I, GERARD JOHN CAMPBELL, Executive Manager, Operations Division, a delegate of CASA, make this instrument under regulation 11.160 of the Civil Aviation Safety Regulations 1998 (CASR 1998).

[Signed G.J. Campbell]
Gerard J. Campbell
Executive Manager
Operations Division
18 May 2016

Exemption – operation of UAV at night or near people – Sean Evans Mulcahy

1 Application
This instrument applies to the operation of a multi-rotor, small UAV of less than 7 kgs (the UAV) by Sean Evans Mulcahy trading as Australian Aerial HD, Aviation Reference Number (ARN) 834534 (the operator), when used for aerial advertising, aerial photography, aerial spotting or aerial surveying.

2 Definitions
(1) In this instrument:
Chief Controller means Sean Evans Mulcahy, ARN 834534.
operator’s personnel means a person employed, or engaged, by the operator to assist in the operation of the UAV.
UAV Controller means the Chief Controller, or a person authorised by the Chief Controller to operate the UAV in accordance with clauses 1 and 2 of Schedule 1.

(2) In this instrument, a distance from the UAV is measured from a point on the ground vertically below the UAV.

3 Exemption
When operating the UAV, the operator is exempt from compliance with:
(a) if the UAV is operated at night — paragraph 101.095 (1) (b) of CASR 1998; and
(b) if the UAV is operated near people — regulation 101.245 of CASR 1998.

4 Conditions
The exemption is subject to:
(a) the conditions mentioned in Schedule 1; and
(b) if the UAV is operated at night — the conditions mentioned in Schedule 2; and
(c) if the UAV is operated near people — the conditions mentioned in Schedule 3.
5 Expiry
This instrument expires at the end of May 2019, as if it had been revoked by another instrument.

Schedule 1 General conditions

1 The UAV may only be operated by:
   (a) the Chief Controller; or
   (b) a person authorised by the Chief Controller.

2 Before authorising a person to operate the UAV, the Chief Controller must be satisfied that the person:
   (a) has the knowledge and practical abilities to operate the UAV; and
   (b) has received appropriate training and testing in relation to the operation of the UAV; and
   (c) has been approved by the operator to operate the UAV in accordance with the operator’s operations manual and this instrument.

3 The operator’s operations manual must include procedures for:
   (a) appropriate training and testing of each UAV Controller in relation to the operations conducted under the exemption; and
   (b) recording details of the training and testing undertaken by each UAV Controller; and
   (c) keeping training and testing records for a period of 2 years.

4 CASA may test a UAV Controller about his or her knowledge and practical abilities in relation to operating the UAV in accordance with this instrument.

5 Before operating the UAV, a risk assessment must be carried out by the operator in accordance with the operator’s operations manual.

6 Subject to clause 7, the operator must operate the UAV in accordance with the operator’s operations manual.

7 In the event of any inconsistency between a provision of the operator’s operations manual and this instrument, this instrument prevails to the extent of the inconsistency.

8 Details of this instrument must be included in the operator’s operations manual.

9 The UAV must be fitted with:
   (a) equipment for a GPS hold and return to home function; and
   (b) equipment for a GPS lock with a minimum of 7 GPS satellites.

10 The operator must not operate the UAV outdoors if:
   (a) it is raining; or
   (b) thunderstorms are observed or reported within 5 kilometres of the location of the proposed operation.

Schedule 2 Conditions — operating UAV at night

1 Ground station software must be used to assist in assessing the UAV’s position.

2 Take-off and landing areas must be illuminated, for example, by portable lighting or airfield lighting, so that the position and orientation of the UAV can be established and maintained by visual reference by the UAV Controller.
3 The UAV must have orientation lighting, such as LED lights on the front and rear arms of the UAV.

4 The UAV Controller must ensure that:
   (a) visual line of sight contact with the UAV is maintained at all times; and
   (b) the UAV is only operated in V.M.C.

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Schedule 3  Conditions — operating UAV near people

1 The wind speed, including gusts, at a height of 2 metres AGL at the location of the operation, must not be more than 15 knots.

2 The operator must establish exclusion zones appropriate for the safe operation of the UAV and ensure adequate measures are taken to prevent persons who are not operating personnel encroaching on the exclusion zones at all times when the UAV is operated.

3 In the event of a loss of control of the UAV, the UAV Controller must execute a flight termination in a safe manner wholly within the exclusion zones.

4 The operator must ensure that the UAV Controller is positioned so that the UAV Controller is:
   (a) directly behind the UAV and can observe the entire forward flight path of the UAV; or
   (b) close enough to the subject of the photography to ensure adequate depth perception.

5 Before operating the UAV at a distance within 30 metres of a person who is not one of the operator’s personnel, the operator must ensure that:
   (a) the person is briefed in accordance with the operator’s operations manual; and
   (b) the person is informed of the responses required in an emergency; and
   (c) after the person has been briefed and informed as mentioned in paragraphs (a) and (b), the person has given consent to the operator operating the UAV at a distance between 15 and 30 metres of the person.

6 The operator must not operate the UAV at a distance within 15 metres of a person who is not one of the operator’s personnel.