

## PART 101 Unmanned aircraft and rocket operations

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## **Subpart 101.A Preliminary**

### **101.005 Applicability of this Part**

- (1) This Part sets out the requirements for the operation of unmanned aircraft (including model aircraft), and (to the extent that the operation of rockets and fireworks affects or may affect the safety of air navigation) the operation of rockets and the use of certain fireworks.
- (2) Nothing in this Part applies to the operation of a manned balloon or a hot air balloon.
- (3) Subparts C to I do not apply to the operation of:
  - (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
  - (b) a model aircraft indoors; or
  - (c) an unmanned airship indoors; or
  - (d) a small balloon within 100 metres of a structure and not above the top of the structure; or
  - (e) an unmanned tethered balloon that remains below 400 feet above ground level; or
  - (f) a firework rocket not capable of rising more than 400 feet above ground level.

*Note* Subpart 101.B applies to the operation of all unmanned aircraft (including model aircraft) and rockets, including firework rockets.

- (4) For paragraph (3) (c), a flight does not take place indoors if the building in which it takes place has the roof, or 1 or more walls, removed.

### **101.010 Application to rocket-powered unmanned aircraft**

This Part applies to a rocket-powered unmanned aircraft, and to the operation of such an aircraft, unless the contrary intention appears.

### **101.015 Application of registration and marking requirements**

Part 45 and 47 do not apply to an aircraft (other than a large UAV) to which this Part applies, nor to a micro UAV.

*Note* A large UAV is required to carry a manufacturer's data plate and an aircraft registration identification plate — see respectively regulation 21.820 and Subpart 45.D.

### **101.020 Exemption from certain other provisions of CAR 1988**

Parts 4, 4A, 4B, 4C, 5, 7, 9, 10, 11, 12, 13 and 14 of CAR 1988 do not apply to an aircraft to which this Part applies, nor to a micro UAV.

**101.025 Meaning of *populous area***

For this Part, an area is a *populous area* in relation to the operation of an unmanned aircraft or rocket if the area has a sufficient density of population for some aspect of the operation, or some event that might happen during the operation (in particular, a fault in, or failure of, the aircraft or rocket) to pose an unreasonable risk to the life, safety or property of somebody who is in the area but is not connected with the operation.

**101.030 Approval of areas for operation of unmanned aircraft or rockets**

- (1) A person may apply to CASA for the approval of an area as an area for the operation of:
  - (a) unmanned aircraft generally, or a particular class of unmanned aircraft; or
  - (b) rockets.
- (2) For paragraph (1)(a), the classes of unmanned aircraft are the following:
  - (a) tethered balloons and kites;
  - (b) unmanned free balloons;
  - (c) UAVs;
  - (d) model aircraft.
- (3) In considering whether to approve an area for any of those purposes, CASA must take into account the likely effect on the safety of air navigation of the operation of unmanned aircraft in, or the launching of rockets in or over, the area.
- (4) An approval has effect from the time written notice of it is given to the applicant, or a later day or day and time stated in the approval.
- (5) An approval may be expressed to have effect for a particular period (including a period of less than 1 day), or indefinitely.
- (6) CASA may impose conditions on the approval in the interests of the safety of air navigation.
- (7) If CASA approves an area under subregulation (1), it must publish details of the approval (including any condition) in NOTAM or on an aeronautical chart.
- (8) CASA may revoke the approval of an area, or change the conditions that apply to such an approval, in the interests of the safety of air navigation, but must publish details of any revocation or change in NOTAM or on an aeronautical chart.

- (9) CASA must also give written notice of the revocation or change:
  - (a) to the person who applied for the approval of the area; or
  - (b) if that person applied for that approval as an officer of an organisation concerned with unmanned aircraft or rockets, and no longer holds that office — to the person who now holds the office.

**101.035 Requirements in this Part to give information to CASA**

- (1) If a provision of this Part requires a person to give information to CASA about the operation, launching or release of an unmanned aircraft or rocket, then, unless the provision says otherwise, the person may do so by giving the information to:
  - (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
  - (b) an appropriate approved aviation administration organisation.
- (2) However, subregulation (1) does not apply in relation to the release of small balloons, or in relation to a firework display.
- (3) The information need not be given in writing unless:
  - (a) CASA or the authority to which it is given asks for it to be given in writing in the particular case; or
  - (b) another provision of these Regulations requires it to be given in writing.
- (4) If a person gives the information to an authority mentioned in paragraph (1) (a) or (b), then, subject to subregulation (6), the person is taken, for all purposes, to have complied with the requirement to give the information.
- (5) If in a particular case CASA or the authority to which the information is given reasonably requires extra information about the operation, launching or release, CASA or the authority may ask the person for the extra information.
- (6) If CASA or an authority asks for more information under subregulation (5), the person is not taken to have complied with the requirement mentioned in subregulation (1) to give the information until the person gives to CASA or the authority the extra information.
- (7) If a day is not a working day for the office of CASA or an authority to which notice of an event is given or an application made, that day does not count for the purpose of working out how many working days' notice of the event has been given, or how many working days before an event the application has been made.
- (8) In subregulation (7):

***working day***, in relation to an office of CASA or an authority, means a day on which that office is open for business.

#### 101.040 Exemptions

- (1) CASA may do either or both of the following by instrument, in relation to a particular unmanned aircraft or rocket or type of unmanned aircraft or rocket:
  - (a) exempt the aircraft or rocket, or aircraft or rockets of that type, from compliance with a specified provision of Subparts 101.C to 101.H;
  - (b) exempt a person from compliance with a specified provision of Subparts 101.C to 101.H while he or she is operating the aircraft or launching the rocket, or operating aircraft or launching rockets of that type.
- (2) Before CASA decides under subregulation (1) to exempt an aircraft, rocket or type, or a person, from compliance with a provision of any of Subparts 101.C to 101.H, CASA must take into account any relevant considerations relating to the safety of air navigation.
- (3) CASA may impose a condition necessary in the interests of the safety of air navigation on such an exemption.
- (4) A person must not contravene a condition imposed under subregulation (3).

Penalty: 50 penalty units.
- (4A) An offence against subregulation (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.
- (5) Regulation 308 of CAR 1988 does not authorise CASA to grant exemptions from the provisions of this Part.

#### 101.045 Conditions imposed by CASA or another authority

- (1) If a provision of this Part (other than regulation [101.030](#)) authorises CASA or another authority to impose a condition on an approval, permission, certification or exemption, CASA or the authority must give a written statement of any condition so imposed to the person who applied for the approval, permission, certification or exemption.
- (2) Unless CASA or the authority gives the statement to the person, the person is not bound by the condition.

## Subpart 101.B General prohibition on unsafe operation

### 101.050 Applicability of this Subpart

This Subpart applies to the operation of all unmanned aircraft and rockets that are not aircraft, whether or not any of Subparts 101.C to 101.I applies.

### 101.055 Hazardous operation prohibited

- (1) A person must not operate an unmanned aircraft in a way that creates a hazard to another aircraft, another person, or property.

Penalty: 50 penalty units.

- (2) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to an aircraft.

Penalty: 50 penalty units.

- (3) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to another person or to property.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is not a defence to a charge of contravening subregulation (1), (2) or (3) that the relevant unmanned aircraft was being operated, or the relevant rocket was launched, in a way that complied with the operations manual of an approved aviation administration organisation.

- (5) In subregulations (2) and (3):

**rocket** includes a firework rocket, regardless of whether it can rise more than 400 feet above ground level or not.

## Subpart 101.C Provisions applicable to unmanned aircraft generally

### 101.060 Applicability of this Subpart

This Subpart applies to the operation of unmanned aircraft of all kinds, except operation mentioned in subregulation 101.005 (3).

*Note* Rockets that are not aircraft are dealt with separately in Subpart 101.H.

