

Explanatory Statement

Civil Aviation Safety Regulations 1998

CASA 55/20 — Operation of Certain Unmanned Aircraft Directions 2020

Purpose

The purpose of *CASA 55/20 — Operation of Certain Unmanned Aircraft Directions 2020* (the **instrument**) is to issue directions to regulate the operation of certain unmanned aircraft in the interests of safety, particularly in relation to the operation of unmanned aircraft in the area of emergency operations, and certain unmanned aircraft near aerodromes, and near people not associated with the operation of the aircraft.

Legislation

Section 98 of the *Civil Aviation Act 1988* (the **Act**) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation. Relevantly, the Governor-General has made the *Civil Aviation Safety Regulations 1998* (**CASR**).

Part 101 of CASR deals with the safety regulation of unmanned aircraft and rockets. Relevantly for present purposes, Part 101 includes the following Subparts:

- Subpart 101.A — Preliminary
- Subpart 101.B that imposes a general prohibition on the hazardous operation of unmanned aircraft
- Subpart 101.C that imposes a range of obligations in relation to the operation of unmanned aircraft generally
- Subpart 101.D that comprises specific provisions for the regulation of tethered balloons and kites
- Subpart 101.E that comprises specific provisions for the regulation of unmanned free balloons
- Subpart 101.F that comprises specific provisions for the regulation of remotely piloted aircraft (**RPA**)
- Subpart 101.G that comprises specific provisions for the regulation of model aircraft
- Subpart 101.H that comprises specific provisions for the regulation of rockets
- Subpart 101.I that comprises specific provisions for the regulation of fireworks displays.

On 30 September 2020, the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft — Registration and Accreditation) Regulations 2019* (the **Amendment Regulations**) commenced. The amendments made to Part 101 of CASR included the insertion of new regulations 101.021, 101.022 and 101.023 into Subpart 101.A.

Regulation 101.021 of CASR defines **RPA** as meaning a remotely piloted aircraft, other than the following: a balloon, a kite, a model aircraft.

Regulation 101.022 defines the different types of RPA. The term **micro RPA** is defined to mean an RPA with a gross weight of not more than 250 g.

Regulation 101.023 defines a **model aircraft** as follows:

- (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*.
- (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).

These provisions replace the previous definitions of these terms in the CASR Dictionary, which were as follows:

- **micro RPA**: defined as an RPA with a gross weight of 100 g or less
- **model aircraft**: defined as an aircraft that is used for sport or recreation, and cannot carry a person
- **RPA**: defined as a remotely piloted aircraft, other than a balloon or a kite.

Regulation 101.005 states the applicability of Part 101. Subregulation (3) states the operations of specified unmanned aircraft to which Subparts 101.C to 101.I do not apply.

Regulation 101.029 provides for CASA to grant approvals in respect of provisions that refer to a person holding an approval under regulation 101.029. Regulation 101.030 is not a provision to which regulation 101.029 applies.

Subregulation 101.030 (1) provides for CASA to approve areas (**approved areas**) in which unmanned aircraft generally, a particular class of unmanned aircraft, or rockets may be operated. Subregulation 101.030 (2) provides that the classes of unmanned aircraft are: tethered balloons and kites, unmanned free balloons, RPA, and model aircraft.

In Subpart 101.B, regulation 101.055 creates offence provisions for the hazardous operation of unmanned aircraft in specified circumstances. It applies to all unmanned aircraft and rockets that are not aircraft.

In Subpart 101.C:

- regulation 101.070 prohibits a person to operate an unmanned aircraft above 400 feet (*ft*) above ground level (*AGL*) in controlled airspace except in an approved area for the aircraft and in accordance with air traffic control clearance
- regulation 101.075 prohibits a person to operate an unmanned aircraft above 400 ft AGL within 3 nautical miles (*NM*) of an aerodrome, or over an area that is the movement area or runway of an aerodrome or over an area that is the approach or departure path of an aerodrome, unless permitted under Part 101 or by a permission under regulation 101.080
- regulation 101.085 prohibits a person to operate an unmanned aircraft above 400 ft AGL except in an approved area or as otherwise permitted under Part 101.

