



## **Notice of Proposed Rule Making**

**NPRM 21/08-23**

**Date: 02/11/2021**

### **Part 101**

**Gyrogliders and Parasails and  
Unmanned Balloons, Aircraft  
(~~including Balloons~~), Kites, and  
Rockets – Operating Rules**

### **Consequential Amendments:**

**Part 1**

**Part 12**

**Part 47**

**Part 61**

**Part 102**

**Part 141**

**Docket 21/08/CAR101/23**

**2021 Rules Review**

Proposed Effective 02 November 2021

## Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the Papua New Guinea civil aviation system. The Rules are structured in a manner similar to the Civil Aviation Rules of New Zealand and the Federal Aviation Regulations of the USA. Where practicable the Rules also align with the International Civil Aviation Organization Annexes and the regulatory code of the Civil Aviation Safety Authority of Australia.

Rules are divided into Parts and each Part contains a series of individual rules that relate to a particular aviation activity. Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an Acceptable Means of Compliance (AMC) with the associated rule. An Advisory Circular may also contain guidance material (GM) to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the State and regulatory authority (CASA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the State and regulatory authority to set standards for, and monitor performance of, aviation participants while providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 45 of the Civil Aviation Act 2000 prescribes general requirements for participants in the civil aviation system and requires, among other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 72 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- (a) The implementation of Papua New Guinea's obligations under the Convention;
- (b) To provide for a safe, sustainable, effective and efficient aviation services;
- (c) The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services;
- (d) Assisting aviation safety and security, including but not limited to personal security;
- (e) Assisting economic development;
- (f) Improving access and mobility;
- (g) Protecting and promoting public health;
- (h) Ensuring environmental sustainability;
- (i) Any matter related or reasonably incidental to any of the following:
  - (1) The Minister's functions and role under section 8 of the Act;
  - (2) The Authority's general objects and functions under section 11 of the Act;
  - (3) The Authority's functions in relation to safety under section 12 of the Act; and
  - (4) The Director's functions and powers under section of 17 the Act
  - (5) The Director's powers under section 52A, 53 and 54 of the Act
- (j) Any other matter contemplated by any provision of the Act

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## 1. Purpose of this NPRM

The purpose of this Notice of Proposed Rulemaking (NPRM) is to put forward for consideration proposed amendments to the Civil Aviation Rule (CAR) Part 101.

## 2. Background to the Proposal

### 2.1 General Summary

#### Current RPAS/Drone operations in PNG

Remotely piloted aircraft (RPA) operations in Papua New Guinea are currently conducted either under Civil Aviation Rules Part 101 or Part 102.

Under the current Part 101 drone operators in PNG may conduct remotely piloted aircraft systems (RPAS) activities only if all such drone operations are carried out wholly within the strict requirements of Part 101, and those operators self-regulate their own operations, but remain subject to CASA PNG surveillance and oversight.

The general aircraft legislative requirements that apply to drone operators regarding drone registration, the skills, qualifications, experience levels and standards, and the airworthiness status of RPA, have been considered in this NPRM and added to the specific provisions in the Part 101 and Part 102 rules for drone registration, remote pilot licensing, and unmanned aircraft aviation training organisations.

Part 101 at this time applies to both recreational and commercial operators with implied low levels of safety risk, but actual ‘other-than-low-risk’ commercial drone activities are being conducted without CASA PNG engagement or certification,

Such unregulated and uncertified operations poses safety and security risks to other highly regulated aviation participants, and to the civil aviation system in general, especially when these operations are conducted by new, inexperienced, low skilled and unqualified entrants to the civil aviation system.

#### Revised Rule Parts 101 and 102 Structure

With these considerations in mind, CASA PNG has revised its approach to RPAS by having all RPAS *certification and operation* rules contained in the same rule Part. This the case in other ‘certification and operation’ rule Parts such as Part 139 (Aerodromes), Part 141 (Aviation Training Organisation) and others.

This approach CASA PNG approach will implement the following changes:

- Part 101 for *non*-RPAS operations only.

The proposed amendments will mean Part 101 will apply *only* to gyrogliders and parasails, certain unmanned aircraft types (balloons, kites, and control line model aircraft and free flight model aircraft), and rockets. Unmanned aircraft type RPAS (which includes radio-controlled model aircraft) will no longer subject to Part 101.

- Part 102 unmanned aircraft operator certification and operations

It is proposed Part 102 will now apply to certification *and operation* of *all* RPAS, and contain provisions for a Part 102 unmanned aircraft operator authorisation (UAOA) and unmanned aircraft operator certificate (UAOC). All the RPAS rules that were under Part 101 will now be in the amended Part 102.

## **2.2 NPRM Development**

### **ICAO Model UAS Regulations**

ICAO's regulatory framework for unmanned aircraft systems (UAS) that operate outside of the Instrument Flight Rules (IFR) international arena was the result of the review of existing Members States' UAS regulations that identified commonalities and best practices consistent with the ICAO aviation framework for implementation by Member States.

This activity produced the ICAO Part 101, Part 102 and Part 149 Model UAS Regulations, and with the companion ICAO Advisory Circulars (ACs), offered templates that were used to implement or supplement the existing PNG RPAS regulations.