### 101.065 Operation in prohibited or restricted area

- (1) A person may operate an unmanned aircraft in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

*Note* For *prohibited area* and *restricted area*, see regulation 2.07 of the Air Services Regulations. Details of prohibited or restricted areas are published in AIP or NOTAM.

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) In subregulation (1):

*authority controlling the area* means:

- (a) in the case of a prohibited area — the Secretary to the Department of Defence; and
- (b) in the case of a restricted area — the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

- (3) For subregulation (1):

- (a) the authority controlling the area must give a written statement of any condition so imposed to the person who applied for the permission; and
- (b) unless the authority gives the statement to the person, the person is not bound by the condition.

### **101.070 Operation in controlled airspace**

- (1) A person may operate an unmanned aircraft above 400 feet AGL in controlled airspace only:
  - (a) in an area approved under regulation [101.030](#) as an area for the operation of unmanned aircraft of the same kind as the aircraft, and in accordance with any conditions of the approval; and
  - (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

*Note* AGL = above ground level (see the Dictionary).

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### **101.075 Operation near aerodromes**

- (1) A person may operate an unmanned aircraft at an altitude above 400 feet AGL within 3 nautical miles of an aerodrome only if:
  - (a) the operation is permitted by another provision of this Part; or
  - (b) permission has been given for the operation under regulation [101.080](#).

Penalty: 25 penalty units.

*Note* AGL = above ground level (see the Dictionary).

- (2) A person may operate an unmanned aircraft over an area mentioned in paragraph (3) (a) or (b) only if:
  - (a) the operation is permitted by another provision of this Part; or
  - (b) permission has been given for the operation under regulation [101.080](#).

Penalty: 25 penalty units.

- (3) The areas for subregulation (2) are:
  - (a) a movement area or runway of an aerodrome; and
  - (b) the approach or departure path of a runway of an aerodrome.
- (4) A person must not operate an unmanned aircraft in such a manner as to create an obstruction to an aircraft taking off from, or approaching for landing at, a landing area or a runway of an aerodrome.

Penalty: 25 penalty units.

- (5) An offence against subregulation (1), (2) or (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**101.080 Permission for operation of unmanned aircraft near aerodrome**

- (1) The authority from which permission must be obtained for the purposes of regulation 101.075 is:
  - (a) if the aerodrome concerned is a controlled aerodrome — the air traffic control service for the aerodrome; or
  - (b) in the case of any other aerodrome — CASA.
- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.080, so far as relevant to the proposed operation.

**Table 101.080 Details of operation of  
unmanned aircraft to be given  
to CASA or ATC**

<b>Item</b>	<b>Information to be provided</b>
1	In all cases: <ol style="list-style-type: none"><li>(a) the name, address and telephone number of the person who will operate the aircraft or (if the aircraft concerned is an unmanned free balloon) release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the operation); and</li><li>(b) the date and time the operation or release is to begin and how long it is to last; and</li><li>(c) where it is to be carried out; and</li><li>(d) if more than 1 unmanned aircraft is to be operated at a time, how many unmanned aircraft are to be operated at that time</li></ol>
2	In the case of the operation of a tethered balloon or a kite: <ol style="list-style-type: none"><li>(a) a brief description of the balloon or kite, including its predominant colour; and</li><li>(b) the height to which it is to be operated; and</li><li>(c) its mass</li></ol>
3	In the case of the release of a free balloon: <ol style="list-style-type: none"><li>(a) how many balloons are to be released; and</li><li>(b) the estimated size and mass of the balloon's payload</li></ol>

Item	Information to be provided
4	<p>In the case of the release of a medium or heavy balloon:</p> <ul style="list-style-type: none"> <li>(a) the balloon's flight identification or its project code name; and</li> <li>(b) the balloon's classification, or a description of the balloon; and</li> <li>(c) the balloon's SSR code or NDB frequency, and its Morse identification; and</li> <li>(d) the expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb; and</li> <li>(e) the balloon's float level (given as pressure altitude); and</li> <li>(f) when the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so; and</li> <li>(g) when the flight is expected to end, and where the balloon and its payload are expected to fall</li> </ul>

*Note* For **free balloon** and **heavy balloon**, see regulation 101.145. For **tethered balloon**, see regulation 101.105.

- (3) If more than 1 aircraft is to be operated at a time, such a requirement is a requirement to give the information about each such aircraft.
- (4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035 (1) (a) or (b).
- (5) If the authority grants the permission, it may impose conditions on the permission in the interests of the safety of air navigation.
- (6) A person must not contravene a condition imposed under subregulation (5).

Penalty: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### **101.085 Maximum operating height**

- (1) A person may operate an unmanned aircraft at above 400 feet AGL only:
  - (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same class as the aircraft concerned, and in accordance with any conditions of the approval; or

(b) as otherwise permitted by this Part.

Penalty: 50 penalty units.

*Note* AGL = above ground level (see the Dictionary).

(2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.090 Dropping or discharging of things**

(1) A person must not cause a thing to be dropped or discharged from an unmanned aircraft in a way that creates a hazard to another aircraft, a person, or property.

Penalty: 25 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.095 Weather and day limitations**

(1) A person may operate an unmanned aircraft:

- (a) in or into cloud; or
- (b) at night; or
- (c) in conditions other than VMC;

only if permitted by another provision of this Part, or in accordance with an air traffic control direction.

Penalty: 25 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

## Subpart 101.D Tethered balloons and kites

### 101.100 Applicability of this Subpart

This Subpart applies to the operation of tethered balloons and kites.

*Note* This Subpart does not apply to:

- (a) the shielded operation (that is, operation within 100 metres of a structure and not above the top of the structure) of a small balloon; or
- (b) the operation of an unmanned tethered balloon or kite below 400 feet AGL.

See subregulation [101.005](#) (3).

### 101.105 Definitions for Subpart

- (1) In this Subpart:

***tethered balloon*** means a balloon that is attached to the ground, or an object on the ground, by a cable.

- (2) For this Subpart, the height of a tethered balloon is taken to be the height above ground level of the topmost part of its envelope.

### 101.110 Tethered balloons and kites that may be operated outside approved areas

- (1) A person may operate a tethered balloon or a kite above 400 feet AGL outside an area approved under regulation [101.030](#) as an area for the operation of unmanned balloons or kites (as the case requires) only if:
  - (a) the mass of the balloon or kite is no more than 15 kilograms; and
  - (b) the horizontal visibility at the time is at least 5 kilometres; and
  - (c) the person gives to CASA the information required by [table 101.110](#) about the proposed operation at least 1 working day before it is due to start.

Penalty: 10 penalty units.

*Note 1* A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation [101.035](#).

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For ***strict liability***, see section 6.1 of the *Criminal Code*.

- (2) If more than 1 tethered balloon or kite is to be operated at a time, such a requirement is a requirement to give the information about each such balloon or kite.

**Table 101.110 Details of operation of tethered balloon or kite to be given to CASA**

<b>Item</b>	<b>Information to be provided</b>
1	The name, address and telephone number of the person who will operate the balloon or kite (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the operation)
2	The date and time the operation is to begin, and how long it is to last
3	Where it is to be carried out
4	A brief description of the balloon or kite, including its predominant colour
5	The height to which it is to be operated
6	Its mass
7	If more than 1 tethered balloon or kite is to be operated at a time, how many tethered balloons or kites are to be operated at the time

**101.115 Mooring-line marking**

- (1) A person may operate a tethered balloon only if:
- (a) each mooring line has coloured streamers attached at intervals of no more than 15 metres along it, with the first streamer no more than 150 feet above ground level; and
  - (b) the streamers would be visible in normal daylight for at least 1.5 kilometres.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

**101.120 Operation of tethered balloon or kite under cloud**

- (1) A person may operate a tethered balloon or kite under cloud only if he or she keeps the balloon or kite at least 500 feet (measured vertically) below the cloud.