In Subpart 101.F:

- regulation 101.235 relevantly provides that the Subpart does not apply to the operation of very small RPA, small RPA or medium RPA
- regulation 101.237 defines “excluded RPA” by reference to a range of operations for RPA: generally the larger the RPA the more restricted the range of operations in which the RPA will be an excluded RPA
- regulation 101.238 prescribes “standard RPA operating conditions”, compliance with which renders an RPA an “excluded RPA” in circumstances prescribed in regulation 101.237
- regulation 101.245 prohibits the operation of RPA within 30 metres of a person who is not directly associated with the operation of the RPA: the prohibition does not apply to certain RPA airships, or if the person is standing behind the RPA while it is taking off, or in relation to the operation of certain RPA to within 15 metres of the person with the person’s consent
- regulation 101.250 prohibits the operation of a very small, small or medium RPA outside an approved area unless the RPA stays clear of populous areas and, if the RPA is operated above 400 ft AGL, with CASA’s approval
- regulation 101.252 and Division 101.F.3 create a scheme for persons to operate RPA that are not excluded RPA when they hold a remote pilot licence: the scheme imposes competency requirements and conditions on the exercise of the privileges of the licence
- regulation 101.270 and Division 101.F.4 create a scheme for persons to operate RPA that are not excluded RPA when they are certified as an RPA operator: the scheme regulates a range of commercial operations and operation of larger RPA and imposes competency requirements and conditions on the exercise of the privileges of the certification.

In Subpart 101.G:

- regulation 101.395 relevantly prohibits the operation of model aircraft within 30 metres of a person who is not directly associated with the operation of the aircraft: the prohibition does not apply if the person is standing behind the aircraft while it is taking off, or in relation to a person who is judging the aircraft as part of a model aircraft flying competition
- regulation 101.400 prohibits the operation of a model aircraft outside an approved area above 400 ft AGL unless the aircraft is kept in sight and is kept clear of populous areas.

In Subpart 101.H:

- regulation 101.440 prohibits the launch of prescribed rockets above 400 ft AGL within 3 NM of an aerodrome, or over an area that is the movement area or runway of an aerodrome or over an area that is the approach or departure path of an aerodrome, unless permitted under Part 101 or by a permission under regulation 101.445
- regulation 101.455 prohibits the launch of a rocket that is not a model rocket to higher than 400 ft AGL except in an approved area or as permitted under Part 101.

Subpart 101.I prohibits the use of firework projectiles above 400 ft AGL except with CASA approval.

Relevantly for the present instrument, Part 101 does not regulate:

- the operation of unmanned aircraft operated for recreation or sport purposes in an area under the control of an emergency authority, for example, a bushfire zone; or
- how many excluded RPA or model aircraft a person may operate at a single time.

Subpart 11.G of CASR provides for CASA to issue directions in relation to matters affecting the safety of air navigation. Under paragraph 11.245 (1) (a) of CASR, CASA may, by instrument, issue a direction about any matter affecting the safe navigation and operation of aircraft. Subregulation 11.245 (2) of CASR provides that CASA may issue such a direction if CASA is satisfied that it is necessary to do so in the interests of the safety of air navigation, if the direction is not inconsistent with the Act, and for the purposes of CASA's functions.

Under paragraph 11.250 (a) of CASR, a direction under regulation 11.245 ceases to be in force on the day specified in the direction. Under regulation 11.255, it is an offence of strict liability to contravene a direction under regulation 11.245.

Background

The instrument replaces instrument CASA 96/17, *Direction — Operation of certain unmanned aircraft (CASA 96/17)*. CASA 96/17 was made in October 2017 in response to potential aviation safety risks identified as a result of the exponential growth of the operation of RPA, commonly known as “drones”, and the community concern expressed about risks to the safety of manned aircraft caused by the operation of unmanned aircraft.

In 2017, CASA identified that Part 101 of CASR was not sufficiently prescriptive or clear in relation to some types of unmanned aircraft operations. CASA identified that the requirement to not operate an RPA 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 is found only within the “standard RPA operating conditions”. These conditions do not apply in a range of circumstances, including the operation of unmanned aircraft generally for recreational or sport purposes. CASA had previously received reports of emergency operations involving manned aircraft being interrupted due to an unauthorised RPA operating in the emergency area.

