

## **CASA online consultation – RPAS Registration and Accreditation Scheme**

The link to the CASA online consultation webpage is here:

[https://consultation.casa.gov.au/regulatory-program/pp1816us/consult\\_view/?utm\\_source=phplist1734&utm\\_medium=email&utm\\_content=HTML&utm\\_campaign=January+2019+regulatory+wrap-up+%5BSEC%3DUNCLASSIFIED%5D](https://consultation.casa.gov.au/regulatory-program/pp1816us/consult_view/?utm_source=phplist1734&utm_medium=email&utm_content=HTML&utm_campaign=January+2019+regulatory+wrap-up+%5BSEC%3DUNCLASSIFIED%5D)

There are several parts to CASA's online consultation process.

Parts 1 & 2 are all about the respondent, so we have not commented on these parts.

In the text below we have extracted the remaining questions from the CASA online consultation document and provided comments from the ACUO Management Committee.

All members are strongly encouraged to respond individually to CASA's online consultation & ensure your voice counts. Please feel free to share this with other ReOC holders and industry stakeholders.

**Part 3 – Registration**

**Q1: Do you agree that all drones over 250 grams should be registered? (noting that there are some exemptions – see Question 2)**

- Yes
- Yes, with changes. (Please specify below)
- No, requires changes (Please specify below)
- Don't know

If you have selected – *Yes, with changes* or *No, with changes* – please enter your comments here.

**ACUO Response:**

CASA identified the purpose of a National Registration Scheme as to enable “Monitoring safe and lawful operation of RPAS”. All RPAs operated by ReOC holders are known to CASA via updates to Schedule 1 of the ReOC holder’s Operations Manual – this schedule lists the manufacturer, model/type, maximum take-off weight and identify (e.g. serial number) of each RPA within the operator’s fleet. As per the current amendment procedure, all changes to Schedule 1 must be notified to, and accepted by, CASA.

Adding an additional ‘registration’ process for ReOC holders does not improve CASA’s ability to monitor safe and lawful operation of these RPAs. While it may provide for improved interrogation by CASA (and perhaps other agencies) than existing records/systems, it is a duplication of data already provided to CASA by ReOC holders. Registration in the form desired by CASA can be enacted using existing data sources and ACUO strongly recommend that CASA migrate existing ReOC RPA fleet records to the new registration system at no cost to ReOC holders (at least for the initial term), noting that ReOC holders have already paid fees to CASA under cost recovery provisions for the issue, renewal and certain amendments to their ReOC. A requirement for ReOC holders to effectively ‘re-register’ RPAs already known to CASA is grossly inefficient and could lead to inconsistencies between RPA registrations and approved ReOC schedules.

Furthermore, the statement that there is currently “No requirement for an RPA weighing 150kg or less, operated either commercially or recreationally, to be registered” is misleading, when read with CASA’s definition of registration in Annex A – “Registration (‘of a machine’) relates to the application provided by the operator, a record created, which is consistent with specific requirements, and is lodged with and held by CASA about an RPA or model aircraft”. It is reasonable to contend that the ReOC application (and subsequent management/renewals/reviews) fully satisfies this definition.

**Q2: Does the proposed scheme ensure the right drone operations are exempted from registration?**

- Yes
- Yes, with changes. (Please specify below)
- No, requires changes (Please specify below)
- Don't know

If you have selected – *Yes, with changes* or *No, with changes* – please enter your comments here.

**ACUO Response:**

ACUO agree that recreational model aircraft should be exempt from registration when operating at approved venues, as they appear to have existing arrangements that are well managed under AMAS and the MAAA.

The approach to research and development platforms, while attempting to provide flexibility, will be difficult to implement in practice under the proposed conditions. The criteria listed under clause 31. (a)(i) is problematic and does not appear to lend itself to improving safety outcomes. For example, the requirement for each iteration to be within 20% of all other iterations appears arbitrary and it would seem reasonable to allow the transfer of registration within the same weight class (0-7kg, 7-25kg etc.). Additionally, it is common for an 'aeroplane' to be upgraded to a 'powered lift' platform through research and development activities or for the autopilot (which may or may not provide an eID) to be replaced with another variant. Given that R&D activities are 'test and learn' by nature, the number of iterations (and thus time/cost impact of registration) would be substantial for some entities that undertake significant R&D activities. An iteration that triggers the conditions listed may only fly once and will likely pose little risk to public/airspace users when compared to a commercial or recreational RPA that is used on a regular basis and not under test conditions. ACUO recommend that CASA explore the impacts of registration on research and development RPAs further with affected users (particularly educational institutions) and consider a broader exemption for such activities, within defined parameters.

