

Insurance Insights

Legal requirements for drone operation are set to widen - what do you need to know?

Article 3 of 3

Key takeaways

- A Drone is a Remotely Piloted Aircraft (RPA).
- Licensing requirements are complex and are due to change.
- You may require a Remote Pilot's License (RePL) and a Remote Operator's Certificate (ReOC).
- Accreditation by the regulator CASA is due later this year.
- Check the current regulations before you or your client operates a Drone.

This article, the third in a series on remotely piloted aircraft (**RPAs**) known as drones, focuses on the relevant regulations for commercial, recreational and non-recreational use. Previous articles have discussed drone use and insurance cover ([article 1](#)), operating a drone and the key safety rules known as Standard Operating Conditions (**SOCs**), ¹([article 2](#)).

From the point of view of insurers and the regulator, the Civil Aviation Safety Authority (**CASA**), drones are classified as aircraft. Underwriters and insurers should be familiar with the key terminology, rules, regulations and legislation associated with drone operation to inform policy formulation and risk assessment.

As part of ongoing rule development for safe RPA operation, CASA has foreshadowed changes including accreditation, registration and licensing requirements for drones.

What do you need to know now, and what is in the pipeline?

Do you need a license to fly your RPA?

The CASA rules vary depending upon drone weight, with the following definitions:- ²

- **Micro RPA:** 100 grams or less ³

¹ CASR Standard Operating Conditions, [CASR-REG 101.238 Meaning of standard RPA operating conditions](#)

² *Civil Aviation Safety Regulations 1998 (CASR)* -[CASR REG 202.900, Manual of Standards for Part 172, Dictionary.](#)

³ CASA has foreshadowed raising this threshold to 250 grams. A 249 gram drone is currently available to consumers.

- **Very Small RPA:** 100 grams to 2 kg
- **Small RPA:** 2 kg to 25 kg
- **Medium RPA:** 25 kg to 150 kg
- **Large RPA:** Above 150 kg

Currently, a **Remote Pilot's License (RePL)** is not required if you are flying a Micro, Very Small or Small RPA for your own use, without remuneration (non-commercial) and if you comply with the SOCs. Similarly, if you are operating a Medium RPA for sport or recreation only, compliance with the SOCs is the only requirement.

What about commercial RPA operators and employers?

To fly an RPA of 2kg or larger outside the SOCs or for commercial use, a RePL must be obtained, which involves successful completion of paperwork, training (varies depending on existing aviation qualifications) and a written test.

For commercial RPA operation you will also need a **Remotely Piloted Aircraft Operator's Certificate (ReOC)**, allowing commercial drone use, employment of RePL holder/s and drone flight outside the SOCs. Obtaining a ReOC requires completion of several forms, which are available on the CASA website.⁴

Flying that is not commercial and not for recreation - then what?

RPA use that is not commercial and not recreational, are "**Excluded Operations**"⁵ and do not require:

- **A Remote Pilot's License (RePL) or a Remote Operator's Certificate (ReOC).**

Any 'excluded operations' such as an RPA flown by, or on behalf of its owner or over land owned or occupied by the RPA owner, must still comply with the safety rules of SOCs. Examples of excluded operations are aerial photography, aerial spotting, agricultural operations and carriage of cargo.

If at any time you intend to fly in controlled airspace (for example near an airport) or beyond visual line of sight, you'll also need an aeronautical radio operators' licence (**AROC**). An AROC is required for any transmission using an aeronautical radio frequency.⁶

What next?

CASA is planning to introduce new rules requiring RPA registration. This may or may not follow the United States of America model which is a relatively easy on-line process and costs only USD \$5 for three years of registration.⁷

CASA has also foreshadowed accreditation requirements of **all** drone operators, regardless of RPA size or purpose.

⁴ Accessed Feb 2020 at <https://www.casa.gov.au/drones/reoc/get-your-reoc>

⁵ Excluded Operations are set out in [CASR REG 101.237 Meaning of excluded RPA](#)

⁶ CASR REG 64, Includes rules for obtaining and using an AROC.

⁷ Accessed Feb 2020 at https://www.faa.gov/uas/getting_started/register_drone/

- Future RPA accreditation is planned to: -
 - be available free of charge for adults 18 years and over,
 - include a short safety video and online quiz, and demonstration of the RPA safety rules,
 - last for three years and provide an accreditation certificate for your own flying and supervising others,
 - require anyone under the age of 16 flying an RPA to be supervised by an accredited adult,
 - apply to anyone flying an RPA or model aircraft in both the 'Very Small or 'Flying over owner/occupier land' categories (both are currently characterised as 'Excluded Operations').

Importantly, if you already hold a RePL, there will be no requirement to obtain accreditation.⁸

Conclusion

To date, the proposed changes for RPA registration and accreditation have not been published. To ensure compliance, check the CASA regulations before you or your client operates a drone.

Stay tuned over the coming year, as we expect further developments in the regulations which are sure to impact insurers and underwriters involved in insuring drones.

This article was written by Lawyer Rosemary Blanden in consultation with Peter Axelrod.

If you would like details on the implications of RPA rules and regulations on your business, please contact Principals Rob Minc and David Randazzo, for further information.



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⁸ Accessed Feb 2020 at <https://www.casa.gov.au/drones/rules/accreditation>