



**Australian Government**  
**Civil Aviation Safety Authority**

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Instrument number CASA EX113/21

I, WARREN CRAIG MARTIN, Executive Manager, Regulatory Oversight, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

**[Signed C. Martin]**

Craig Martin

Executive Manager, Regulatory Oversight

16 September 2021

**CASA EX113/21 — Operation of Remotely Piloted Aircraft over Populous Areas (NSW Police Force) Instrument 2021**

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**1 Name**

This instrument is *CASA EX113/21 — Operation of Remotely Piloted Aircraft over Populous Areas (NSW Police Force) Instrument 2021*.

**2 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: **RPA**.

In this instrument:

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

***operating certificate holder*** means the person who has been certified as an RPA operator in relation to an RPA operated by a remote pilot.

***populous area*** has the meaning given by regulation 101.025 of CASR.

***remote pilot*** means the holder of a remote pilot licence and includes a person who was certified as a UAV operator as at 28 September 2016 and is taken to have been certified as an RPA operator.

**3 Application**

This instrument applies in relation to the State of NSW represented by NSW Police Force (the ***operator***), ARN 219412, in relation to the operation of an RPA over a populous area, if there are Government-imposed restrictions in place in NSW to reduce or control the spread of COVID-19 that have the effect of:

- (a) restricting the movement of persons in a populous area; or
- (b) restricting the number of persons who may gather in a populous area.

## **4 Exemption**

- (1) The operator and a remote pilot, who operates an RPA over a populous area for the operator, are exempt from compliance with paragraph 101.250 (1) (b) and subregulation 101.280 (2) of CASR.

*Note* For the kinds of RPA operation to which paragraph 101.250 (1) (b) and subregulation 101.280 (2) of CASR apply, see regulation 101.235 of CASR.

- (2) The exemption is subject to the conditions in section 5.
- (3) This section ceases to be in force at the end of 31 August 2022.

## **5 Conditions**

- (1) The remote pilot must ensure that the operation of the RPA complies with documented practices and procedures prepared by the operator as the operating certificate holder and approved by CASA.
- (2) The remote pilot must ensure that, for the operation of an RPA with a gross weight of at least 2 kg but less than 25 kg, the RPA is equipped with the following:
  - (a) a redundant power system;
  - (b) a redundant flight positioning system;
  - (c) blue and red flashing lights that are easily visible to a person on the ground.
- (3) The remote pilot must ensure that, for the operation of an RPA with a gross weight of less than 2 kg:
  - (a) the remote pilot plans to avoid flight over persons; and
  - (b) the RPA is equipped with:
    - (i) a flight positioning system; and
    - (ii) blue and red flashing lights that are easily visible to a person on the ground.
- (4) The remote pilot must ensure that the RPA is launched and recovered from a place that is not a populous area.
- (5) The remote pilot must ensure a listening watch is maintained on the appropriate frequency in the area of operation.
- (6) If at any time the remote pilot identifies a person within 30 m of the RPA, relative to the point on the ground directly below the RPA, the remote pilot must manoeuvre the RPA to a point at least 30 m away from the person.

## **6 Directions**

- (1) The operator must ensure that the remote pilot complies with the conditions in section 5.
- (2) The operator as the operating certificate holder must ensure that its documented practices and procedures ensure the following:
  - (a) that a remote pilot who operates an RPA under this instrument meets specified criteria;
  - (b) that the qualifications of remote pilots operating under this instrument are recorded and maintained;
  - (c) that all records relating to operations under this instrument are kept for a period of at least 7 years.
- (3) If there is a change in the operator's documented practices and procedures, the operator must immediately give CASA the details of the change in writing.
- (4) This section, other than paragraph (2) (c), ceases to be in force at the end of 31 August 2022.

## **7 Repeal**

This instrument is repealed at the end of 31 August 2029.

*Note* The exemption in section 4, the exemption's conditions in section 5 and the directions in section 6, other than the direction in paragraph 6 (2) (c), cease to be in force at the end of 31 August 2022. For paragraph 11.250 of CASR, the direction in paragraph 6 (2) (c) is in force until the repeal of this instrument.

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