



Australian Association for Unmanned Systems

**Position Statement on the Amended
CASR 1998 Part 101**

Version: 1.0

15th July 2016



Background and Scope

On the 30th of March 2016 the Civil Aviation Safety Authority (CASA) advised that the amendment to Part 101 of Civil Aviation Safety Regulation (CASR 1998) Part 101 had been registered on the Federal Register of Legislation.

There are numerous and quite significant changes within the regulation, which will come into effect on the 29th September 2016. The regulations have divided the industry. This document describes the Association's position in relation to the amended regulations.



1. Our Position

AAUS have taken a proactive approach to tackling the issues being faced by the industry. Earlier this year we released two surveys seeking your input on the issues being faced by the industry to determine how the Association can better meet your needs. Regulations remain a key issue for our industry.

The new regulations have divided the industry, and in particular the new excluded category, which will see a relaxation of the regulations applied to commercial RPA with a mass less than 2kg and restricted to standard operating conditions. You can read CASA's rationale for the changes in the explanatory statement document [here](#). AAUS has also prepared a "simple guide" to the new regulations, which you can download from the AAUS website here:

- <http://aaus.org.au/resources/Documents/AAUS-Navigating-the-Amended-CASR-Part-101.pdf>

1.1 What is AAUS Position on the New Regulations?

AAUS supports the general risk-based approach adopted by CASA. It is consistent with that adopted in Europe and more recently by the FAA in the United States. It is also consistent with the Federal Government's policy to reduce unnecessary regulation on Australian industry. The approach will hopefully see more regulatory resources being dedicated to addressing higher risks to the RPAS sector, in particular, tackling the issues around the increasing number of hobby RPA users. There are many other important changes to the regulation, which have been over-shadowed by the debate over the excluded categories. In particular the calling up of a manual of standards, which should significantly speed up regulatory reform and standardise the conditions for certain operations (e.g., night flying, operations BVLOS, etc.). Tougher deterrents have been introduced and CASA has even kept the door open for future autonomous operations and the simultaneous operation of more than one RPA. These and many other changes continue to make Australia world leaders of the commercial RPA industry.

1.2 Why Not Tougher Regulations?

Other organisations are challenging the changes to the legislation, calling for tougher regulations on RPA operators. If CASA's analysis of the risks is correct, then there is no legitimate basis for tightening regulations (CASA can only regulate on the basis of safety). Consequently, the perception is that calls for tougher regulations are economically motivated; coming from established operators looking to protect their market niche. It must also be acknowledged that the current regime of regulations is in part to blame for the creation of the "underground" commercial sector. Tougher regulations will only serve to increase their ranks. Those calls for tougher regulations still propose no solution as to how the regulator should go about *practically* enforcing regulations.



1.3 Our Strategy

Regulations are nothing but paper. They are largely reactive measures that do little to prevent unsafe acts from occurring in the first place. We need to tackle these issues proactively across the entire sector. AAUS has a three-pronged strategy to addressing these issues:

- **Closing the Market to Unprofessional Operators** – AAUS is actively reaching out to end users to educate them on the regulations and importantly what to look for when contracting commercial RPAS operators. End users initially targeted include the transport and communications infrastructure providers, media services, local governments, farming federations, and state and Federal real estate associations. The objective is to make end users aware of the risks they take when contracting unprofessional (and sometimes illegal) RPAS operators, and in turn, reduce demand for their services.
- **Fostering Airmanship** – AAUS is in the process of establishing a professional code of conduct for all commercial operators. The initial focus will be on operators in the new “excluded categories”. The codes of conduct will cover general principles of airmanship, privacy management, and flying neighbourly, as well as basic organisational requirements for insurance and the implementation of safety management practices. Adhering to these codes of conduct will allow operators to access discounts on insurance and provide them with independent accreditation as a professional member of the industry, which they can take to their clients. At CivSec 2016 AAUS held an “educational” session, providing any person (member or not) advice and guidance in relation to the new regulations, legal, and privacy matters. You will see similar events in the future. I encourage you to review the presentations (member log in required) on our website:

<http://aaus.org.au/page-18099>

- **Inclusive Environment** – Rather than isolate and stereotype the new “excluded” sector, AAUS’ aim is to bring them into the fold of the professional industry, and in so doing raise the bar across all sectors. AAUS represents all members of the RPAS industry, from big multi-nationals to single-operator businesses. This is reflected in our new membership categories, which have been specifically targeted towards small to medium owner-operators. Membership costs and benefits have been revised to make membership to the AAUS community affordable and more compelling to all operators. New services like a publicly searchable business directory, advertising, and soon, significantly discounted insurance are all part of this strategy.