As noted in our response to Q1, any registration requirement for ReOC holders is essentially being met by the existence of Schedule 1 in the operator's Operations Manual. As this may not provide for consistency with other registered users in a future amalgamated registration system, CASA should migrate existing data (existing ReOC RPA records) to the new register at no cost to ReOC holders and remove the requirement to maintain a separate Schedule 1, as this will lead to duplication and possible inconsistency of records.

**Q3: Has the right balance been reached with the registration fees?**

- Yes
- Yes, with changes. (Please specify below)
- No, requires changes (Please specify below)

If you have selected – *Yes, with changes* or *No, with changes* – please enter your comments here.

**ACUO Response:**

The claim that the “cost difference between recreational and commercial registration reflects the cost to CASA to appropriately oversight each sub-section of the RPAS community” is made without supporting evidence or justification and is counter to the theme of registration in the Senate inquiry’s findings. The Senate inquiry’s report noted that “Under the new regulations, formal registration requirements do not apply to model aircraft or RPA unless being flown for commercial purposes” and there is a clear focus throughout the report, that the primary benefits of registration were to identify users in the case of an incident, provide a deterrent for misconduct, and to enable better education of users who otherwise sit outside the aviation sector. Registration of recreational (and partially excluded) RPAs provides the biggest return on investment, but registration of ReOC holders beyond what is already captured does little to address such issues.

The suggestion that ReOC holders should effectively subsidise a solution to a problem posed by other participants in the sector is fundamentally unfair and indefensible, and the proposed fee structure seeks to raise additional revenue more than it achieves any measurable improvement in safety outcomes for commercial operators: “The introduction of a registration fee is an attempt to, re-balance CASA’s funding across the conventionally piloted and remotely piloted sectors”.

CASA’s claim that “registration would also provide CASA ... with a more accurate picture of the nature and size of the Australian commercial and recreational fleet” and that “It is not known how many individuals operate RPAs within Australian Territory” would only hold true under the assumption that commercial operators aren’t complying with extant regulations, having not notified CASA of their intent to operate under the excluded category or list an RPA on Schedule 1 of the Operations Manual. Under this assumption, any additional regulatory requirement, particularly that with a disproportionate fee associated to it, is unlikely to improve compliance or encourage participation in any future registration scheme.

CASA reference the ‘Overseas experience’ and notes that the US FAA have an RPA registration fee significantly lower than those proposed by CASA for commercial operators (UK CAA have proposed a similar fee), yet no justification is given as to why CASA believe it is appropriate to charge such a fee. Using a simple example of a commercial operator with three RPAs, a US FAA registration fee of \$5 USD (approx. \$7 AUD) would be payable and would cover all three RPAs for a period of three years. Under CASA’s proposed fee structure, the same operator with three RPAs would be required to pay \$900-\$1,440 to remain registered over the same period. Put another way, CASA’s proposed registration fee is approximately 128 (using \$100 fee) to 206 (\$160 fee) times more expensive than the equivalent US FAA fee.

ACUO firmly believes that CASA needs to provide an explanation, not only as to why commercial operators are being unfairly targeted by this fee, but also how a substantial multiple (128x to 206x) of a comparable market is justified.

The fairest method is a single common fee for a single ID across all drones for the registered entity. (ie Per-Person for Recreational; Per-Person for Excluded; Per-Company for ReOC holders)

**Q4: Should registration be required annually?**

- Yes
- Yes, with changes. (Please specify below)
- No, requires changes (Please specify below)
- Don't know

If you have selected – *Yes, with changes* or *No, with changes* – please enter your comments here.

**ACUO Response:**

ACUO support low-cost and efficient annual registration of RPAs, regardless of operating category/classification. Given the exponential growth in RPA adoption and the relatively short life span of RPAs, an annual registration period would provide the best insight into the true number of RPAs being flown in Australian skies in any given year. Devoid of an effective deregistration process/trigger, a longer registration period would likely result in a significant number of RPAs remaining on the register long after they have been pulled from service (false positives).

