



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA 96/17

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under the regulation 11.245 of the *Civil Aviation Safety Regulations 1998*.

**[Signed S. Carmody]**

Shane Carmody

Director of Aviation Safety

17 October 2017

### **Direction — operation of certain unmanned aircraft**

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#### **1 Duration**

The instrument:

- (a) commences on the day after registration; and
- (b) is repealed at the end of 30 September 2020.

#### **2 Definitions**

*Note* In this instrument certain terms and expressions have the same meaning as in the *Civil Aviation Act 1988* and the regulations. These include: *aerodrome, AGL, authorisation, controlled aerodrome, micro RPA, model aircraft, movement area, remote pilot licence, RPA* and *RPA operator*.

- (1) In this instrument:

**helicopter landing site** means an area of land or water, or a defined area on a structure, intended to be used wholly or in part for the arrival, departure and surface movement of helicopters.

**non-controlled aerodrome** means a place that is:

- (a) a helicopter landing site not located at a controlled aerodrome; or
- (b) an aerodrome that is not a controlled aerodrome.

- (2) In this instrument, awareness that a manned aircraft is operating to or from an aerodrome is taken to exist where a reasonable person ought to have been aware that a manned aircraft is operating to or from the aerodrome.

#### **3 Application**

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

#### **4 Directions relating to the operation of unmanned aircraft near controlled aerodromes**

- (1) I direct that a person must not operate an unmanned aircraft within 3 nautical miles of the movement area of a controlled aerodrome.

*Note* The designation of controlled aerodromes is made in the *Determination of airspace and controlled aerodromes etc*, as in force from time to time, which is a legislative instrument revised and reissued by CASA approximately every 6 months. Controlled aerodrome information in the Determination in force at any particular time is also published by Airservices Australia in the *Designated Airspace Handbook*.

- (2) The direction in subsection (1) does not apply to the operation of an unmanned aircraft in accordance with any of the following:
  - (a) an authorisation (however called) or exemption granted under CASR that permits operation of the aircraft within 3 nautical miles of the movement area of the aerodrome;
  - (b) the approval of an approved area under regulation 101.030 of CASR;
  - (c) if the aircraft is an RPA operated by the holder of a remote pilot licence — the privileges and limitations associated with:
    - (i) the licence; and
    - (ii) the certification of the RPA operator that is conducting the operation.
- (3) The direction in subsection (1) does not apply to the operation of a micro RPA, tethered balloon or kite, unmanned free balloon, rocket or fireworks.

## **5 Directions relating to the operation of unmanned aircraft near aerodromes that are non-controlled aerodromes**

- (1) I direct that a person must not launch an unmanned aircraft within 3 nautical miles of the movement area of a non-controlled aerodrome if the person is aware that a manned aircraft is operating to or from the aerodrome.
- (2) If a person controlling an unmanned aircraft within 3 nautical miles of the movement area of a non-controlled aerodrome becomes aware that an aircraft is operating to or from the aerodrome, I direct the person controlling the unmanned aircraft to:
  - (a) immediately ensure that the unmanned aircraft is safely manoeuvred away from the path of the manned aircraft; and
  - (b) land the aircraft as soon as safely possible.
- (3) The directions in subsections (1) and (2) do not apply to the operation of an unmanned aircraft conducted in accordance with any of the following:
  - (a) an authorisation (however called) or exemption granted under CASR that permits operation of the aircraft within 3 nautical miles of the movement area of the aerodrome;
  - (b) the approval of an approved area under regulation 101.030 of CASR;
  - (c) if the aircraft is an RPA operated by the holder of a remote pilot licence — the privileges and limitations associated with:
    - (i) the licence; and
    - (ii) the certification of the RPA operator that is conducting the operation.
- (4) The directions in subsections (1) and (2) do not apply to the operation of a micro RPA, tethered balloon or kite, unmanned free balloon, rocket or fireworks.

## **6 Directions relating to the operation of unmanned aircraft higher than 400 ft AGL**

- (1) I direct that a person controlling an unmanned aircraft must not operate the aircraft higher than 400 ft AGL.

- (2) The direction in subsection (1) does not apply to the following:
  - (a) the operation of a tethered balloon or kite in accordance with Subpart 101.D of CASR;
  - (b) the release of an unmanned free balloon in accordance with Subpart 101.E of CASR;
  - (c) the operation of a rocket in accordance with Subpart 101.H of CASR;
  - (d) the operation of an unmanned aircraft in accordance with:
    - (i) an authorisation (however called) or exemption granted under CASR that permits operation of the aircraft higher than 400 ft AGL; or
    - (ii) the approval of an approved area under regulation 101.030 of CASR;
  - (e) the operation of an RPA by the holder of a remote pilot licence in accordance with the privileges and limitations associated with:
    - (i) the licence; and
    - (ii) the certification of the RPA operator that is conducting the operation;
  - (f) the operation of a model aircraft in accordance with a written approval given by CASA for the purposes of this paragraph.

## **7 Directions relating to the operation of unmanned aircraft in the area of emergency operations**

- (1) I direct that a person controlling an unmanned aircraft must not operate the aircraft over an area where a fire, police, or other public safety or emergency operation is being conducted.
- (2) The direction in subsection (1) does not apply to the extent that a person in charge of the emergency operation approves the operation of the unmanned aircraft.

## **8 Directions relating to the operation of RPA near people**

- (1) I direct that a person controlling an RPA must ensure that the aircraft is not operated less than 30 m from a person unless the person has duties essential to the control or navigation of the aircraft.
- (2) For subregulation (1), the distance of 30 m is measured in every direction from the point on the ground directly below the aircraft.
- (3) The direction in subregulation (1) does not apply:
  - (a) to the operation of an RPA in accordance with an authorisation (however called) or exemption granted under CASR that permits operation of the RPA less than 30 m from another person; or
  - (b) if:
    - (i) the RPA is an airship; and
    - (ii) the airship approaches no closer to the second person than 10 m horizontally and 30 ft vertically.

## **9 Directions relating to the operation of a single RPA or model aircraft**

- (1) I direct that a person controlling an RPA or model aircraft must only operate 1 aircraft at a time.
- (2) The direction in subregulation (1) does not apply to the operation of an RPA or model aircraft in accordance with an authorisation (however called) or exemption granted under CASR.