Penalty: 10 penalty units.

*Note* For *tethered balloon*, see regulation 101.105.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**101.125 Tethered balloon to be lit at night**

- (1) A person may operate a tethered balloon at night at or above 400 feet AGL only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.

**101.130 Rapid deflation device required**

- (1) A person may operate a tethered balloon only if it is fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**101.135 What to do if tethered balloon escapes**

- (1) If a tethered balloon escapes from its mooring, and the deflation device does not cause it to deflate, the person operating it must tell Airservices Australia as soon as possible:
- (a) where the balloon was launched; and
  - (b) what time it broke free; and
  - (c) the direction it was headed when last seen.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

## Subpart 101.E Unmanned free balloons

### 101.140 Applicability of this Subpart

This Subpart applies to the operation of an unmanned free balloon.

### 101.145 Definitions for Subpart — free balloons

- (1) For this Subpart:  
*free balloon* means an unmanned balloon that is not tethered.
- (2) There are 4 kinds of free balloon: *small balloon*, *light balloon*, *medium balloon* and *heavy balloon*.
- (3) In this Subpart:  
*small balloon* means a free balloon that can carry no more than 50 grams of payload.
- (4) In this Subpart:  
*light balloon* means a free balloon that:
  - (a) is no more than 2 metres in diameter at any time during its flight;  
and
  - (b) can carry no more than 4 kilograms of payload.
- (5) In this Subpart:  
*medium balloon* means a free balloon that:
  - (a) may be more than 2 metres in diameter at some time in its flight;  
and
  - (b) is capable of carrying more than 4 kilograms, but no more than 6 kilograms, of payload.
- (6) In this Subpart:  
*heavy balloon* means a free balloon capable of carrying more than 6 kilograms of payload.

### 101.150 Definition for Subpart — *approved area*

In this Subpart:

*approved area* means an area approved under regulation [101.030](#) as an area for the operation or release of unmanned free balloons.

*Note* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

### 101.155 Releasing small balloons

- (1) A person may release a small balloon only if the person has first complied with any requirements as to approval or notice set out in [table 101.155-1](#).

Penalty: 10 penalty units.

*Note* For *small balloon*, see subregulation [101.145](#) (3).

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply if no more than 100 balloons are to be released at once.

**Table 101.155-1 Requirements for release of small balloons**

Item	Number of balloons to be released at once	Distance from place of release to nearest aerodrome			
		less than 3 nautical miles	3–6 nautical miles	6–12 nautical miles	over 12 nautical miles
1	101–1 000	approval required	NOTAM	no approval required	no approval required
2	1 001–10 000	approval required	approval required	NOTAM	no approval required
3	Over 10 000	approval required	approval required	approval required	NOTAM

- (3) In the table, for a combination of a number of balloons to be released and a distance to an aerodrome:

***approval required*** means that an approval under subregulation (4) is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

***no approval required*** means that no such approval is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

**NOTAM** means that CASA's approval is not required, but the person intending to release that number of balloons at a place that distance from the nearest aerodrome must give to CASA the information about the proposed release required by [table 101.155-2](#).

**Table 101.155-2 Details of release of small balloons to be given to CASA**

Item	Information to be provided
1	The name, address and telephone number of the person who will release the balloons (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin, and how long it will take
3	Where it is to be carried out
4	How many balloons are to be released
5	The estimated size and mass of any payload

*Note* CASA will tell the NOTAM office about the release.

- (4) If approval is required under subregulation (1) to release small balloons, CASA must grant the approval unless the proposed release would present an unacceptable hazard to aviation.

*Note* CASA will tell the NOTAM office about the release.

### 101.160 Light balloons that may be released outside approved areas

- (1) A person may release a light balloon outside an approved area only if the person gives to CASA the information required by [table 101.160](#) at least 1 working day before the proposed release.

Penalty: 10 penalty units.

*Note 1* A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation [101.035](#).

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

*Note 3* For **light balloon**, see subregulation [101.145](#) (4).

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) If more than 1 balloon is to be released at a time, such a requirement is a requirement to give the information about each such balloon.

**Table 101.160 Details of release of light balloon to be given to CASA**

<b>Item</b>	<b>Information to be provided</b>
1	The name, address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

- (3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a light balloon if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
  - (b) the release location has been notified in AIP or NOTAM.

### **101.165 Release of medium and heavy balloons outside approved areas**

- (1) Subject to subregulation (3), a person may release a medium or heavy balloon outside an approved area only if the person gives to CASA the information required by [table 101.165](#) at least 2 working days before the proposed release.

Penalty: 10 penalty units.

*Note 1* A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation [101.035](#).

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

*Note 3* For **heavy balloon** and **medium balloon**, see regulation [101.145](#).

- (2) If more than 1 balloon is to be operated at a time, such a requirement is a requirement to give the information about each such balloon.

**Table 101.165      Details of release of  
medium or heavy balloon to be  
given to CASA**

Item	Information to be provided
1	The name, address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	The balloon's flight identification or the project code name
6	The balloon's classification, or a description of the balloon
7	The balloon's SSR code or NDB frequency, and its Morse identification
8	The expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb
9	The balloon's planned float level (given as pressure altitude)
10	The time the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so
11	The time the flight is expected to end, and where the balloon and its payload are expected to fall
12	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

- (3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a medium balloon if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
  - (b) the release location has been notified in AIP or NOTAM.
- (4) Subject to subregulation (5), the person must also confirm the details of the proposed release to the air traffic control service that has responsibility for the airspace within which the balloon will be released no later than the earlier of:
- (a) 6 hours before the expected release time; or

- (b) the time the balloon begins to be inflated.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) Subregulation (4) does not require the Bureau of Meteorology to confirm the details of the release of a medium balloon with an air traffic control service if:

- (a) the release is part of the Bureau's normal meteorological procedures; and
- (b) the release location has been notified in AIP or NOTAM.

#### **101.170 Medium and heavy balloons not to be flown low**

- (1) A person who is operating a medium or heavy balloon must not allow it to go below 3 000 feet AGL while it is over a populous area.

Penalty: 10 penalty units.

*Note* *AGL* = above ground level (see the Dictionary). For *heavy balloon* and *medium balloon*, see regulation 101.145. For *populous area*, see regulation 101.025.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.175 Medium and heavy balloons to be flown in clear sky**

- (1) Subject to subregulations (3) and (4), a person must not operate a medium or heavy balloon below 60 000 feet pressure altitude if, at the altitude at which the balloon is being operated, the horizontal visibility is less than 8 kilometres.

Penalty: 10 penalty units.

*Note* For *heavy balloon* and *medium balloon*, see regulation 101.145.

- (2) Subject to subregulations (3) and (4), a person who is operating a medium or heavy balloon must not allow it to remain at an altitude below 60 000 feet pressure altitude at which cloud, fog or mist obscures more than half the sky.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subregulations (1) and (2) do not apply to operation outside controlled airspace if CASA approves the operation and the operation is carried out in accordance with the approval.
- (4) Those subregulations also do not apply to operation in controlled airspace in accordance with an air traffic control clearance.

#### **101.180 How payload must be supported — medium and heavy balloons**

- (1) A person may operate a medium or heavy balloon only if the means by which the payload is attached to the balloon can support at least 10 times the mass of the payload.

Penalty: 10 penalty units.