CASA considers it paramount to prohibit operation of unmanned aircraft near such emergency or public safety operations unless approved by the person in charge of the operation. Such operations often involve rescue and/or firefighting aircraft operating at low level and in reduced visibility such that obstruction or impact by them with an unmanned aircraft would be a significant risk to aviation safety. Similarly, many emergency service organisations deploy their own unmanned aircraft under the authorisations held by each organisation.

At the same time, CASA seeks to clarify and simplify the requirements for operation of unmanned aircraft, particularly near aerodromes, near other people, and above 400 ft AGL.

On 30 September 2020, the Amendment Regulations changed the definitions of *model aircraft* and *micro RPA* in Part 101 of CASR. Micro RPAs were redefined from meaning RPA weighing 100 g or less to meaning RPA weighing not more than 250 g. Subpart 101.G — Model Aircraft no longer applies to model aircraft weighing more than 250 g (previously it did not apply to model aircraft weighing more than 100 g). These definitions and weight classifications are to align with the introduction by the Amendment Regulations of the registration and accreditation scheme for model aircraft and RPA.

The directions in the instrument are an interim, precautionary measure. Now the Amendment Regulations have commenced, CASA proposes to develop further amendments to Part 101 of CASR to address the issues currently addressed by the directions. It is anticipated that these amendment regulations will be made by the end of 2021, if not earlier, at which time this instrument will be repealed.

Overview of instrument

The directions in the instrument are substantially the same as those in instrument CASA 96/17 except for some changes made to reflect the new RPA and model aircraft weight classifications that were introduced by the Amendment Regulations.

Firstly, the directions relating to the operation of unmanned aircraft near aerodromes now do not apply to model aircraft with a gross weight of not more than 250 g. Secondly, the direction relating to the operation of RPA near people now refers to the operation of RPA *or model aircraft* near people, so that the 30-metre rule is consistent for all RPA and model aircraft. Also, the distance of 30 metres referred to in that direction now relates to a distance of 30 metres from the point on the ground *or surface of the water* directly below the aircraft. The need for these changes was identified as part of a review of the operation of CASA 96/17.

The instrument applies to unmanned aircraft generally, other than those lower risk unmanned aircraft operations mentioned in subregulation 101.005 (3) of CASR. Directions under regulation 11.245 of CASR are issued in relation to specified kinds of unmanned aircraft. In particular, all the directions apply to RPA and model aircraft that are otherwise not caught by some of the regulatory provisions in Part 101 of CASR.

The directions relate variously to operations near aerodromes, operations higher than 400 ft AGL, operations over areas in which emergency operations are being conducted,

operations of RPA and model aircraft near people, and operating multiple model aircraft and RPA.

CASA has assessed the impact the instrument will have on aviation safety and is satisfied that it will protect aviation safety as it prohibits the operation of unmanned aircraft in areas in which their operation may result in risk to the safety of other aircraft.

Content of instrument

Section 1 states the name of the instrument.

Section 2 states the duration of the instrument. The instrument commences on 1 October 2020 and is repealed at the end of 31 March 2022.

Section 3 sets out definitions for the instrument. The definition of ***helicopter landing site (HLS)*** reflects the definition in international standards.

The term “non-controlled aerodrome” is used in the instrument to differentiate the requirements applicable to controlled aerodromes, and also to capture HLSs that are not located at controlled aerodromes. ***Controlled aerodrome*** is defined in section 2 of CAR as meaning an aerodrome to which a determination under paragraph 5 (1) (e) of the *Airspace Regulation 2007* applies.

Subsection 3 (2) extends the meaning of “aware” in the instrument that is used in the context of a person being aware that a manned aircraft is operating at an aerodrome. Subsection (2) has effect to deem a person to be aware of an aircraft if a reasonable person ought to have been aware of the aircraft.

Section 4 states the application of the instrument. The instrument does not apply to the operation of unmanned aircraft mentioned in subregulation 101.005 (3) of CASR, namely:

- control-line model aircraft
- model aircraft or unmanned airships operated indoors
- small balloons within 100 metres of a structure and not above the top of the structure
- unmanned tethered balloons that remain below 400 ft AGL
- firework rockets not capable of rising more than 400 ft AGL.

