



CHAPTER 5: ENFORCEMENT PROVISIONS

Misrepresentation of authorisations

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Operation of an RPA in contravention of the *Airspace Act 2007* and the *Civil Aviation Act 1988*, and the various pieces of subordinate legislation such as the CASR and MOS, can have significant penalties, including, in some instances, terms of imprisonment. Most of the aviation laws that apply to RPA are strict liability offences carrying fines. For more information, please see the RPA Enforcement and Penalties page of the CASA website [casa.gov.au/drones/drone-rules/enforcement-and-penalties](https://www.casa.gov.au/drones/drone-rules/enforcement-and-penalties)



A strict liability offence is one where there is no need for CASA to prove the operator intended to break the rule, the act of breaking the rule is sufficient for the offence to be committed. There is a defence of honest and reasonable mistake of fact available.

Misrepresentation of authorisations

Where a ReOC or RePL holder may apply to CASA for an exemption against the regulations, operators and pilots who intend to operate excluded RPA are not eligible for exemptions against the relevant regulations.

Any operation conducted outside the regulations and conditions is not an excluded RPA operation.

You should be aware that Part 117 contains severe penalties for a person misrepresenting that they hold civil aviation authorisations.

Depending on the severity of the contravention, CASA may:

- › issue an infringement notice to pay a penalty
- › take administrative action such as suspending or cancelling your accreditation
- › compel the operator to enter into enforceable voluntary undertakings
- › refer a matter for criminal prosecution.



Not only can a contravention be expensive, but it can also result in a prohibition on future involvement with RPA.