These ICAO Model Regulations and ACs provide CASAPNG with internationally harmonised material based on the latest international RPAS developments.

### **2.1 Key Stakeholders**

The Civil Aviation Safety Authority identifies the following as key stakeholders for the proposed rule amendments contained in this NPRM:

- (1) The Civil Aviation Safety Authority
- (2) The Minister for Transport
- (3) The Minister for Civil Aviation
- (4) Aviation Document Holders
- (5) Other interested stakeholders

## **3. Issues Addressed during Development**

Major issues addressed during the development of this NPRM are detailed in the various paragraphs.

### **3.1 Consequential Amendments**

As a consequence of changes and updates to Part 101, also amended are:

Part 1, Part 12, Part 47, Part 61, Part 102, Part 141.

### **3.2 Exemptions**

Exemptions are not addressed in this NPRM

### **3.3 ICAO SARPS and Level of Risk to Papua New Guinea Aviation Safety**

The ICAO Standards and Recommended Practices (SARPS) are applicable to international operations. Since operations under Part 101 are conducted wholly within PNG, the ICAO SARPS are incorporated at the discretion of the Director subject to aviation safety considerations and assessments in the PNG aviation context and environment.

Nevertheless, international regulatory standards and industry best practices have been reviewed, adapted and incorporated in Part 101

### **3.4 Compliance Costs**

Costs associated with certification and operations in compliance with the proposed rule amendments may effect revised and new fees and charges.

## 4. Summary of changes

As of this NPRM, only proposed rule amendments will be listed. Rules that remain unamended are not listed and therefore unchanged.

### **Part 101 Title– Amended:**

**1) Part 101 Title– amended:**

Title amended to remove words ‘Aircraft (including Balloons)’.

### **Subpart A General - Amended**

**2) Rule 101.1 Applicability – amended:**

Rule amended including additions of new paragraphs (1)(a), (1)(b), and (1)(c), repeal of paragraphs (2) and (4) and subsequent renumbering to make Part 101 apply only to unmanned aircraft types to which this Part now applies including balloons, kites and control line and free flight model aircraft, rockets and gyrogliders and parasails. This amendment removes applicability to remotely piloted aircraft (RPA).

**3) Rule 101.3 Definitions– amended:**

Definitions referenced to Part 1.

**4) Rule 101.5 Registration – amended:**

Rule amended and referenced to rule 47.51. Deleted paragraph (b) to remove applicability to remotely piloted aircraft (RPA).

**5) Rule 101.7 Restricted, military operating, and danger areas – amended:**

Paragraphs (a) and (b) amended to remove applicability to RPAs by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

**6) Rule 101.9 Low flying zones – amended:**

Rule amended to remove applicability to RPA by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

**7) Rule 101.11 Controlled airspace – amended:**

Rule amended to remove applicability to RPA by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

**8) Rule 102.12 Airspace knowledge – amended:**

Paragraph (a) repealed and paragraphs (b) and (c) renumbered. Editorial amendments to remove applicability to RPAs by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

**9) Rule 102.13 Hazard and risk mitigation – amended::**

Rule amended to remove applicability to RPAs by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

Paragraphs (1), (2), (3) and (4) repealed.

**10) Rule 102.15 Dropping of articles – amended:**

Rule amended to remove applicability to RPAs by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

Paragraphs (1), (2), (3) and (4) repealed.

**11) Rule 102.17 Notification and reporting of occurrences – amended:**

Rule amended to remove applicability to RPAs by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

Paragraphs (1), (2), (3) and (4) repealed.

**12) Rule 102.19 Approval for areas for operation of unmanned aircraft – amended:**

Paragraphs (a), (a)(1) and (b)(2)(ii) amended to remove applicability to RPAs by use of the term ‘*to which this Part applies*’ in reference to aircraft prescribed in amended rule 101.1.

**Subpart E Remotely Piloted Aircraft, Control Line Model Aircraft and Free Flight Model Aircraft – Amended:****13) Subpart E Title– amended:**

Title amended to remove applicability to RPAs.

**14) Rule 101.201 Applicability – amended:**

New Title amended to remove applicability to RPAs by repeal of paragraph (1) and renumbering of paragraphs (2) and (3).

**15) Rule 101.202 Approved person or organisation – repealed:**

Rule repealed. RPA requirements in new rule 102.59

**16) Rule 101.204 Remotely piloted aircraft above 400ft AGL – repealed:**

Rule repealed. RPA requirements in new rule 102.59

**17) Rule 101.205 Within 5nm of aerodrome boundary – reserved:**

Rule repealed and number reserved. Amended RPA requirements in new rule 102.75

**18) Rule 101.206 More than 5nm from aerodrome boundary and above 400ft AGL – repealed:**

Rule repealed. Amended RPA requirements in new rule 102.77.

**19) Rule 101.207 Consent for operation over property – reserved:**

Rule repealed and number reserved. Amended RPA requirements in new rule 102.81.