Section 5 relates to the operation of unmanned aircraft near controlled aerodromes. Subsection 5 (1) directs a person not to control an unmanned aircraft within 3 NM of the movement area of a controlled aerodrome. The direction intends to capture the area of 3 NM from any part of such a movement area. The direction extends the restriction on operation of unmanned aircraft near aerodromes imposed in regulation 101.075 as the direction operates to limit the operation of such aircraft at any height, not only operations above 400 ft AGL. This is to mitigate risks to manned aircraft associated with unmanned aircraft that are not effectively controlled by operators and to provide a simpler rule for the operation of unmanned aircraft near controlled aerodromes. The direction will provide pilots of manned aircraft and air traffic controllers confidence that flights to and from controlled aerodromes will not be impacted by unmanned aircraft operations, and a more easily enforced rule in the event of unauthorised operations.

A note to subsection 5 (1) identifies the *Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument*, as in force from time to time (the ***Determination***), as the source of aerodromes that are controlled aerodromes. The Determination is a legislative instrument made under section 5 of the *Airspace Regulations 2007* that prescribes aerodromes that are controlled aerodromes as well as volumes of Australian airspace in which different operational and control arrangements apply, and is available on the Federal Register of Legislation.

The direction does not apply in the circumstances mentioned in subsections (2) and (3).

Subsection 5 (2) disapplies the direction in respect of the operation of unmanned aircraft in accordance with an “authorisation” under CASR, within the meaning of the word “authorisation” in regulation 11.015 of CASR, or an exemption under CASR, where the authorisation or exemption permits operation of the unmanned aircraft near the aerodrome at which the operation is being conducted.

The subsection also disapplies the direction to the operation of an unmanned aircraft in an area that is approved under regulation 101.030 of CASR, if the operation is conducted in accordance with the terms of the approval.

The subsection also disapplies the direction to operation of RPA by the holder of a remote pilot licence under the auspices of a certified RPA operator, in accordance with the privileges and limitations of the remote pilot licence and the certification of the RPA operator. The direction still applies to the operation of an RPA by the holder of a remote pilot licence who is controlling the RPA for other purposes, for example, sport or recreation.

Subsection 5 (3) disapplies the direction to the operation of other specified kinds of unmanned aircraft.

Section 6 relates to the operation of unmanned aircraft near ***non-controlled aerodromes***, as defined in the instrument. The rationale for the directions in the section is the same as stated in relation to the direction in section 5.

Subsection 6 (1) directs a person not to launch an unmanned aircraft within 3 NM 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.

Subsection 6 (2) applies if a person is controlling an unmanned aircraft within 3 NM of the movement area of a controlled aerodrome. If the person then becomes aware that an unmanned aircraft is operating to or from the aerodrome, the person is directed to immediately ensure the aircraft is safely manoeuvred away from the path of the manned aircraft and to land the aircraft as soon as safely possible.

This will ensure that persons operating unmanned aircraft are subject to precautionary requirements in circumstances where a manned aircraft is operating close enough to the unmanned aircraft for the person to be aware of it, without imposing requirements to avoid manned aircraft that may be operating near the aerodrome but not near the unmanned aircraft.

The state of “awareness” in the directions is affected by subsection 3 (2) and ensures that operators of unmanned aircraft cannot avoid the safety requirements as a result of wilful blindness about a nearby manned aircraft.

The directions intend to capture the area of 3 NM from any part of such a movement area.

The directions do not apply in the circumstances mentioned in subsections 6 (3) and (4).

Subsection 6 (3) disapplies the directions in respect of the operation of unmanned aircraft in accordance with an “authorisation” under CASR, within the meaning of the word “authorisation” in regulation 11.015 of CASR, or an exemption under CASR, where the authorisation or exemption permits operation of the unmanned aircraft near the aerodrome at which the operation is being conducted.

The subsection also disapplies the direction to the operation of an unmanned aircraft in an area that is approved under regulation 101.030 of CASR, if the operation is conducted in accordance with the terms of the approval.

The subsection also disapplies the directions to operation of RPA by the holder of a remote pilot licence under the auspices of a certified RPA operator, in accordance with the privileges and limitations of the remote pilot licence and the certification of the RPA operator. The direction still applies to the operation of an RPA by the holder of a remote pilot licence who is controlling the RPA for other purposes, for example, sport or recreation.

Subsection 6 (4) disapplies the directions to the operation of other specified kinds of unmanned aircraft.