*Note* For *heavy balloon* and *medium balloon*, see regulation 101.145.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.185 Equipment that must be carried — medium and heavy balloons**

- (1) A person may operate a medium or heavy balloon only if:
  - (a) the balloon is fitted with at least 2 independent ways (either automatic or remotely-operated) of releasing its payload; and
  - (b) if the balloon is not a zero-pressure balloon, it has at least 2 independent ways of ending the flight of the balloon envelope; and
  - (c) either:
    - (i) the balloon envelope carries a radar reflector, or radar-reflective material, that will return an echo to a surface radar operating in the frequency range 200 megahertz to 2 700 megahertz; or
    - (ii) the balloon is fitted with a device to allow it to be continuously tracked by the operator beyond the range of ground-based radar; and
  - (d) if the balloon is operated in an area in which ground-based secondary surveillance radar is in use, it is fitted with an SSR transponder (with altitude-reporting capability) that either operates continuously or can be turned on by the operator if an air traffic control service so requires.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### **101.190 Lighting — medium and heavy balloons**

- (1) A person may operate a medium or heavy balloon below 60 000 feet pressure altitude at night only if both the balloon and its payload are lit (whether or not they become separated during the operation) so as to be visible, under the prevailing conditions, for at least 4 kilometres in all directions.

Penalty: 25 penalty units.

*Note* For **heavy balloon** and **medium balloon**, see regulation [101.145](#).

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.
- (3) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### **101.195 Marking — free balloons generally**

- (1) A person may operate a free balloon that carries a trailing antenna that requires a force of more than 230 newtons to break it only if the antenna has coloured streamers or pennants attached to it every 15 metres.

Penalty: 25 penalty units.

- (2) A person may operate a free balloon that carries a payload only if the payload has fixed to it a durable identification plate carrying sufficient information:
  - (a) to identify the payload; and
  - (b) to enable somebody who finds the payload to contact the person who released the balloon.

Penalty: 10 penalty units.

*Note* For **free balloon**, see regulation [101.145](#).

- (3) Subregulation (2) does not apply to a light or medium balloon operated by the Bureau of Meteorology.

*Note* For **light balloon** and **medium balloon**, see regulation [101.145](#).

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### 101.200 Marking by day — heavy balloons

- (1) A person may operate a heavy balloon (being a heavy balloon that has its payload suspended more than 15 metres below the envelope) above 60 000 feet pressure altitude by day only if:
  - (a) the payload's suspension is coloured in alternate bands of conspicuous colours, or has coloured pennants attached to it; or
  - (b) the balloon has a conspicuous payload-recovery parachute suspended under the envelope, or the balloon is suspended beneath a conspicuous open parachute.

Penalty: 25 penalty units.

*Note* For **heavy balloon**, see subregulation 101.145 (6).

- (2) For subregulation (1), a balloon is being operated by day if the sun is above the balloon's horizon.
- (3) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### 101.205 Lighting by night — heavy balloons

- (1) A person may operate a heavy balloon above 60 000 feet pressure altitude at night only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 25 penalty units.

*Note* For **heavy balloon**, see subregulation 101.145 (6).

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.
- (3) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.
- (4) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### 101.210 Obligation to stay in communication with ATC — medium and heavy balloons

- (1) The operator of a medium or heavy balloon must establish and maintain communication with the relevant air traffic control service from the time the balloon begins to be inflated until the flight ends.

Penalty: 25 penalty units.

*Note* For **heavy balloon** and **medium balloon**, see regulation 101.145.

- (2) The operator must tell the relevant air traffic control service at least 1 hour before the balloon is launched.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### **101.215 Tracking of flight — medium and heavy balloons**

- (1) The operator of a medium or heavy balloon must track its flight continuously.

Penalty: 10 penalty units.

*Note* For *heavy balloon* and *medium balloon*, see regulation [101.145](#).

- (2) While the balloon is below 60 000 feet pressure altitude, if it cannot be tracked visually from the ground or by radar, the operator must ensure that a tracking aircraft accompanies it continuously.

Penalty: 10 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### **101.220 Flight reporting — medium and heavy balloons**

- (1) The operator of a medium or heavy balloon must report the progress of the balloon's flight to the relevant air traffic control service as follows:

- (a) the operator must tell the service immediately when the balloon is released;
- (b) the operator must tell the service when the balloon leaves each 10 000-foot level up to 60 000 feet (pressure altitude);
- (c) the operator must report the balloon's position to the relevant air traffic control service periodically, as follows:
  - (i) when required to do so by the service;
  - (ii) while the balloon is below 60 000 feet pressure altitude — every 10 minutes;
  - (iii) while the balloon is at or above 60 000 feet pressure altitude — every 2 hours;
- (d) if the operator loses the balloon's position, the operator must tell the service immediately that tracking has been lost and the balloon's last known position;
- (e) after having re-established tracking of the balloon, the operator must tell the service immediately that tracking has been re-established and the balloon's position at that time.

Penalty: 10 penalty units.

*Note* For *heavy balloon* and *medium balloon*, see regulation [101.145](#).

- (2) If the balloon is being accompanied by a tracking aircraft, the operator must ensure that the crew of the aircraft maintains continuous 2-way communication with the relevant air traffic control service.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

### 101.225 Ending flight and recovery — medium and heavy balloons

- (1) The operator of a medium or heavy balloon must give to the relevant air traffic control service at least 1 hour's notice of the time the flight is planned to end, and when doing so must also give to the air traffic control service the following information:

- (a) the balloon's current position and altitude;
- (b) the estimated time at which, and the estimated location over which, the balloon will pass through 60 000 feet pressure altitude during its descent;
- (c) the estimated time when, and place where, the payload will fall.

Penalty: 10 penalty units.

*Note* For *heavy balloon* and *medium balloon*, see regulation [101.145](#).

- (2) The operator may command the balloon to end its flight only:
- (a) in an emergency; or
  - (b) if cleared to do so by the relevant air traffic control service.

Penalty: 50 penalty units.

- (3) If the operator commands the balloon to end its flight when not cleared by air traffic control to do so, the operator must tell the relevant air traffic control service immediately, and when doing so must also give to it the following information:

- (a) the balloon's current position and altitude;
- (b) the estimated time when and place where the payload will fall.

Penalty: 10 penalty units.

- (4) The operator must tell the relevant air traffic control service as soon as possible after the balloon's payload falls.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

**101.230 Direction by ATC to end flight in certain circumstances**

- (1) If a balloon is in controlled airspace and an air traffic control service considers that it poses a hazard to other aircraft, or to people or property on the ground, that service may direct the balloon's operator to end the balloon's flight immediately.
- (2) The operator must comply with the direction by ending the balloon's flight by the fastest possible method.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

## Subpart 101.F UAVs

### Division 101.F.1 General

#### 101.235 Applicability of this Subpart

- (1) This Subpart applies to:
  - (a) the operation of a large UAV; and
  - (b) the operation of a small UAV for purposes other than sport or recreation.

*Note 1* There is no practicable distinction between a small UAV and a model aircraft except that of use — model aircraft are flown only for the sport of flying them.

*Note 2* For *large UAV* and *small UAV*, see regulation [101.240](#). For *model aircraft* see the Dictionary.

- (2) Nothing in this Subpart applies to the operation of a UAV if:
  - (a) while it is being operated, the person operating it keeps it in sight; and
  - (b) it is operated in a way that complies with [Subpart 101.G](#).
- (3) This Subpart does not apply to the operation of a micro UAV.

*Note 1* See subregulation [101.005](#) (3).

*Note 2* For *micro UAV*, see regulation [101.240](#).

#### 101.240 Definitions for Subpart

In this Subpart:

***approved area*** means an area approved under regulation [101.030](#) as an area for the operation of UAVs.

*Note* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

***certified UAV controller*** means a person certified under Division 3 as a controller of UAVs.

***controller*** of a UAV means a person who performs a function that would be, if the UAV were a manned aircraft, a function of its flight crew.