**20) Rule 101.208 Consent for operation over and near people – repealed:**

Rule repealed. Amended RPA requirements in new rule 102.83.

**21) Rule 101.209 Visual line of sight operation – amended:**

Paragraphs (a) repealed. Paragraphs (b), (c) and (d) amended and renumbered to apply to free flight model aircraft only and remove applicability to RPAs.

**22) Rule 101.210 Weather and day limitations – repealed:**

Rule repealed. RPA requirements in new rule 102.87.

**23) Rule 101.211 Night operations – reserved:**

Rule repealed and number reserved. RPA requirements in new rule 102.89.

**24) Rule 101.212 Remotely piloted aircraft operating area – repealed:**

Rule repealed. Amended title and RPA requirements in new rule 102.79.

**25) Rule 101.213 Right of Way – amended:**

Paragraphs (a) amended to remove applicability to RPAs.

RPA requirements in new rule 102.91.

**26) Rule 101.215 Aircraft mass limits – amended:**

Paragraphs (a)(1), (a)(2), (b)(1) and (b)(2) repealed. Paragraph (a) amended to remove applicability to RPAs, reduce the mass requirement to 10kg, and made subject to the Director. RPA requirements in new rule 102.93.

**27) Rule 101.217 Standard operating conditions – reserved:**

Rule repealed and number reserved. RPA requirements in new rule 102.55.

**28) Rule 101.219 Open category operations – reserved:**

Rule repealed and number reserved. RPA requirements in new rule 102.95.

- 29) Rule 101.221 Requirement for remote pilot licence – reserved:**  
Rule repealed and number reserved. RPA requirements in new rule 102.103.
- 30) Rule 101.223 Requirement for the use of aeronautical radio in controlled airspace – reserved:**  
Rule repealed and number reserved. RPA requirements in amended rule 102.9.
- 31) Rule 101.225 Prohibited operations – amended:**  
Paragraphs (a) and (b) amended to remove applicability to RPAs by use of the term ‘*to which this Subpart applies*’ in reference to aircraft prescribed in amended rule 101.201. RPA requirements in new rule 102.97
- 32) Rule 101.227 Prohibited psychoactive substances – amended:**  
Paragraphs (a) amended and edited to remove applicability to RPAs by use of the term ‘*to which this Subpart applies*’ in reference to aircraft prescribed in amended rule 101.201. RPA requirements in new rule 102.99.
- 33) Rule 101.229 Inspection and compliance – amended:**  
Paragraph (a) amended and edited to remove applicability to RPAs by use of the term ‘*to which this Subpart applies*’ in reference to aircraft prescribed in amended rule 101.201. Paragraphs (b) repealed. RPA requirements in new rule 102.5.

## 5. Legislative Analysis

### 5.1 Power to Make Rules

The Minister may make ordinary rules under sections 69, 70, 71 and 72 of the Civil Aviation Act 2000, for various purposes including implementing Papua New Guinea’s obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- (a) Section 69(1)(a) which allows the Minister to make rules for the purpose of the implementation of Papua New Guinea’s obligations under the Convention:
- (b) Section 69(b) which allows the Minister to make rules for the purpose of assisting aviation safety and security, including (but not limited to) personal security:
- (c) Section 69(5) which allows the Minister to make rules that provide for matters to be determined or approved by the Authority, the Director, or any other person or empower the Authority, the Director or any other person to impose requirements, or conditions on the performance of any activity including but not limited to procedures to be followed:
- (d) Section 70(c) which allows the Minister to make rules providing for general operating rules, air traffic rules, and flight rules, including but not limited to the following:
  - (1) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
  - (2) the prevention of aircraft endangering persons or property.
- (e) Section 72(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
  - (1) aircraft:
  - (2) aircraft pilots:
  - (3) flight crew members:
  - (4) air traffic service personnel:



- (5) aviation security service personnel:
  - (6) aircraft maintenance personnel:
  - (7) aviation examiners or medical examiners:
  - (8) air services:
  - (9) air traffic services:
  - (10) aerodromes and aerodrome operators:
  - (11) aeronautical navigation service providers:
  - (12) aviation training organisations:
  - (13) aircraft design, manufacture, and maintenance organisations:
  - (14) aeronautical procedures:
  - (15) aviation security services:
  - (16) aviation meteorological services:
  - (17) aeronautical communication services:
  - (18) any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:
- (f) Section 70(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 70(a) including the specifications of standards of design, construction, manufacture, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
- (g) Section 70(c) which allows the Minister to make rules setting the conditions of operation of foreign aircraft and international flights to, from, or within Papua New Guinea:
- (h) Section 70(d) which allows the Minister to make rules for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

The proposed amendment of Part 43 complies with the requirements of the Civil Aviation Act and does not contravene the Constitution, the Aerodrome (Business Concession) Act, Civil Aviation (Aircraft Operator Liability) Act, Aircraft Charges Act, Airport Departure Tax Act, the Explosive Act, Firearms Act, Customs Act, Plant and Disease Control Act and the Environmental Act.

The proposed Rule has been checked for language and compliance with the legal conventions of Papua New Guinea.

