including both a small model rocket and any other model rocket) from or over an area mentioned in paragraph (4)(a) or (b) only if:

- (a) doing so is permitted by another provision of this Part; or

Regulation 101.445

(b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

- (4) The areas for subregulation (3) are:
- (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (5) 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*.

101.445 Getting permission for launch of rocket near aerodrome

- (1) The authority that must give permission for regulation 101.440 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 101.445, so far as relevant to the proposed launch:

Table 101.445 Details of launching of rocket to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will launch the rocket (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the launching)
2	The date and time the rocket is to be launched
3	Where it is to be carried out
4	The size and mass of the rocket
5	The estimated greatest altitude or flight level that the rocket will reach
6	If more than 1 rocket is to be launched at a time, how many rockets are to be launched at the time

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such launch.
- (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) An authority mentioned in subregulation (1) may impose conditions on a 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.

Regulation 101.450

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

101.450 Rockets other than model rockets must be launched in approved area

- (1) A person may launch a rocket that is not a model rocket, or permit such a rocket to be launched, only in an approved area.

Penalty: 10 penalty units.

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(7).

- (2) A person may launch a rocket that is not a model rocket, or permit such a rocket to be launched, only if the person gives the details listed in the table following subregulation 101.445(2) to CASA at least 1 working day before the intended time of the launch.

Penalty: 10 penalty units.

Note: A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such rocket.

- (4) 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*.

101.455 Maximum operating height of rockets

- (1) A person may launch a rocket that is not a model rocket to higher than 400 feet AGL only:

- (a) in an approved area; or
- (b) as permitted by another provision of this Part.

Penalty: 10 penalty units.

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(7).

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

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

101.460 Dropping or discharging of things from rockets

- (1) A person must not cause anything to be dropped or discharged from a rocket in a way that creates a hazard to an aircraft.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
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Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.465 Weather and day limitations—rockets other than model rockets

- (1) A person may launch a rocket that is not a model rocket:
- (a) in or into cloud; or
 - (b) at night; or
 - (c) in conditions other than VMC;
- only as permitted by another provision of this Part, or in accordance with an air traffic control clearance.

Penalty: 10 penalty units.

Note: For *model rocket*, see regulation 101.425.

- (2) However, subregulation (1) does not prevent rockets being operated as part of a firework display.
- (3) An offence against subregulation (1) is an offence of strict liability.

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

101.470 Model rockets

- (1) A person must not launch a model rocket into cloud.

Penalty: 10 penalty units.

Note: For *model rocket*, see regulation 101.425.

- (2) A person must not launch a model rocket to higher than 400 feet AGL within 5 nautical miles of an aerodrome.

Penalty: 10 penalty units.

- (2A) 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*.

- (3) Subject to subregulations (1) and (2) and Subpart 101.B, a person may launch a model rocket outside an approved area, or at night.

Subpart 101.I—Firework displays

101.475 What this Subpart does

This Subpart regulates the conduct of certain firework displays, to the extent necessary to prevent them being a hazard to the safety of air navigation.

101.480 Application of State and Territory laws about fireworks

- (1) If a law of a State or Territory deals with the use of fireworks, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.485 Meaning of *operate a firework display*

For this Subpart, a person *operates a firework display* if the person places the fireworks for the display, or fires them off.

101.490 Certain projectiles prohibited in firework displays

- (1) A person may use, in a firework display, a projectile that is capable of reaching more than 400 feet AGL only if CASA so approves.

Penalty: 10 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*.

101.495 Firework displays not permitted near aerodromes

- (1) A person may operate a firework display in or over an area mentioned in paragraph (2)(a) or (b) only if subregulation (3) or (4) applies to the display.

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) The areas for subregulation (1) are:
 - (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (3) This subregulation applies to a firework display if:
 - (a) permission for the display has been given by:

Regulation 101.500

- (i) if the aerodrome is a controlled aerodrome—the air traffic control service for the aerodrome; and
 - (ii) in the case of any other aerodrome—CASA; and
 - (b) the person who proposes to operate the display has, before doing so, given to CASA the details required by table 101.500.
- (4) This subregulation applies to a firework display if the fireworks are set off on or near domestic premises by or for somebody who lives there.

101.500 Notice to CASA of certain firework displays

- (1) A person may operate a firework display at a place within 3 nautical miles of an aerodrome only if the person has given at least 2 working days' notice to CASA.

Penalty: 10 penalty units.

- (2) However, subregulation (1) does not apply if:
- (a) the fireworks are set off on or near domestic premises by or for somebody who lives there; and
 - (b) either:
 - (i) if a law of a State or Territory allows fireworks to be set off in that place only on a particular day or days—the fireworks are set off on such a day; or
 - (ii) if there is no such law in that place—the fireworks are set off on a day on which fireworks are customarily set off on domestic premises in that place.
- (3) When the person tells CASA, the person must also give to CASA the information required by table 101.500.

Table 101.500 Details of firework display to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will operate the display (or, if several people will be involved in its operation, the name, address, email address and telephone number of the person who will coordinate it)
2	The date the display is to begin, the starting time, and how long it is to last
3	Where it is to be given
4	How many projectiles capable of reaching more than 400 feet AGL are to be used in the display
5	A general description of the pyrotechnic characteristics of each such projectile
6	The estimated highest altitude that any projectile can reach
7	The maximum burst radius of the pyrotechnics in a projectile

- (4) CASA may impose a condition on the operation of a firework display if the condition is reasonably necessary in the circumstances in the interests of the safety of air navigation.

Part 101 Unmanned aircraft and rockets
Subpart 101.I Firework displays

Regulation 101.500

- (5) A person operating a display must comply with any condition imposed under subregulation (4).

Penalty: 50 penalty units.

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

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