***large UAV*** means any of the following:

- (a) an unmanned airship with an envelope capacity greater than 100 cubic metres;
- (b) an unmanned powered parachute with a launch mass greater than 150 kilograms;
- (c) an unmanned aeroplane with a launch mass greater than 150 kilograms;
- (d) an unmanned rotorcraft with a launch mass greater than 100 kilograms;

- (e) an unmanned powered lift device with a launch mass greater than 100 kilograms.

***micro UAV*** means a UAV with a gross weight of 100 grams or less.

***small UAV*** means a UAV that is not a large UAV nor a micro UAV.

***UAV*** means unmanned aircraft, other than a balloon or a kite.

## Division 101.F.2 Operation of UAVs generally

### 101.245 Operation near people

- (1) Subject to subregulations (2) and (3), a person must not operate a UAV within 30 metres of a person who is not directly associated with the operation of the UAV.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply in relation to a person who stands behind the UAV while it is taking off.
- (3) Subregulation (1) also does not prevent the operation of a UAV airship within 30 metres of a person if the airship approaches no closer to the person than 10 metres horizontally and 30 feet vertically.

### 101.250 Where small UAVs may be operated

- (1) A person may operate a small UAV outside an approved area only if:
  - (a) where the UAV is operated above 400 feet AGL, the operator has CASA's approval to do so; and
  - (b) the UAV stays clear of populous areas.

Penalty: 10 penalty units.

*Note 1* **AGL** = above ground level (see the Dictionary). For **populous area**, see regulation 101.025. For **small UAV**, see regulation 101.240.

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

*Note 3* For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.255 Large UAVs —requirement for certificate

- (1) A person may operate a large UAV only if either a special certificate of airworthiness (restricted category), or an experimental certificate, has been issued for it under Subpart 21.H.

Penalty: 50 penalty units.

*Note 1* For **large UAV**, see regulation 101.240.

*Note 2* A large UAV is required to carry a manufacturer's data plate and an aircraft registration identification plate — see respectively regulation 21.820 and Subpart 45.D.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### **101.260 Maintenance of large UAVs**

- (1) Subdivision 2 of Division 2 of Part 4A of CAR 1988 applies to large UAVs.

*Note* That is, a large UAV must be maintained as a Class B aircraft.

- (2) A person who carries out maintenance on a large UAV must comply with any directions given in writing by CASA in relation to the maintenance of the UAV, or the maintenance of UAVs of a class that includes the UAV.

### **101.265 Application of s 20AB of the Act to large UAVs**

- (1) For paragraph 20AB (1) (b) of the Act, a person may act as the controller of a large UAV that is an Australian aircraft if the person is certified as a UAV controller under Division 3.

*Note* For the kinds of UAV operation to which this Subpart does not apply, see regulation [101.235](#).

- (2) For that paragraph, a person may perform any other duty that is essential to the operation of a large UAV that is an Australian aircraft even if the person does not hold the appropriate civil aviation authorisation.

- (3) For subsection 20AB (2) of the Act, and despite anything in regulation 42ZC of CAR 1988, a person may carry out maintenance on:

- (a) a large UAV that is an Australian aircraft; or
- (b) an aircraft component for such a UAV; or
- (c) aircraft material for such a UAV;

if the person:

- (d) holds an airworthiness authority that authorises the maintenance; or
- (e) carries out the maintenance under the supervision of a person who holds such an authority.

### **101.270 Requirement for UAV operator's certificate**

- (1) A person may operate a UAV for hire or reward only if the person holds a UAV operator's certificate that authorises the person to operate the UAV.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.275 Approval of operation of large UAVs

- (1) A person may operate a large UAV only with CASA's approval.  
Penalty: 50 penalty units.
- (2) CASA may impose conditions on an approval in the interests of the safety of air navigation.
- (3) For example, without limiting the generality of subregulation (2), CASA may impose conditions on an approval:
  - (a) prohibiting the operation of the relevant UAV at night or in conditions other than VMC; or
  - (b) restricting the extent to which the UAV may be operated at night or in conditions other than VMC; or
  - (c) requiring the UAV to stay within a specified area, or
  - (d) requiring the operator to make specified broadcasts.
- (4) The operator of a UAV must comply with a condition of the approval of its operation.  
Penalty: 50 penalty units.
- (5) If the person is certificated as an operator of large UAVs, and the proposed operation would not contravene any condition of the certification, CASA must approve the proposed operation, but may impose conditions (including conditions mentioned in subregulation (3)) on the approval.

*Note* For certification as an operator of UAVs, see Division 4 of this Subpart.

- (6) An offence against subregulation (1) or (4) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.280 UAVs not to be operated over populous areas

- (1) In this regulation:  
***certificated UAV*** means a UAV for which a certificate of airworthiness has been issued.
- (2) A person must not operate a UAV that is not a certificated UAV over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

*Note 1* For ***populous area***, see regulation [101.025](#). For ***UAV***, see regulation [101.240](#).

*Note 2* For the kinds of UAV operation to which this Subpart does not apply, see regulation [101.235](#).

- (3) Without the approval of CASA, a person must not operate a certificated UAV over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) In considering whether to give an approval under subregulation (3), CASA must take into account:
  - (a) the degree of redundancy in the UAV's critical systems; and
  - (b) any fail-safe design characteristics of the UAV; and
  - (c) the security of its communications and navigation systems.
- (5) Before giving an approval under subregulation (3), CASA must be satisfied that the person who intends to operate the UAV will take proper precautions to prevent the proposed flight being dangerous to people and property.

#### **101.285 Use of radiotelephone**

- (1) A person may control a UAV in controlled airspace only if he or she:
  - (a) holds an aircraft radiotelephone operator's certificate of proficiency; and
  - (b) maintains a listening watch on a specified frequency or frequencies; and
  - (c) makes broadcasts on a specified frequency or frequencies at the specified interval giving the specified information.

Penalty: 25 penalty units.

*Note* This Subpart does not apply to the operation of micro UAVs — see subregulation 101.235 (3).

- (2) In subregulation (1):

**specified frequency** for particular airspace means a frequency specified from time to time in AIP or by ATC as a frequency for use in the airspace.

**specified information** for particular airspace means information specified from time to time in AIP or by ATC as information that must be broadcast in the airspace.

**specified interval** for particular airspace means the interval specified from time to time in AIP or by ATC as the interval at which broadcasts must be made while in that airspace.

- (3) CASA may direct that a particular person must not control a UAV unless the person:
  - (a) holds an aircraft radiotelephone operator's certificate of proficiency; and

- (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
  - (c) makes broadcasts:
    - (i) on a frequency or frequencies; and
    - (ii) at intervals; and
    - (iii) giving information — specified in the direction.
- (4) The person must comply with the direction.
- Penalty: 50 penalty units.
- (5) CASA may direct, in regard to a particular UAV or type of UAV, that a person must not control the UAV, or a UAV of that type, unless he or she:
- (a) holds an aircraft radiotelephone operator's certificate of proficiency; and
  - (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
  - (c) makes broadcasts:
    - (i) on a frequency or frequencies; and
    - (ii) at intervals; and
    - (iii) giving information — specified in the direction.
- (6) The person must comply with the direction.
- Penalty: 50 penalty units.
- (7) For subregulations (3) and (5), CASA may specify that a frequency is to be a frequency specified under paragraph 99A (3) (b) of CAR 1988 for a particular area or aerodrome.
- (8) An offence against subregulation (1), (4) or (6) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### **Division 101.F.3 Certification of UAV controllers**

#### **101.290 Application for certification as UAV controller**

- (1) An application for certification as a UAV controller must include the following information:
  - (a) details of any flight crew licence, air traffic control licence or flight service licence that the applicant holds (including details of ratings, endorsements and qualifications);
  - (b) details of any aeronautical experience that the applicant has;
  - (c) details of any aviation theory examinations the applicant has passed (other than any examination passed in the course of gaining a licence mentioned in paragraph (a));
  - (d) if the applicant does not hold a licence mentioned in paragraph (a), details of any flight radio operator's licence or radio operator's certificate of proficiency that the applicant holds;
  - (e) details of the applicant's experience in operating UAVs;
  - (f) evidence of the completion of any training course in UAV operation that the applicant has undertaken.
- (2) If CASA reasonably needs more information about the applicant's qualifications and experience, or a document, to allow it to decide whether to certify the applicant as a UAV operator, it may ask the applicant in writing to give to it that information or a copy of that document.
- (3) CASA may refuse to consider, or cease considering, the application until the applicant gives the information or copy to it.