## **5.2 Matters to be taken into account**

The development of this NPRM and the proposed rule changes take into account the matters under section 75 of the Act that the Minister must take into account when making ordinary rules including the following:

### **5.2.1 ICAO Standards and Recommended Practices**

The proposed rule amendments take account of ICAO SARPs.

### **5.2.2 Assisting Economic Development**

The proposed rule amendments is not expected to have any adverse impact on economic development.

### **5.2.3 Assisting Safety and Personal Security**

The proposed rule amendments will help improve safety levels and may improve personal security.

### **5.2.4 Improving Access and Mobility**

The proposed rule amendments will not adversely affect access and mobility.

### **5.2.5 Protecting and Promoting Public Health**

The proposed rule amendments can positively impact the protection and promotion of public health.

### **5.2.6 Ensuring Environmental Sustainability**

The proposed rule amendments is not expected to have any adverse impact on environmental sustainability.

## **6. Submissions on the NPRM**

### **6.1 Submissions are invited**

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

#### **6.1 Examination of Submissions**

All submissions will be available in the rules docket for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CA web site and provided to each person who submits a written submission on this NPRM. Submissions may be examined by application to the Docket Clerk at the Civil Aviation Safety Authority Headquarter Building 1, Level 1, Morea Tobo Road, Six Mile, NCD Port Moresby between 8:30 am and 3:30 pm on weekdays, except statutory holidays.

#### **6.2 Disclosure**

Submitters should note that any information attached to submissions will become part of the docket file and will be available to the public for examination at the CASA office.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties.

#### **6.3 How to make a submission**

Submissions may be sent to CASA PNG by the following methods:

- (1) By Mail:                      Docket Clerk (NPRM 20/08-23)  
Civil Aviation Safety Authority  
PO Box 1941  
Boroko, Port Moresby.  
National Capital District
- (2) Hand delivered:            Docket Clerk (NPRM 20/08-23)  
Civil Aviation Safety Authority

Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD

(3) By Fax: Docket Clerk (NPRM 20/08-23)  
3251789 / 325 1919

(4) By Email: Docket Clerk (NPRM 20/08-23)  
[rules@casapng.gov.pg](mailto:rules@casapng.gov.pg)

#### **6.4 Final date for submissions**

Comments must be received before **COB, 24 September, 2021.**

#### **6.5 Availability of the NPRM**

Any person may obtain a copy of this NPRM from the CASA PNG web site: [www.casapng.gov.pg](http://www.casapng.gov.pg)  
*or at a cost from:*

The Docket Clerk  
Civil Aviation Safety Authority Headquarter  
Building 1, Level 1  
Morea-Tobo Road  
Six Mile, Jacksons Airport  
Port Moresby NCD

#### **6.6 Further information**

For further information, contact:

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## Proposed Rule Amendments

### Part 101 Gyrogliders and Parasails and Unmanned Balloons, Aircraft— (including Balloons), Kites and Rockets – Operating Rules

#### Subpart A — General

##### 101.1 Applicability

Subject to rule 102.1(a) this part. This Part prescribes rules governing the operation of—

- (1) ~~moored balloons and kites~~ the following unmanned aircraft:
  - (a) ~~moored and free~~ balloons;
  - (b) ~~kites~~;
  - (c) ~~control line model aircraft, and free flight model aircraft~~;
- (2) ~~free balloons~~;
- (3)(2) rockets;
- (4) ~~remotely piloted aircraft, control line model aircraft, and free flight model aircraft~~;
- (5)(3) gyrogliders and parasails.

##### 101.3 Definitions

**Remotely piloted aircraft** means the same as in Part 1. ~~an unmanned aircraft that is piloted from a remote station and~~

- (1) ~~includes a radio controlled model aircraft and autonomous aircraft; but~~
- (2) ~~does not include a control line model aircraft or a free flight model aircraft;~~

**Shielded operation** means the same as in Part 1. ~~an operation within 100 m of, and below the top of, a natural or man-made object.~~

##### 101.5 Registration

- (a) Subject to rule 47.51, the requirements in Part 47 do not apply to unmanned aircraft, rockets, gyrogliders and parasails.
- (b) ~~Notwithstanding paragraph (a), the requirements in Part 47 apply to remotely piloted aircraft.~~

##### 101.7 Restricted, military operating, and danger areas

- (a) A person must not operate an ~~unmanned aircraft, kite, rocket, gyroglider or parasail~~ to which this Part applies within a restricted area designated under Part 71 unless the person has the approval to do so from the administering authority responsible for the restricted area.
- (b) A person must not operate an ~~unmanned aircraft, kite, rocket, gyroglider or parasail~~ to which this Part applies within a military operating area designated under Part 71 unless the person has the approval to do so from the administering authority responsible for the military

operating area.

### 101.9 Low flying zones

A person must not operate ~~any of the following~~ an aircraft to which this Part applies within a low flying zone designated under Part 71. ÷

- (1) ~~an unmanned aircraft;~~
- (2) ~~a rocket;~~
- (3) ~~a gyroglider;~~
- (4) ~~a parasail.~~

### 101.11 Controlled airspace

A person must not operate ~~any of the following~~ an aircraft to which this Part applies in controlled airspace without prior authorisation from the ATC unit responsible for that airspace unless the operation is a shielded operation.

