

CHAPTER 13 OPERATION OF FOREIGN REGISTERED RPA AND MODEL AIRCRAFT

13.01 Permission to operate foreign registered RPA or model aircraft

- (1) This section is for subregulation 101.099 (1) of CASR.
- (2) In this section:

Australian civil aviation legislation means the *Civil Aviation Act 1988* (the *Act*), the regulations made under the Act, and any legislative instruments made under the Act or the regulations.

model glider means a model aircraft that is an unpowered aeroplane.

unmanned aircraft to which this section applies means an RPA or a model aircraft that has been registered under a law of a foreign country but not registered in Australia, and is one of the following:

 - (a) any RPA;
 - (b) a model aircraft (but not a model glider) that has a gross weight greater than 250 g on take-off, but not if the model aircraft is one flown:
 - (i) at a site approved in writing by CASA for model aircraft flight; and
 - (ii) in accordance with the conditions (if any) of the approval.
- (3) Subject to this section and Part 47 of CASR, an unmanned aircraft to which this section applies is not required to be registered in Australia.
- (4) A person must not operate an unmanned aircraft to which this section applies unless the person:
 - (a) has applied to CASA for permission to operate the aircraft, in accordance with the approved form for such applications; and

Note The approved form requires the applicant to supply the details of all of the following for the aircraft (as applicable): any manufacturer's serial number; any electronic identification; any mark or other visual identification attached or displayed.
 - (b) has paid the legislated fee for such a permission; and
 - (c) has obtained the written permission of CASA, and that permission:
 - (i) has not expired; and
 - (ii) has not been revoked under section 13.03; and
 - (iii) is not affected by subsection (5).

Note In the interests of safety, all permissions will be time-limited.
 - (d) operates the aircraft in accordance with the conditions (if any) in the permission; and
 - (e) otherwise complies with the limitations and restrictions on the operation of an unmanned aircraft set out in the Australian civil aviation legislation; and
 - (f) when operating the aircraft, produces the permission, along with photographic identification, on request by an officer of CASA, or of an Australian police service, acting in the course of their official duties.
- (5) If, after permission has been granted, an unmanned aircraft to which this section applies is the subject of an unacceptable modification, the aircraft, as modified, must not be operated unless a new permission under this section is granted for the aircraft in its modified form.
- (6) If an unmanned aircraft to which this section applies is:

- (a) the subject of a permission under this section; and
- (b) subsequently modified; and
- (c) the modification is not an unacceptable modification;

then the permission:

- (d) is taken to apply to the aircraft as modified; and
- (e) ceases to apply to any other aircraft.

Note The effect of subsection (6) is that a permission with respect to an aircraft only ever applies to a single version of the aircraft at any time.

13.02 Renewal of permission to operate foreign registered RPA or model aircraft

A permission granted under section 13.01 may be renewed, or re-issued in an amended form, before or after the permission has expired, if the person who holds or last held the permission applies for the renewal or re-issue of the permission as if section 13.01 applied to the application for the renewal or re-issue.

13.03 Revocation of permission to operate foreign registered RPA or model aircraft

- (1) CASA:
 - (a) subject to paragraph (b), may revoke a permission given to a person to operate an RPA or a model aircraft to which section 13.01 applies (the *aircraft*) in any of the circumstances set out in subsection (2); and
 - (b) must revoke the permission if CASA considers that revocation is necessary in the interests of aviation safety.

- (2) For subsection (1), the circumstances are any of the following:

- (a) where CASA considers that operations under the permission present an unreasonable risk to aviation;
- (b) where CASA considers that the aircraft has been flown in contravention of Australian civil aviation legislation, including paragraph 13.01 (4) (d) or (e);
- (c) where CASA considers that, since the permission was granted, the aircraft has undergone an unacceptable modification;
- (d) where, before a permission issued under section 13.01 expires, the person to whom it was issued requests, in writing, that the permission be revoked;

Note There is no fee for a revocation of this nature.

- (e) where, before a permission issued under section 13.01 expires, CASA has received an application under section 13.01 for permission (a *new permission*) to operate the aircraft from a person (a *new applicant*) other than the person who holds the permission to operate the aircraft (the *old permission holder*) — provided the application is accompanied by a written statement of agreement to the new permission from the old permission holder.
- (3) For subsection (1), CASA's revocation must be by written notice given to the person who holds the permission that is being revoked.

Note For review of a decision to revoke a permission under paragraph 13.03 (1) (a) or (b), see regulation 201.004 of CASR.