**101.295 Eligibility for certification as UAV controller**

- (1) Only an individual is eligible to be certificated as a UAV controller.
- (2) A person is eligible to be certificated as a UAV controller if he or she:
  - (a) qualifies for the issue of a radio operator's certificate of proficiency; and
  - (b) has been awarded a pass in an aviation licence theory examination (other than a flight radio operator's examination); and
  - (c) has been awarded a pass in an instrument rating theory examination; and
  - (d) has completed a training course in the operation of the type of UAV that he or she proposes to operate, conducted by the UAV's manufacturer; and
  - (e) has at least 5 hours experience in operating UAVs outside controlled airspace.
- (3) A person who holds or has held:
  - (a) a flight crew licence with a command instrument rating; or
  - (b) a military qualification equivalent to a licence and rating mentioned in paragraph (a); or
  - (c) an air traffic control licence, or a military qualification equivalent to an air traffic control licence;

is taken to satisfy the conditions in paragraphs (2) (a), (b) and (c).

**101.300 Conditions on certification as UAV controller**

- (1) CASA may impose a condition on the certification of a person as a UAV controller in the interests of the safety of air navigation.
- (2) For example (without limiting the generality of subregulation (1)), a condition may:
  - (a) allow the person to control UAVs of only specified kinds; or
  - (b) limit the areas where he or she may control UAVs; or
  - (c) allow him or her to control UAVs only in VMC.
- (3) It is a condition of a UAV controller's certification that he or she must not operate a UAV in controlled airspace unless he or she holds an aircraft radiotelephone operator's certificate of proficiency.

**101.305 Certification as UAV controller**

- (1) If CASA certifies a person as a UAV controller, CASA may issue a certificate setting out the fact that the person is so certified.

- (2) If CASA certifies a person as a UAV controller, and imposes a condition on the certification, CASA must issue a certificate setting out the fact that the person is so certified, and the condition.

*Note* Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give to a person whose interests are affected by the decision notice of the decision and of the person's right to have the decision reviewed. Regulation 201.004 provides for review of decisions about approvals, authorisations, authorities, certificates and permits.

#### **101.310 How long controller's certification remains in force**

- (1) A UAV controller's certification remains in force until it is cancelled.
- (2) However, a UAV controller's certification is not in force during any period of suspension.

#### **101.315 Notice to certified UAV controller to show cause**

- (1) CASA may give a show cause notice to a certified UAV controller if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the certification under regulation [101.320](#).
- (2) A show cause notice must:
  - (a) tell the controller of the facts and circumstances that, in CASA's opinion, would justify the cancellation of the certification under regulation [101.320](#); and
  - (b) invite the controller to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.
- (3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the certification were not suspended.
- (4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.
- (5) CASA may at any time revoke the suspension.
- (6) If the approval is suspended and CASA has not dealt with it under regulation [101.320](#) within 90 days after the day it is suspended, the suspension lapses at the end of that period.

*Note* Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

#### **101.320 Cancellation of UAV controller's certification**

- (1) CASA may cancel a certified UAV controller's certification by written notice to the controller, if:
  - (a) CASA has given to the controller a show cause notice under regulation [101.315](#) in relation to it; and
  - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the controller; and

- (c) there are reasonable grounds for believing that the controller:
  - (i) has operated a UAV in contravention of these Regulations or of a condition of the certification; or
  - (ii) has operated the UAV negligently or carelessly; or
  - (iii) in operating the UAV, has recklessly endangered human life or property.
- (2) If CASA has given a show cause notice under regulation [101.315](#) to a certified UAV controller, and it decides not to cancel the approval, it:
  - (a) must tell the controller in writing of the decision; and
  - (b) must, if the controller's certification is suspended under that regulation, revoke the suspension.

*Note* Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

### **101.325 Cancellation at request of holder**

- (1) Despite anything else in this Division, CASA must cancel a certified UAV controller's certification if asked to do so in writing by the controller.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

## **Division 101.F.4 Certification as UAV operator**

### **101.330 Application for certification as UAV operator**

- (1) An application for certification as a UAV operator must include:
  - (a) details of:
    - (i) the applicant's structure and organisation; and
    - (ii) its staff and their qualifications and experience (including, in particular, the names, qualifications, experience, duties and functions of the persons who are to be the applicant's chief UAV controller and maintenance controller); and
    - (iii) its facilities and equipment; and
    - (iv) its practices and procedures; and
  - (b) a general description of the proposed operations, including the type or types of UAV to be used.
- (2) The application must be accompanied by a copy of each of the applicant's manuals relevant to the operation of UAVs.
- (3) If CASA reasonably needs more information about the applicant, or a document, to allow it to decide whether to certify the applicant as a UAV operator, it may ask the applicant in writing to give to it that information or a copy of that document.
- (4) CASA may refuse to consider, or cease considering, the application until the applicant gives the information or copy to it.

### **101.335 Eligibility for certification as UAV operator**

- (1) A person is eligible to be certificated as a UAV operator if:
  - (a) the person has an organisation and structure that is appropriate for safe operation of UAVs; and
  - (b) the person has enough qualified and experienced personnel to undertake the proposed operations safely; and
  - (c) the person has facilities and equipment appropriate to carry out the proposed operations using UAVs of the type to be used; and
  - (d) the person has suitable practices and procedures to do so; and
  - (e) if necessary, the flight crew are certified as UAV controllers and hold flight radiotelephone operators' certificates of proficiency; and
  - (f) the person has nominated suitable persons to be its chief UAV controller and maintenance controller.
- (2) A body that is not a legal person is not eligible to be certified as a UAV operator.
- (3) Two or more persons cannot be certified jointly as a UAV operator.

### 101.340 Conditions on certification

- (1) It is a condition of the certification of a person as a UAV operator that the person:
  - (a) maintains within its organisation a position of chief UAV controller having at least the functions and duties of a chief controller set out in Annex 3 of Advisory Circular 101.1, as issued by CASA from time to time; and
  - (b) employs as its chief UAV controller a person who is certified as a UAV controller and who is competent to carry out those duties and perform those functions; and
  - (c) either:
    - (i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in that Annex; or
    - (ii) has an arrangement with another qualified and competent person to carry out those functions and duties; and
  - (d) if it maintains within its organisation a position of maintenance controller — employs as its maintenance controller a person who is competent to carry out the duties and perform the functions of a maintenance controller.
- (2) If the UAV operator operates more than 1 UAV, the chief UAV controller must carry out the duties and functions of a chief UAV controller on a full-time basis.
- (3) CASA may impose a condition on the certification of a person as a UAV operator in the interests of the safety of air navigation.
- (4) For example (without limiting subregulation (3)), a condition may:
  - (a) allow the person to operate UAVs of only specified kinds; or
  - (b) allow the person to operate UAVs only for specified purposes; or
  - (c) limit the areas where the person may operate UAVs; or
  - (d) allow the person to operate UAVs only in VMC.

### 101.345 Certification

- (1) If CASA certifies a person as an operator of UAVs, CASA may issue a certificate setting out the fact that the person is so certified.
- (2) If CASA certifies a person as an operator of UAVs, and imposes a condition on the certification, CASA must issue a certificate setting out the fact that the person is so certified, and the condition.