### 101.12 Airspace knowledge

(a) ~~This rule applies to a person who operates any of the following:~~

- (1) ~~an unmanned aircraft;~~
- (2) ~~a rocket;~~
- (3) ~~a gyroglider;~~
- (4) ~~a parasail.~~

(b) (a) Subject to paragraph (c) (b), a person to whom this ~~rule~~ Part applies must-

- (1) ensure ~~that~~ before each flight, that the person is familiar with the airspace designation under Part 71 and any applicable airspace restrictions in place in the area of intended operation; or
- (2) conduct the operation under the direct supervision of a person who has knowledge of and is familiar with the airspace designation under Part 71 and any applicable airspace restrictions in place in the area of intended operation;

(c) (b) A person who intends to operate an unmanned aircraft to which this Part applies, prior to conducting operations, must be able to demonstrate, in a manner and to a standard acceptable to the Director —

- (1) basic knowledge of airspace designation under Part 71; and
- (2) any applicable airspace restrictions in place in the area of intended operation.

### 101.13 Hazard and risk minimisation

A person operating ~~any of the following~~ an aircraft to which this Part applies must take all practicable steps to minimise hazards to persons, property and other aircraft. ÷

- ~~(1) an unmanned aircraft;~~
- ~~(2) a rocket;~~
- ~~(3) a gyroglider;~~
- ~~(4) a parasail;~~

### 101.15 Dropping of articles

A person operating ~~any of the following~~ an aircraft to which this Part applies must not allow any object to be dropped in flight if such action creates a hazard to other persons or property. ÷

- ~~(1) an unmanned aircraft;~~
- ~~(2) a rocket;~~
- ~~(3) a gyroglider;~~
- ~~(4) a parasail.~~

### 101.17 Notification and reporting of occurrences

- (a) ~~A remote pilot in command, or if that person operating an is unable, the holder of the unmanned aircraft authorisation or unmanned aircraft to which this Part applies, operator certificate issued under the rules~~ must notify the Director as soon as practicable, after an incident involving:
  - (i) serious injury to any person; or
  - (ii) damage to any property other than the ~~unmanned~~ aircraft.
- (b) The notification required in paragraph (a)(i) must be provided in manner acceptable to the Director.
- (c) The details of the notifiable incidents in paragraph (a) must be provided to the Director on form CA005 prescribed in Part 12, or by a means acceptable to the Director.

### 101.19 Approval of areas for operation of unmanned aircraft

- (a) A person may apply to the Director for the approval of an area for aircraft to which this Part applies as an area for the operation of:
  - (1) ~~unmanned~~ aircraft generally, or for a particular category of ~~unmanned~~ aircraft, and such approval when granted: ÷
    - (i) will have effect from the time and date specified in the approval contained in the written notice issued to the applicant by the Director: or
    - (ii) will have effect for a particular period, including a period of less than 1 day, or longer, as specified by the Director.

- (iii) may be subject to conditions imposed by the Director in the interests of aviation safety.
- (2) Details of an approval granted by the Director under paragraph (1), will be published, including any conditions, in accordance with the Part 175 requirements for the publication of aeronautical information.
- (b) The Director may revoke the approval of an area, or change the conditions that apply to such an approval, in the interests of aviation safety and security, and-
  - (1) publish details of any such revocation or change in accordance with the requirements for publication of aeronautical information of Part 175; and
  - (2) make available written notice of the revocation or change to the person who:
    - (i) applied for the approval of the area; or
    - (ii) currently holds the office, if the person who applied for the approval as an officer of an organization concerned with ~~the unmanned~~ aircraft, no longer holds that office.

## **Subpart E — ~~Remotely Piloted Aircraft, Control Line Model Aircraft and Free Flight Model Aircraft~~**

### **101.201 Applicability**

~~Subject to rule 102.1(a), this~~ This Subpart applies to -

- ~~(1) —~~ remotely piloted aircraft; and
- ~~(2)~~(1) control line model aircraft; and
- ~~(3)~~(2) free flight model aircraft.

### **~~101.202 Approved person or organisation~~**

~~In this Subpart, an approved person or organisation means a person or organisation —~~

- ~~(a) —~~ having appropriate:
  - ~~(1) —~~ expertise in the design or construction of remotely piloted aircraft; or
  - ~~(2) —~~ qualifications and experience in the operation of remotely piloted aircraft; or
  - ~~(3) —~~ knowledge of airspace designations and restrictions; and
- ~~(b) —~~ who has been approved by the Director to perform one or more of the following specified functions:
  - ~~(1) —~~ issuing a pilot qualification for operating remotely piloted aircraft; or
  - ~~(2) —~~ appointing persons to give instruction to operators of remotely piloted aircraft; or
  - ~~(3) —~~ authorising a person to notify the aeronautical information service provider, for the issue of a NOTAM of remotely piloted aircraft operations; or
  - ~~(4) —~~ for remotely piloted aircraft greater than 10kg:
    - ~~i. —~~ authorising the construction and modification; or