1.4 Commercial Impact of New Regulations

The new regulations will reshape the industry and market. There will be increased competition in the very small RPA (< 2kg) space. After an initial inrush of operators, we expect there to be a rapid consolidation of this market. Interestingly enough, the number of applications for RPA Operator's Certificates (ReOCs) has not slowed, despite the announcement of the new regulations. Holding a ReOC is now seen as a commercial advantage. New and existing ReOC holders should focus on those commercial applications "out of reach" of operators in the excluded categories. This is expected to lead to a significant increase in the number of applications for approvals to operate beyond visual line of sight, and above 400 ft AGL. Many established operators are also expected to diversify their fleets and services. I discussed these and other potential impacts in a presentation at CivSec 2016. Members can access the presentation on the AAUS website (log in required):

<http://aaus.org.au/page-18099>

1.5 What Still Needs to be Done?

The new regulations do nothing to directly address what AAUS sees as being the biggest risk to the industry; that posed by recreational / hobby users. Hobby RPA users are subject to the regulations contained in CASR Part 101.G, which is undergoing a separate CASA regulatory review program. The need to protect the public has nothing to do with the amount of money earned, and therefore it is AAUS' position that the rules applicable to hobby RPA operators need to be at least as stringent as those applied to the commercial industry.

In addition to regulatory reform for the hobby sector, there needs to be a strong program of community education, which remains the most effective and proactive tool for addressing the risk. Public advertising, speaking with schools, and community engagement is needed. AAUS has continued to support the social media and point of sale education campaign that is being undertaken by CASA. AAUS has also made continued regular appearances on radio and national TV to push messages of responsible RPAS use out to the broader community. We encourage our members to do the same.

1.6 We are Not Stopping Here

We mustn't lose sight of the fact that we are very fortunate here in Australia, with our current regulations allowing a freedom of operations that other countries still dream of. We can thank these regulations for the industry we have today. However, we need to make sure that regulations continue to keep pace with (or some would argue try to catch up to) the needs of our rapidly evolving industry.

AAUS has actively worked alongside CASA in support of regulatory reform since its founding in 2009. Our mission has remained unchanged: to promote a safe and viable



unmanned systems industry with a key focus of enabling RPAS safe and better access to Australian skies. AAUS remains committed to regulatory reform. We continue to represent the cross-section of our members who all have different regulatory needs (e.g. BVLOS, type certification, operating over populous areas, *etc.*).

AAUS is representing its members at all levels of Government. We regularly meet with the Director of Aviation Safety, and are now participating on the CASA Director's Advisory Panel (DAP) as well as continuing our involvement on the CASA Standards Consultative Committee, UAS Sub-Committee.

1.7 We Can't Do this Alone

We represent you. This year we have been actively engaging our members, seeking input through surveys and question sessions to better understand your needs and issues. Please do not hesitate to contact the Board, we would like to hear from you!

<http://aaus.org.au/Board-of-Directors>

You have the expertise and knowledge, and we at AAUS could only benefit from it. There are only a few of us with our sleeves rolled up doing this on behalf of the industry, and we would very much welcome your expertise and support in operationalising the above strategies. If you would like to get involved, please send an email to info@aaus.org.au.

1.8 Feedback

We welcome your feedback on the above strategies and input on the development of the codes of conduct. Please contact us at info@aaus.org.au. Alternatively, join the discussion on the AAUS LinkedIn Group page:

<https://www.linkedin.com/groups/6737984>

Regards

A handwritten signature in black ink, appearing to read 'Reece Clothier', written in a cursive style.

Dr Reece Clothier

President

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