I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the Civil Aviation Safety Regulations 1998.

[Signed S. Carmody]
Shane Carmody
Director of Aviation Safety

27 March 2020

CASA EX59/20 — Operation of Remotely Piloted Aircraft Over Populous Areas (NSW Police Force) Exemption 2020

1 Name
This instrument is CASA EX59/20 — Operation of Remotely Piloted Aircraft Over Populous Areas (NSW Police Force) Exemption 2020.

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. For example: 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 NSW Police Force (the operator) in relation to the operation of an RPA over 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 subregulation 101.280 (2) of CASR.

Note For the kinds of RPA operation to which subregulation 101.280 (2) of CASR applies, see regulation 101.235 of CASR.

(2) The exemption is subject to the conditions in section 5.
5 Conditions

(1) The remote pilot must ensure that the operation of the RPA complies with documented practices and procedures, prepared by 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:
   (i) a redundant power system;
   (ii) a redundant flight positioning system;
   (iii) 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 and the operating certificate holder must ensure that the remote pilot complies with the conditions in section 5.

(2) 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 a written list is made of remote pilots qualified to operate an RPA under this instrument;
   (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 operating certificate holder’s documented practices and procedures, the operating certificate holder must immediately give CASA the details of the change in writing.

7 Repeal

This instrument is repealed at the end of 30 September 2020.

Note For regulation 11.250 of CASR, the directions in section 6 cease to be in force at the end of 30 September 2020.