- ii. ~~inspecting and approving the construction or modification; or~~
- iii. ~~authorising the operation; or~~
- (c) ~~conducting aviation training and assessments under the provisions of an unmanned aircraft training organisation certificate issued under Part 141.~~

#### **101.204 ~~Remotely piloted aircraft above 400ft AGL~~**

- (a) ~~A person must not operate a remotely piloted aircraft at a height greater than 400ft AGL unless the operation is conducted —~~
  - (1) ~~by an approved person or organisation; or~~
  - (2) ~~under the provisions of an authorisation or certificate issued under Part 102.~~

#### **101.205 Within 5 nm of aerodrome boundary Reserved**

- (a) ~~A person must not operate a remotely piloted aircraft on or within 5 nm of the boundary of —~~
  - (1) ~~an uncontrolled aerodrome, unless —~~
    - (i) ~~the operation is undertaken in accordance with an agreement with the aerodrome operator; and~~
    - (ii) ~~in the case of a free flight model aircraft, it is launched downwind of an active runway; and~~
    - (iii) ~~in the case of a remotely piloted aircraft —~~
      - (A) ~~each pilot has an observer in attendance while the aircraft is in flight; and~~
      - (B) ~~the aircraft is not operated at a height of more than 400 feet above ground level unless the operator has been approved by the Director to operate the aircraft above 400 feet above ground level; and~~
  - (2) ~~a controlled aerodrome, unless it is operated in accordance with:~~
    - (i) ~~an authorisation from the relevant ATC unit; and~~
    - (ii) ~~rule 101.223 if the operation is in controlled airspace; and~~
  - (3) ~~any aerodrome, unless the person is:~~
    - (i) ~~the holder of, or is under the direct supervision of the holder of, a pilot qualification issued by an approved person or organisation; or~~
    - (ii) ~~under the direct supervision of a person appointed to give instruction in the operation of remotely piloted aircraft by an approved person organisation;~~
    - (iii) ~~the holder of a pilot licence or certificate issued under Part 61.~~
- (b) ~~A person must not operate a remotely piloted aircraft on or over any active —~~
  - (1) ~~aircraft movement area of an aerodrome; or~~
  - (2) ~~runway strip area.~~
- (c) ~~Paragraph (a) does not apply to a shielded operation that is conducted —~~
  - (1) ~~outside the boundary of the aerodrome; and~~



- (2) ~~in airspace that is physically separated from the aerodrome by a barrier that is capable of arresting the flight of the aircraft.~~

#### **~~101.206~~ — ~~More than 5 nm from aerodrome boundary and above 400ft AGL~~**

~~A person operating a remotely piloted aircraft more than 5 nm from an aerodrome boundary must not operate at a height greater than 400 feet AGL, unless —~~

- ~~(a) the operation is conducted in accordance with rule 101.204; and~~
- ~~(b) the operation remains within Class F airspace; and~~
- ~~(c) the operation is conducted in a Danger Area designated under Part 71; and~~
- ~~(d) at least 24 hours before the operation, a person authorised by an approved person or organisation, notifies the aeronautical information service provider for the issue of a NOTAM, of the following information:~~
- ~~(1) the name, address, and telephone number of the operator;~~
  - ~~(2) the location of the proposed operation;~~
  - ~~(3) the date and time and duration of the proposed operation;~~
  - ~~(4) the maximum height above ground level proposed for aircraft operation.~~

#### **~~101.207~~ ~~Consent for operation over property~~ Reserved**

- ~~(a) A person operating a remotely piloted aircraft must —~~
- ~~(1) unless operating in a danger area under Part 71, not operate above a property unless prior consent has been obtained from any person occupying that property or the owner of that property; and~~
  - ~~(2) maintain observation for other aircraft in the surrounding airspace in which the remotely piloted aircraft is operating; and~~
  - ~~(3) not operate the aircraft at any height greater than 400 feet AGL except in accordance with rule 101.204.~~
- ~~(b) Nothing in paragraph (a) requires a person to obtain consent from any person if operating under the authority of an approved organisation or under the provisions of an authorisation or certificate issued under Part 102.~~

#### **~~101.208~~ — ~~Consent for operation over and near people~~**

~~Except for remotely piloted aircraft operations conducted under the authority of an approved organisation as prescribed in rule 101.207(b) —~~

- ~~(a) No person may operate a remotely piloted aircraft over a person unless that person is:~~
- ~~(1) directly participating in or associated with the operation of the remotely piloted aircraft; or~~
  - ~~(2) located under a covered structure or inside a stationary vehicle that can provide reasonable protection; or~~

~~(3) a second person not directly associated with the operation of the remotely piloted aircraft, provided the remotely piloted aircraft is operated no closer than 30m or 100ft measured horizontally from that second person.~~

~~(b) Paragraph (a)(1), (a)(2), or (a)(3) do not apply if:~~

~~(1) the person has given consent for the remotely piloted aircraft to operate in airspace over or near that person; and~~

~~(2) the remotely piloted aircraft is operated no closer than 15m or 50ft measured horizontally, of that person.~~