*Note* Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give to a person whose interests are affected by the decision notice of the decision and of the person's right to have the decision reviewed. Regulation 201.004 provides for review of decisions about approvals, authorisations, authorities, certificates and permits.

**101.350 How long operator's certification remains in force**

- (1) An operator's certification remains in force until it is cancelled.
- (2) However, an operator's certification is not in force during any period of suspension.

**101.355 Certification not transferable**

Certification as a UAV operator is not transferable.

**101.360 Notice to certified UAV operator to show cause**

- (1) CASA may give a show cause notice to a certified UAV operator if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the approval under regulation [101.365](#).
- (2) A show cause notice must:
  - (a) tell the holder of the facts and circumstances that, in CASA's opinion, would justify the cancellation of the certification under regulation [101.320](#); and
  - (b) invite the operator to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.
- (3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the approval were not suspended.
- (4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.
- (5) CASA may at any time revoke the suspension.
- (6) If the approval is suspended and CASA has not dealt with it under regulation [101.320](#) within 90 days after the day it is suspended, the suspension lapses at the end of that period.

*Note* Regulation 201.4 provides for review of certain decisions by the Administrative Appeals Tribunal.

**101.365 Cancellation of UAV operator's certification**

- (1) CASA may cancel a certified UAV operator's certification by written notice to the operator, if:
  - (a) CASA has given to the operator a show cause notice under regulation [101.315](#) in relation to it; and
  - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the operator; and
  - (c) there are reasonable grounds for believing that:
    - (i) the operator has operated a UAV in contravention of these Regulations or of a condition of the certification; or

- (ii) an employee of the operator has operated a UAV negligently or carelessly; or
  - (iii) an employee of the operator, in operating a UAV, has recklessly endangered human life or property.
- (2) If CASA has given a show cause notice under regulation [101.315](#) to a certified UAV operator, and it decides not to cancel the approval, it:
- (a) must tell the operator in writing of the decision; and
  - (b) must, if the operator's certification is suspended under that regulation, revoke the suspension.

*Note* Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

### **101.370 Cancellation at request of holder**

- (1) Despite anything else in this Division, CASA must cancel a certified UAV operator's certification if asked to do so in writing by the operator.
- (2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

## Subpart 101.G Model aircraft

### 101.375 Applicability of this Subpart

This Subpart applies to the operation of model aircraft weighing 100 grams or more (except operation mentioned in paragraph [101.005](#) (3) (a) or (b)).

*Note 1* For *model aircraft*, see the Dictionary.

*Note 2* This Subpart does not apply to:

- (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
- (b) a model aircraft flown indoors.

See subregulation [101.005](#) (3).

### 101.380 Definitions for Subpart

In this Subpart:

***approved area*** means an area approved under regulation [101.030](#) as an area for the operation of model aircraft.

*Note* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

***giant model aircraft*** means a model aircraft that has a take-off mass (excluding fuel) of more than 25 kilograms, but not more than 150 kilograms.

*Note* For *model aircraft*, see the Dictionary.

### 101.385 Visibility for operation of model aircraft

- (1) A person may operate a model aircraft only if the visibility at the time is good enough for the person operating the model to be able to see it continuously.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.390 Operating model aircraft at night

- (1) A person may operate a model aircraft at night only in accordance with the written procedures of an approved aviation administration organisation.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.395 Keeping model aircraft away from people

- (1) A person must not operate a model aircraft over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

*Note* For *populous area*, see regulation 101.025.

- (2) Subject to subregulations (3) and (4), somebody who is operating a powered model aircraft must ensure that, while the model aircraft is in flight, or is landing or taking off, it stays at least 30 metres away from anyone not directly associated with the operation of model aircraft.

Penalty: 50 penalty units.

- (3) Subregulation (2) is not contravened if somebody stands behind the model aircraft while it is taking off.
- (4) Subregulation (2) is also not contravened if, as part of a model flying competition, a model aircraft is flown within 30 metres of somebody who is judging the competition.
- (5) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.400 Operation of model aircraft outside approved areas

- (1) A person may operate a model aircraft outside an approved area above 400 feet AGL only if he or she:
  - (a) keeps it in sight; and
  - (b) keeps it clear of populous areas.

Penalty: 10 penalty units.

*Note 1* *AGL* = above ground level (see the Dictionary). For *populous area*, see regulation 101.025.

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.405 Giant model aircraft**

- (1) A person may operate a giant model aircraft only in accordance with:
  - (a) the rules and procedures of an approved aviation administration organisation; or
  - (b) an approval given by CASA.

Penalty: 50 penalty units.

*Note* For *giant model aircraft*, see regulation [101.380](#).

- (2) CASA may impose a condition on the operation of a giant model aircraft if the condition is reasonably necessary in the circumstances in the interests of aviation safety.
- (3) The operator of a giant model aircraft must comply with any condition imposed under subregulation (2).

Penalty: 50 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.410 Model flying displays**

- (1) A person may conduct a model aircraft flying display only in compliance with subregulation (2) or (3).

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) A person complies with this subregulation if the display is conducted:
  - (a) in an approved area; and
  - (b) in accordance with the rules and procedures of an approved aviation administration organisation.

*Note* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

- (3) A person complies with this subregulation if the display is conducted in accordance with the following conditions and any other conditions imposed by CASA under subregulation (4):
  - (a) at least 21 days before the display, somebody is nominated as the organiser of the display;
  - (b) at least 21 days before the display, he or she gives to CASA the following information:
    - (i) his or her name, address and telephone number;
    - (ii) the proposed program of flying;
    - (iii) where the display will be held, and how big the intended flying field is;

- (iv) how many spectators are expected, and where they will be;
- (c) he or she ensures that:
  - (i) having regard to the events making up the display, proper precautions are taken for the safety of the participants and spectators; and
  - (ii) the operators participating in the display are competent to carry out each proposed manoeuvre safely.
- (4) CASA may impose a condition on the conduct of a model flying display if in the circumstances the condition is reasonably necessary in the interests of aviation safety.

## Subpart 101.H Rockets

### 101.415 Applicability of this Subpart

This Subpart applies to the operation of rockets of all kinds, except rockets mentioned in paragraph 101.005 (3) (f).

*Note 1* That is, this Subpart does not apply to a firework rocket not capable of rising more than 400 feet above ground level. See paragraph 101.005 (3) (f).

*Note 2* **Rocket** in this Subpart does not include a rocket-powered aircraft — see regulation 101.425.

### 101.420 Application of State and Territory laws about rockets

- (1) If a law of a State or Territory deals with the operation or use of rockets, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

### 101.425 Definitions for Subpart

In this Subpart:

**approved area** means an area approved under regulation 101.030 as an area for the operation of rockets.

*Note* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

**high power rocket** means a rocket that is not a model rocket, and, to avoid doubt, includes:

- (a) a sounding rocket; and
- (b) a sub-orbital rocket; and
- (c) a launch vehicle (within the meaning given by the *Space Activities Act 1998*).

**model rocket** means a rocket that:

- (a) weighs no more than 1 500 grams; and
- (b) carries no more than 125 grams of propellant; and
- (c) produces no more than 320 newton-seconds of impulse; and
- (d) is made of balsa, wood, paper or plastics or a combination of those materials, but contains no metal as structural parts.

**rocket** does not include a rocket-powered or rocket-assisted aircraft.

### 101.430 Launching rocket in or over prohibited or restricted area

- (1) A person may launch a rocket (including a model rocket) in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

*Note* For **prohibited area** and **restricted area**, see regulation 2.07 of the Air Services Regulations. Details of prohibited or restricted areas are published in AIP or NOTAM.

