



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX10/24

I, MARK TREVOR AYREY, Acting National Manager Regulatory Services, Regulatory Oversight Division, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

### [Signed M. Ayrey]

Mark Ayrey  
Acting National Manager Regulatory Services  
Regulatory Oversight Division

19 March 2024

## **CASA EX10/24 — Remotely Piloted Aircraft Operation Near People and Over Populous Areas (Wing Aviation) Instrument 2024**

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### **1 Name**

This instrument is *CASA EX10/24 — Remotely Piloted Aircraft Operation Near People and Over Populous Areas (Wing Aviation) Instrument 2024*.

### **2 Repeal of instruments CASA EX78/23 and CASA EX79/23**

The following instruments are repealed:

- (a) *CASA EX78/23 — Remotely Piloted Aircraft Operation over Approved Area of Canberra (Wing Aviation) Instrument 2023*;
- (b) *CASA EX79/23 — Remotely Piloted Aircraft Operation over Approved Area of Logan City, Queensland (Wing Aviation) Instrument 2023*.

### **3 Definitions**

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **remote pilot licence** and **RPA**.

In this instrument:

**approved operating area** means an operating area approved by CASA under paragraph 101.030(1)(a) of CASR as an area for the operation of relevant aircraft by Wing Aviation, whether the approval occurred before or after the commencement of this instrument, provided that the approval remains in force.

*Note* Under subregulation 101.030(8) of CASR, CASA may revoke the approval of an area, or change the conditions that apply to an approval, in the interests of the safety of air navigation.

**delivery activity** means operations conducted by Wing Aviation as part of its “Drone delivery” program that are limited to the operation of relevant aircraft for, or in connection with, the delivery of goods to any person who has:

- (a) applied in writing to Wing Aviation, using the Wing Aviation smart phone delivery application or any other smart phone delivery application used by Wing Aviation, to become a participant in the delivery activity; and

- (b) been approved by Wing Aviation, using the delivery application by which the person applied to become a participant, as a participant in the delivery activity; and
- (c) requested a specific delivery, using the smart phone delivery application by which the person was approved as a participant, to a pre-approved delivery location within an approved operating area.

***documented practices and procedures*** has the same meaning as in paragraph 101.335(1)(d) of CASR.

***operator remote pilot*** means a holder of a remote pilot licence who is an employee of, or another person acting under the instruction of, Wing Aviation.

*Note* A person who was certified as a UAV controller as of 28 September 2016 is taken to have been granted a remote pilot licence under regulation 101.295 of CASR — see subregulation 202.461(3) of CASR.

***relevant aircraft*** means any of the following aircraft operated by Wing Aviation under its certification as an RPA operator:

- (a) any Hummingbird Quiet Hover Propulsion aircraft;
- (b) any other RPA of a kind approved in writing by CASA for this instrument.

*Note* A person who was certified as a UAV operator as of 28 September 2016 is taken to have been certified as an RPA operator — see subregulation 202.462(3) of CASR.

***Wing Aviation*** means Wing Aviation Pty Ltd, ARN 1046704.

*Note* As at commencement of this instrument, Wing Aviation holds RPA Operator's Certificate Number CASA.ReOC.1309, Revision No: 4, which will expire on 31 July 2026.

## 4 Application

This instrument applies in relation to:

- (a) Wing Aviation if it operates a relevant aircraft in or over an approved operating area for the purposes of the delivery activity; and
- (b) each operator remote pilot who operates under the authority of the certificate as an RPA operator under Division 101.F.4 of CASR (ReOC) held by Wing Aviation.

## 5 Exemption — operating near people

- (1) Wing Aviation and the operator remote pilot of a relevant aircraft are exempt, while operating a relevant aircraft in or over an approved operating area, from compliance with subregulation 101.245(1) of CASR to the extent that the subregulation requires that a person must not operate a relevant aircraft within 30 metres of a person who is not directly associated with the operation of the relevant aircraft.
- (2) The exemption of Wing Aviation in subsection (1) is subject to the conditions that are mentioned in sections 8 and 9.