~~(c) Paragraph (a)(3) does not apply if that second person is standing behind a fixed wing remotely piloted aircraft while the fixed wing remotely piloted aircraft is performing a take-off.~~

### 101.209 Visual line of sight operation

~~(a) This rule applies to—~~

~~(1) remotely piloted aircraft;~~

~~(2) free flight model aircraft.~~

~~(b) (a) A person must not operate an aircraft to which this rule applies a free flight model aircraft in-~~

~~(1) any area in which the person's view of the surrounding airspace in which the aircraft will operate is obstructed; or~~

~~(2) meteorological conditions that obstruct the person's ability to maintain visual line of sight of the aircraft.~~

~~(c) (b) A person who operates an aircraft to which this rule applies a free flight model aircraft must at all times-~~

~~(1) maintain visual line of sight with the aircraft; and~~

~~(2) be able to see the surrounding airspace in which the aircraft is operating; and~~

~~(3) operate the aircraft below the cloud base.~~

~~(d) (c) For the purpose of this rule visual line of sight means a straight line along which an observer has a clear view and which may be achieved with the use of—~~

~~(1) spectacles, contact lenses, or a similar device used to correct subnormal vision of the user to no better than normal vision but not the use of an electronic, mechanical, electromagnetic, optical, or electro-optical instrument; or~~

~~(2) a first person view system and a trained and competent observer who maintains-~~

~~(i) visual line of sight of the aircraft; and~~

~~(ii) sight of the surrounding airspace in which the aircraft is operating; and~~

~~(iii) direct communication with the person who is operating the aircraft.~~

**101.210 — Weather and day limitations**

- (a) ~~A person must not operate a remotely piloted aircraft~~
- ~~(1) in or into cloud; or~~
  - ~~(2) in conditions other than visual meteorological conditions (VMC) unless:~~
    - ~~(i) otherwise permitted under this Part; or~~
    - ~~(ii) in accordance with an air traffic control clearance.~~
- (b) ~~Paragraph (a) does not apply the holder of an authorisation or a certificate issued under Part 102 that permits such operations.~~

**101.211 Night operations Reserved**

- (a) ~~A person must not operate a remotely piloted aircraft at night unless the operation is~~
- ~~(1) indoors; or~~
  - ~~(2) a shielded operation.~~
- (b) ~~Paragraph (a) does not apply the holder of an authorisation or a certificate issued under Part 102 that permits such operations.~~

**101.212 — Remotely piloted aircraft operating area**

- (a) ~~A person with a bona fide interest in airspace allocation may apply to the Director in accordance with Part 71, for the designation or classification of airspace for the operation of remotely piloted aircraft.~~
- (b) ~~A person must not operate a remotely piloted aircraft within a remotely piloted aircraft operating area designated under paragraph (a) unless that person has obtained prior approval to do so from the administering authority responsible for the remotely piloted aircraft operating area.~~

**101.213 Right of way**

- (a) A person who is operating ~~a remotely piloted aircraft~~ or a control line model aircraft must ensure the aircraft that the person is operating gives way to, and remains clear of, all manned aircraft on the ground and in flight.
- (b) A person who is operating a free flight model aircraft must before launching the aircraft ensure that during the operation the aircraft will remain clear of all manned aircraft on the ground and in flight.

**101.215 Aircraft mass limits**

- (a) ~~A person must not operate a remotely piloted aircraft, a control line model aircraft or a free flight model aircraft with a gross mass of more than 25 10 kg except with the approval of and subject to any conditions or limitations specified by the Director.~~
- ~~(1) except with the approval of and subject to any conditions or limitations specified by the Director. ; or~~

- (2) ~~in the case of remotely piloted aircraft, under the provisions of an authorisation or certificate issued under Part 102.~~
- (b) ~~A person must not operate a remotely piloted aircraft with a gross mass of between 10 kg and 25 kg unless the aircraft, and any modification made to it, is—~~
- (1) ~~constructed under the authority of, or inspected and approved by, an approved person or organisation defined in rule 101.202; and~~
- (2) ~~operated under the authority of an approved person or organisation defined in rule 101.202.~~

### **101.217 ~~Standard operating conditions~~ Reserved**

~~A remotely piloted aircraft is operated in standard remotely piloted operating conditions if, during the operation—~~

- (a) ~~the remotely piloted aircraft is operated:~~
- (1) ~~maintaining visual line of sight in accordance with rule 101.209; and~~
- (2) ~~at or below 120m/400ft above ground level; and~~
- (3) ~~during the daylight hours; and~~
- (4) ~~not less than 30m or 100ft horizontally from any person who is not directly associated with the operation of the remotely piloted aircraft; and~~
- (b) ~~the remotely piloted aircraft is not operated:~~
- (1) ~~in a prohibited area designated under Part 71; or~~
- (2) ~~in a restricted area designated under Part 71; or~~
- (3) ~~over a populated area; or~~
- (4) ~~within 5 nm of the movement area of a controlled aerodrome; and~~
- (c) ~~the remotely piloted aircraft is not operated in or over an area where a fire, police or other public safety, security or emergency operation is being conducted without the approval of a person in charge of the operation; and~~
- (d) ~~the person operating the remotely piloted aircraft operates only that specific remotely piloted aircraft~~