- (2) In subregulation (1):  
**authority controlling the area** means:
  - (a) in the case of a prohibited area — the Secretary to the Department of Defence; and
  - (b) in the case of a restricted area — the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.
- (3) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### 101.435 Launching rockets into controlled airspace

- (1) A person may launch a rocket (including a model rocket) to higher than 400 feet AGL in controlled airspace only:
  - (a) in an approved area; or
  - (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

*Note 1* **AGL** = above ground level (see the Dictionary).

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### **101.440 Launching rockets near aerodromes**

- (1) A person may launch a rocket that is not a small model rocket to higher than 400 feet AGL within 3 nautical miles of an aerodrome only if:
  - (a) doing so is permitted by another provision of this Part; or
  - (b) permission has been given for the operation under regulation [101.445](#).

Penalty: 25 penalty units.

*Note 1* **AGL** = above ground level (see the Dictionary). For **model rocket**, see regulation [101.425](#).

*Note 2* Some special provisions apply to model rockets — see regulation [101.470](#).

- (2) In subregulation (1):  
**small model rocket** means a model rocket that weighs less than 500 grams and either:
  - (a) uses no more than 25 grams of propellant; or
  - (b) produces no more than 20 newton-seconds of impulse.
- (3) A person may launch a rocket (including both a small model rocket and any other model rocket) from or over an area mentioned in paragraph (4) (a) or (b) only if:
  - (a) doing so is permitted by another provision of this Part; or
  - (b) permission has been given for the operation under regulation [101.445](#).

Penalty: 25 penalty units.

- (4) The areas for subregulation (3) are:
  - (a) a movement area or runway of an aerodrome; and
  - (b) the approach or departure path of a runway of an aerodrome.
- (5) An offence against subregulation (1) or (3) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.

### **101.445 Getting permission for launch of rocket near aerodrome**

- (1) The authority that must give permission for regulation [101.440](#) is:
  - (a) if the aerodrome concerned is a controlled aerodrome — the air traffic control service for the aerodrome; or
  - (b) in the case of any other aerodrome — CASA.

- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by [table 101.445](#), so far as relevant to the proposed launch:

**Table 101.445 Details of launching of rocket to be given to CASA**

Item	Information to be provided
1	The name, address and telephone number of the person who will launch the rocket (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the launching)
2	The date and time the rocket is to be launched
3	Where it is to be carried out
4	The size and mass of the rocket
5	The estimated greatest altitude or flight level that the rocket will reach
6	If more than 1 rocket is to be launched at a time, how many rockets are to be launched at the time

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such launch.
- (4) Regulation [101.035](#) does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph [101.035](#) (1) (a) or (b).
- (5) An authority mentioned in subregulation (1) may impose conditions on a permission in the interests of the safety of air navigation.
- (6) A person must not contravene a condition imposed under subregulation (5).

Penalty: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.450 High power rockets

- (1) A person may launch a high power rocket, or permit a high power rocket to be launched, only in an approved area.

Penalty: 10 penalty units.

*Note 1* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation [101.030](#) (5).

*Note 2* For *high power rocket*, see regulation [101.425](#).

- (2) A person may launch a high power rocket, or permit a high power rocket to be launched, only if the person gives the details listed in the table following subregulation 101.445 (2) to CASA at least 1 working day before the intended time of the launch.

Penalty: 10 penalty units.

*Note* A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such rocket.
- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 the *Criminal Code*.

#### **101.455 Maximum operating height of rockets**

- (1) A person may launch a rocket that is not a model rocket to higher than 400 feet AGL only:
  - (a) in an approved area; or
  - (b) as permitted by another provision of this Part.

Penalty: 10 penalty units.

*Note 1* *AGL* = above ground level (see the Dictionary).

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **101.460 Dropping or discharging of things from rockets**

- (1) A person must not cause anything to be dropped or discharged from a rocket in a way that creates a hazard to an aircraft.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**101.465 Weather and day limitations — rockets other than model rockets**

- (1) A person may launch a rocket that is not a model rocket:
  - (a) in or into cloud; or
  - (b) at night; or
  - (c) in conditions other than VMC;

only as permitted by another provision of this Part, or in accordance with an air traffic control clearance.

Penalty: 10 penalty units.

*Note* For *model rocket*, see regulation [101.425](#).

- (2) However, subregulation (1) does not prevent rockets being operated as part of a firework display.
- (3) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**101.470 Model rockets**

- (1) A person must not launch a model rocket into cloud.

Penalty: 10 penalty units.

*Note* For *model rocket*, see regulation [101.425](#).

- (2) A person must not launch a model rocket to higher than 400 feet AGL within 5 nautical miles of an aerodrome.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subject to subregulations (1) and (2) and [Subpart 101.B](#), a person may launch a model rocket outside an approved area, or at night.

## Subpart 101.I Firework displays

### 101.475 What this Subpart does

This Subpart regulates the conduct of certain firework displays, to the extent necessary to prevent them being a hazard to the safety of air navigation.

### 101.480 Application of State and Territory laws about fireworks

- (1) If a law of a State or Territory deals with the use of fireworks, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

### 101.485 Meaning of *operate a firework display*

For this Subpart, a person *operates a firework display* if the person places the fireworks for the display, or fires them off.

### 101.490 Certain projectiles prohibited in firework displays

- (1) A person may use, in a firework display, a projectile that is capable of reaching more than 400 feet above ground level only if CASA so approves.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

### 101.495 Firework displays not permitted near aerodromes

- (1) A person may operate a firework display in or over an area mentioned in paragraph (2) (a) or (b) only if subregulation (3) or (4) applies to the display.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) The areas for subregulation (1) are:
  - (a) a movement area or runway of an aerodrome; and
  - (b) the approach or departure path of a runway of an aerodrome.

- (3) This subregulation applies to a firework display if:
  - (a) permission for the display has been given by:
    - (i) if the aerodrome is a controlled aerodrome — the air traffic control service for the aerodrome; and
    - (ii) in the case of any other aerodrome — CASA; and
  - (b) the person who proposes to operate the display has, before doing so, given to CASA the details required by [table 101.500](#).
- (4) This subregulation applies to a firework display if the fireworks are set off on or near domestic premises by or for somebody who lives there.

**101.500 Notice to CASA of certain firework displays**

- (1) A person may operate a firework display at a place within 3 nautical miles of an aerodrome only if the person has given at least 2 working days' notice to CASA.

Penalty: 10 penalty units.

- (2) However, subregulation (1) does not apply if:
  - (a) the fireworks are set off on or near domestic premises by or for somebody who lives there; and
  - (b) either:
    - (i) if a law of a State or Territory allows fireworks to be set off in that place only on a particular day or days — the fireworks are set off on such a day; or
    - (ii) if there is no such law in that place — the fireworks are set off on a day on which fireworks are customarily set off on domestic premises in that place.

- (3) When the person tells CASA, the person must also give to CASA the information required by [table 101.500](#).

**Table 101.500 Details of firework display to be given to CASA**

<b>Item</b>	<b>Information to be provided</b>
1	The name, address and telephone number of the person who will operate the display (or, if several people will be involved in its operation, the name, address and telephone number of the person who will coordinate it)
2	The date the display is to begin, the starting time, and how long it is to last
3	Where it is to be given
4	How many projectiles capable of reaching more than 400 feet above ground level are to be used in the display
5	A general description of the pyrotechnic characteristics of each such projectile
6	The estimated highest altitude that any projectile can reach
7	The maximum burst radius of the pyrotechnics in a projectile

- (4) CASA may impose a condition on the operation of a firework display if the condition is reasonably necessary in the circumstances in the interests of the safety of air navigation.
- (5) A person operating a display must comply with any condition imposed under subregulation (4).

Penalty: 50 penalty units.

- (6) An offence against subregulation (1) or (5) is an offence of strict liability.

*Note* For **strict liability**, see section 6.1 of the *Criminal Code*.