



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX108/21

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

17 September 2021

CASA EX108/21 — Operation of Remotely Piloted Aircraft over Populous Areas (WA Police Force) Instrument 2021

1 Name

This instrument is *CASA EX108/21 — Operation of Remotely Piloted Aircraft over Populous Areas (WA 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 Western Australia represented by the Commissioner of Police (the ***operator***), ARN 214921, in relation to the operation of an RPA over a populous area, if there are Government-imposed restrictions in place in Western Australia 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 30 September 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 30 September 2022.

7 Repeal

This instrument is repealed at the end of 30 September 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 30 September 2022. For paragraph 11.250 of CASR, the direction in paragraph 6 (2) (c) is in force until the repeal of this instrument.