Section 7 relates to the operation of unmanned aircraft higher than 400 ft AGL.

Subsection 7 (1) directs a person not to control an unmanned aircraft higher than 400 ft AGL.

Subsection 7 (2) states circumstances in which the direction does not apply, including the operation of unmanned aircraft in accordance with Subparts 101.D, 101.E and 101.H of CASR.

Subsection 7 (2) also disapplies the direction in respect of the operation of unmanned aircraft in accordance with an “authorisation” under CASR, within the meaning of the word “authorisation” in regulation 11.015 of CASR, or an exemption under CASR, where the authorisation or exemption permits operation of the unmanned aircraft higher than 400 ft AGL.

The subsection also disapplies the direction to the operation of an unmanned aircraft in an area that is approved under regulation 101.030 of CASR, if the operation is conducted in accordance with the terms of the approval.

The subsection also disapplies the directions to operation of RPA by the holder of a remote pilot licence under the auspices of a certified RPA operator, in accordance with

the privileges and limitations of the remote pilot licence and the certification of the RPA operator. The direction still applies to the operation of an RPA by the holder of a remote pilot licence who is controlling the RPA for other purposes, for example, sport or recreation.

Paragraph (f) of subsection 7 (2) also disapplies the directions to operation of a model aircraft in accordance with an approval given by CASA for the purpose of the paragraph. CASA will assess applications for a person to operate model aircraft above 400 ft AGL on a case by case basis by reference to safety considerations. A decision by CASA to refuse to grant an approval is subject to merits review by the Administrative Appeals Tribunal.

The direction is not disapplied with respect to micro RPA.

The direction consolidates and simplifies the rules relating to the maximum operating height for unmanned aircraft and extends the rule in regulation 101.400 relating to model aircraft.

Section 8 relates to the operation of unmanned aircraft in the area of emergency operations.

Subsection 8 (1) directs that a person must not control an unmanned aircraft over an area where a fire, police or other public safety or emergency operation is being conducted. The direction ensures the appropriate safety regulation of all operation of unmanned aircraft over public safety or emergency operations. The direction is intended to ensure that emergency operations can be conducted efficiently and safely, with particular regard to the discretion of the emergency authorities to control aviation activities in the area as part of the emergency response.

Subsection 8 (2) states that the direction does not apply if the operation of the unmanned aircraft is approved by the person in control of the emergency operation, including in circumstances where the emergency response would not be affected by the operation of unmanned aircraft in the area. This direction otherwise covers all unmanned aircraft to which the instrument applies (see section 4).

Section 9 relates to the operation of RPA or model aircraft near people. Subsection 9 (1) directs that a person controlling an RPA or model aircraft must ensure that the aircraft is not operated less than 30 metres from a person unless the person has duties essential to the control or navigation of the aircraft. It gives a more restrictive but clearer requirement than that presently expressed in Part 101 in relation to RPA. Notably, it extends the present restrictions in CASR concerning operation of RPA near people by overriding the right in subregulation 101.245 (3) to operate an RPA up to 15 metres of a person in the circumstances prescribed in the subregulation.

The formulation of the direction is similar to the definition of *flight crew member* in the CASR Dictionary and is intended to clarify the direct link between a person who is close to the aircraft and that person's role in the control of the RPA or model aircraft.

An intention of the direction is to clarify the intention of regulation 101.245 that RPA should not be operated near persons who may be associated with the person controlling

an RPA but who are not associated with the control of the RPA, for example, a person being photographed or filmed by the RPA.

Subsection 9 (2) explains that the measurement of 30 metres is taken in every direction from the point on the ground or surface of the water directly below the aircraft at any given time. This clarifies the existing requirement in Part 101 in relation to the operation of RPA. The inclusion of the reference to the point on the ground *or surface of the water* clarifies that the direction does not only apply to over ground operations.

The direction does not apply in the circumstances mentioned in subsection 9 (3). The first circumstance is the operation of an RPA or model aircraft in accordance with an “authorisation” under CASR, within the meaning of the word “authorisation” in regulation 11.015 of CASR, or an exemption under CASR, where the authorisation or exemption permits operation of the unmanned aircraft less than 30 metres from another person. Relevantly, an “authorisation” mentioned in subsection (3) includes an approval under regulation 101.029 of CASR granted for regulation 101.245.