*Note* In addition to complying with the conditions mentioned in sections 8 and 9, Wing Aviation and the operator remote pilot of the relevant aircraft are required by regulation 11.077 of CASR to comply with any conditions imposed on the approval of an approved operating area in which Wing Aviation is operating. (Such an approval is an “authorisation” within the meaning of Part 11 of CASR.)

- (3) The exemption in subsection (1) ceases to be in force at the end of 31 July 2026.

## 6 Exemption — operating over populous areas

- (1) Wing Aviation and the operator remote pilot of a relevant aircraft are exempt, while operating a relevant aircraft in or over an approved operating area, from compliance with subregulation 101.280(2) of CASR to the extent that the

subregulation requires that a person must not operate a relevant 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.

- (2) The exemption of Wing Aviation in subsection (1) is subject to the conditions mentioned in sections 8 and 9.

*Note* In addition to complying with the conditions mentioned in sections 8 and 9, Wing Aviation and the operator remote pilot of the relevant aircraft are required by regulation 11.077 of CASR to comply with any conditions imposed on the approval of an approved operating area in which Wing Aviation is operating. (Such an approval is an “authorisation” within the meaning of Part 11 of CASR.)

- (3) The exemption in subsection (1) ceases to be in force at the end of 31 July 2026.

## **7 Exemptions — compliance with documented practices and procedures**

- (1) Wing Aviation is exempt from paragraph 101.340(1)(e) of CASR to the extent that the paragraph requires Wing Aviation to comply with a requirement of its documented practices and procedures that is inconsistent with a requirement under this instrument.
- (2) The exemption in subsection (1) is subject to the condition mentioned in section 9.
- (3) An operator remote pilot is exempt from regulation 101.370 of CASR to the extent that the regulation requires the operator remote pilot to comply with a requirement of the documented practices and procedures of Wing Aviation that is inconsistent with a requirement under this instrument.
- (4) The exemption in subsection (3) is subject to the condition that the operator remote pilot notify the Wing Aviation chief remote pilot in writing of the inconsistency, within 24 hours of becoming aware of the inconsistency.
- (5) For that purpose, the *Wing Aviation chief remote pilot* is the person performing the functions and duties mentioned in regulation 101.342 of CASR for Wing Aviation.
- (6) The exemptions in subsections (1) and (3) cease to be in force at the end of 31 July 2026.

## **8 Operational conditions**

- (1) Wing Aviation must not launch a relevant aircraft from a site unless the location of that launch site has been notified to CASA in writing.
- (2) Wing Aviation must not use a site for the recovery of a relevant aircraft unless the location of the site has been notified to CASA in writing as a site intended to be used for the recovery of a relevant aircraft.

## **9 Regulatory condition**

In the event of an inconsistency between the documented practices and procedures of Wing Aviation and this instrument, Wing Aviation must:

- (a) comply with this instrument to the extent of the inconsistency; and
- (b) notify CASA in writing of the inconsistency within 2 business days of becoming aware of the inconsistency.

## **10 Directions — keeping records about delivery activity**

- (1) Wing Aviation must ensure that a record is created of the following information about delivery activity during each month in which the exemptions in sections 5 to 7 are in force:
  - (a) the total number of incidents;

- (b) the total number of accidents;
- (c) in relation to each incident or accident:
  - (i) a description of the incident or accident; and
  - (ii) an analysis of causal factors relating to the incident or accident; and
  - (iii) the corrective actions identified for the incident or accident and the extent to which those corrective actions have been implemented; and
  - (iv) if a relevant aircraft involved in the incident or accident was recovered from a site other than an intended recovery site notified to CASA — the location of the site at which the aircraft was recovered.
- (2) Wing Aviation must:
  - (a) ensure that the record required to be made by this section is created within 30 days of the month to which it relates and that the record specifies the date on which it was created; and
  - (b) keep the record in a secure location for 7 years from that date.

*Note* For regulation 11.250 of CASR, the directions in section 10 cease to be in force at the end of 31 July 2033.

## **11 Repeal of this instrument**

This instrument is repealed at the end of 31 July 2033.

*Note* The exemptions in sections 5, 6 and 7, and the exemption conditions in sections 8 and 9, cease to be in force at the end of 31 July 2026. The directions in section 10 are in force until the repeal of this instrument.

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