### **101.219 ~~Open Category Operations~~ Reserved**

~~A person may conduct remotely piloted aircraft operations as open category operations if that person—~~

- (a) ~~uses a remotely piloted aircraft with a maximum gross mass of up to 10 kg on takeoff and throughout the duration of each operation, including all items that are on board or otherwise attached to the aircraft; and~~
- (b) ~~operates the remotely piloted aircraft in accordance with the standard operating conditions prescribed in rule 101.217.~~

### **101.221 ~~Requirement for remote pilot licence~~ Reserved**

- (a) ~~No person may operate a remotely piloted aircraft without a pilot qualification unless the operation is conducted—~~
- ~~(1) in accordance with the requirements of Part 101; and~~
  - ~~(2) more than 5 nm from the boundary of the nearest aerodrome; and~~
  - ~~(3) as an open category operation as prescribed in rule 101.219.~~
- (b) ~~No person may operate a remotely piloted aircraft within 5 nm of the boundary of an aerodrome unless that person has—~~
- ~~(1) a pilot qualification; or~~
  - ~~(2) a qualification of knowledge of the use of aeronautical charts and airspace.~~

**101.223 Requirement for the use of aeronautical radio in controlled airspace**  
**Reserved**

- (a) ~~A person must not operate a remotely piloted aircraft in controlled airspace unless that person—~~
- ~~(1) holds a relevant qualification as prescribed in paragraph (b); and~~
  - ~~(2) maintains a listening watch on the specified frequency; and~~
  - ~~(3) makes broadcasts on the specified frequency at the specified interval giving the specified information.~~
- (b) ~~The relevant qualification referred to in paragraph (a)(1) means any of the following—~~
- ~~(1) an aeronautical radio operator certificate; or~~
  - ~~(2) a remote pilot licence or flight crew licence; or~~
  - ~~(3) an air traffic control licence; or~~
  - ~~(4) a flight service licence; or~~
  - ~~(5) a military qualification equivalent to a licence in paragraph (b)(2), or (b)(3) or (b)(4).~~
- (c) ~~The specified frequency and specified interval referred to in paragraphs (a)(2) and (a)(3) mean, for a particular airspace, the following—~~
- ~~(1) specified frequency means a frequency specified from time to time in the AIP or by ATC, as a frequency for use in that airspace;~~
  - ~~(2) specified interval 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) specified information means information specified from time to time in the AIP or by ATC, as information that must be broadcast in that airspace.~~
- (d) ~~The Director may require in an authorisation issued under Part 102, that a particular person must not operate a remotely piloted aircraft unless that person—~~
- ~~(1) satisfies the requirements of paragraphs (a) and (b); and~~
  - ~~(2) complies with the conditions of the authorisation.~~

- ~~(e) The Director may require in an authorisation issued under Part 102, with regard to a particular remotely piloted aircraft or type of remotely piloted aircraft, that a person must not operate the remotely piloted aircraft unless that person —~~
- ~~(1) satisfies the requirements of paragraphs (a) and (b); and~~
  - ~~(2) complies with the conditions of the authorisation.~~

### **101.225 Prohibited operations**

- (a) No person may operate ~~a remotely piloted~~ an aircraft to which this Subpart applies in a careless or reckless manner so as to endanger or is likely to be an endangerment to aviation safety and security or the safety and security of any person or property.
- (b) No person may operate ~~a remotely piloted~~ an aircraft to which this Subpart applies while that person is operating a moving vehicle, vessel or manned aircraft.

### **101.227 Prohibited psychoactive substances**

- (a) No person may ~~act~~ operate or attempt to operate an aircraft to which this Subpart applies or act as ~~a remote pilot, crew member or an observer, of a remotely piloted aircraft~~ or attempt to perform any other safety critical role —
- (1) in a state of intoxication; or
  - (2) within 12 hours of consuming any alcoholic beverage; or
  - (3) in a state of health in which the person's capacity to perform their duties would be impaired by reason of having consumed or used any alcohol, drugs or other psychoactive substances.
- (b) Where the Director has reasonable grounds to believe a person of violating the requirements of paragraph (a), that person must submit to a test required by the Director for the presence of alcohol, drugs and other psychoactive substances.
- (c) The test required by paragraph (b) must be conducted by a person authorised for the purpose by the Director within 4 hours of the person acting or attempting to act in their assigned role.

### **101.229 Inspection and Compliance**

- (a) A person who owns or operates ~~a remotely piloted~~ an aircraft to which this Subpart applies must, upon request, make available to the Director —
- (1) ~~the remote pilot~~ person's aviation qualifications, if applicable; and
  - (2) ~~the remotely piloted~~ aircraft type rating, if applicable; and
  - (3) any other documents, records or reports required under the rules.
- ~~(b) The Director may conduct any test or inspection of the remotely piloted aircraft system, and persons associated with aircraft operations including visual observers, to determine compliance with the rules.~~