ACUO strongly recommend that the implementation schedule be revised to address recreational operators as a priority, noting that this category of operator/RPA has been identified as the most problematic in terms of education, enforcement and availability of good data. To target ReOC holders first is counterintuitive and contrary to the spirit of the Senate recommendations, which were accepted in the Australian Government's response. CASA already possess (or should) data on the number of commercial remote pilots (RePL and excluded) and the number and type of RPAs operated for commercial purposes, having obtained this information through the existing management of ReOC's and excluded category notifications.

Noting that this information is readily available to CASA, there would be minimal safety benefit (and thus justification) to target ReOC holders initially, while the number of recreational RPAs/remote pilots is largely unknown/estimated. Additionally, as no data is held on recreational users, it is considerably more difficult to target them for educational campaigns or enforcement in the instance of an incident, e.g. the RPA is recovered and serial number determined, but there is no record available to associate the RPA with a user. This is not the case for commercial operators under existing arrangements.

ACUO draws attention to the following statement in the policy document, where we are unable to identify the benefit (beyond financial) that would be obtained from targeting commercial operators as a priority?

*"The process to obtain a RePL and ReOC is well-established and includes CASA mechanisms to ensure commercial operators are competent to operate their RPA safely".*

ACUO note the numerous references to support for a registration system, however consider that this has been misrepresented in the context that it is proposed. For example, if the question was framed: "Should commercial operators register information already provided to CASA for an additional fee, before other RPA users?", CASA would likely have received an abundance of negative responses to this proposal, highlighting the duplication of data and unfair targeting of commercial operators (i.e. the framing is very important). Care should be taken not to interpret the broad support for registration (a record of RPA associated to an entity - commercial or person) as support for the effective duplication of data collection and unwarranted targeting of commercial operators. As a participant to the Senate Inquiry, ACUO perceived that registration was largely viewed as a solution to collect data on recreational users/RPAs to address the large 'unknown', enabling CASA to better understand this segment of the sector and thus be better equipped to manage it.

**Part 4 – Accreditation**

**Q1: Is the accreditation scheme aimed at the right drone flyers?**

- Yes
- Yes, with changes. (Please specify below)
- No, requires changes (Please specify below)
- Don't know

If you have selected – *Yes, with changes* or *No, with changes*– please enter your comments here.

**ACUO Response:**

ACUO believe the accreditation scheme, whilst a step in the right educational direction, may not go far enough to provide commercial operators in the Excluded category, with sufficient knowledge and interpretive understanding of the regulations, to change the current situation of illegal RPA operators in Australia, particularly in the vicinity of aerodromes, and over populous areas.

In our view, all commercial RPA operators should ideally be qualified with an RePL but, if not; then equipped with a suitably equivalent level of practical knowledge for the kind of operation concerned - including those operating commercially in the Excluded category.

The Government reports that “...despite the proliferation of RPAS, the ATSB have no confirmed reports of a collision between RPAS and conventionally piloted aircraft in Australia.” are unreflective of the nascent risks associated with the increasing number of reported RPA incidents. Accordingly, close attention should be paid to the content of, and proof of understanding exhibited by, would-be excluded category remote pilots to ensure the scheme truly educates and does not just become a compliance exercise.

**Q2: Is three years an appropriate time to need to repeat your accreditation?**

- Yes
- No – but 5 years is ok
- No – but 2 years is ok
- No – but 1 year is ok
- No – accreditation should never expire

**ACUO Response:**

ACUO believe the accreditation scheme should be consistent with the current ReOC and notification renewal period of 3 years. Alternatively, CASA may find it appropriate to align with the 2-year flight review period for private pilots of CPA.

**Part 5: Registration and accreditation – considerations**

**Q1: Is 16 the right age to take responsibility to fly a drone without supervision?**

- Yes
- No – but 18 years is ok
- No – but 17 years is ok
- No – but 15 years is ok
- No – but 14 years is ok
- Don't know

**ACUO Response:**

ACUO consider 16 years as an appropriate age to operate an RPA without supervision, noting that it aligns with the age requirement for a recreational pilot licence.

**Q2: Is 18 the right age to supervise a drone flyer younger than 16?**

- Yes
- No but 16 is okay
- No but 17 is okay
- No but 19 is okay
- No but 20 is okay
- No but 21 is okay
- Don't know

**No additional response from ACUO.**