This first circumstance in which the direction does not apply will permit people who have legitimate reasons to operate an RPA or a model aircraft under Subpart 101.F near people to seek approval for such operations, subject to an assessment of safety risks.

The second circumstance is if the person is controlling an RPA that is an airship that approaches no closer to the second person than 10 metres horizontally and 30 ft vertically. Therefore, subsection 9 (3) disapplies the direction in the circumstances mentioned in subregulation 101.245 (4) for RPA to which Subpart 101.F applies. The direction is not disapplied in respect of micro RPA generally.

Section 10 relates to the operation of a single RPA or model aircraft. Subsection 10 (1) directs that a person piloting an RPA or model aircraft may only pilot 1 aircraft at a time. The direction reflects the limitation on the holders of remote pilot licences in subregulation 101.300 (5) that is appropriate to apply to other operators of RPA and model aircraft. The direction applies to micro RPA.

The direction does not apply in relation to the operation of an RPA in accordance with an “authorisation” under CASR, within the meaning of the word “authorisation” in regulation 11.015 of CASR, or an exemption under CASR, where the authorisation or exemption permits a person to control multiple RPA or model aircraft.

Legislation Act 2003 (the LA)

Paragraph 98 (5A) (a) of the Act provides that CASA may issue instruments in relation to matters affecting the safe navigation and operation or the maintenance of aircraft. Additionally, paragraph 98 (5AA) (a) of the Act provides that an instrument issued under paragraph 98 (5A) (a) is a legislative instrument if the instrument is expressed to apply in relation to a class of persons, and paragraph 98 (5AA) (b) of the Act provides that an instrument issued under paragraph 98 (5A) (a) is a legislative instrument if the instrument is expressed to apply in relation to a class of aircraft.

The instrument directs a class of persons in relation to the operation of a class of aircraft. The instrument is, therefore, a legislative instrument, and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Consultation

CASA consulted in 2017 with industry stakeholders in relation to CASA 96/17, the instrument this instrument replaces. Direct consultation was undertaken with the Australian Association for Unmanned Systems, Australian Certified UAV Operators Inc., Australian Miniature Aerosports Society Inc. and Model Aeronautical Association of Australia Inc. In addition, CASA consulted with members of the former Unmanned Aircraft Systems Sub Committee that was established under CASA's previous consultation framework as a forum to discuss unmanned aircraft policy issues.

While some specific suggestions were made in relation to the instrument that CASA is addressing through other mechanisms, the feedback on the draft instrument was positive.

The directions in the instrument are substantially the same as those in CASA 96/17, with only minor changes made to reflect the new weight classifications for unmanned aircraft introduced by the Amendment Regulations and to clarify the operation of the 30-metre rule. The changes would not impose any additional imposition on operators. Given this, CASA is satisfied that no consultation is appropriate or reasonably practicable for this instrument for section 17 of the LA.

Sector risk, economic and cost impact

Subsection 9A (1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration. Subsection 9A (3) states that, subject to subsection 9A (1), in developing and promulgating aviation safety standards under paragraph 9 (1) (c), CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and
- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses and the community to incur. The economic impact of a standard refers to the impact a standard would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

The instrument replaces a repealing instrument and there will be no change to the economic or cost impact on individuals, businesses or the community. The Office of Best Practice Regulation (**OBPR**) has also made an assessment that a Regulation Impact Statement (**RIS**) is not required for directions.

Office of Best Practice Regulation

A RIS is not required in this case, as the instrument is covered by a standing agreement between CASA and OBPR under which a RIS is not required for directions (OBPR id: 14507).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 1 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Making and commencement

The instrument has been made by a delegate of CASA relying on the power of delegation under subregulation 11.260 (1) of CASR.

The instrument commences on 1 October 2020 and is repealed at the end of 31 March 2022.

Attachment 1**Statement of Compatibility with Human Rights**

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

CASA 55/20 — Operation of Certain Unmanned Aircraft Directions 2020

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

This legislative instrument gives directions to regulate the operation of certain unmanned aircraft in the interests of safety, particularly in relation to the operation of unmanned aircraft in the area of emergency operations, near aerodromes, and near people not associated with the operation of the aircraft.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority