

## 1. PURPOSE

The purpose of this policy is to ensure that all legislated requirements for the use of Council-owned and/or Council-managed drone technology (also referred to as Remote Piloted Aircraft – RPA – technology) are applied and adhered to by Council officers and that the management and use of data collected by the drone is consistent with relevant legislation and other Council policies.

## 2. INTRODUCTION

This policy sets out guidelines for use of Council-owned and/or Council-managed drone technology.

## 3. SCOPE

This policy applies to all employees and Authorised Users of Council-owned and/or Council-managed drone technology.

## 4. PRINCIPLES

### 4.1 Drones

Drones can increase the efficiency of some of Council’s corporate and operational activities across the municipality, particularly where physical access by officers to a specific location is restricted by factors such as distance, danger or difficult terrain.

This policy describes Council-specific requirements for the use of drones, specifically the drone system (software platform), technology (equipment and hardware) and data. This is in addition to CASA’s requirements outlined in its circular CASR 101. It has been developed to ensure that safety, privacy and legislative compliance requirements are considered and met by Council officers who are CASA-certified drone pilots.

The primary purpose of a Council-owned drone, including any and all data collected, is to service Council’s business needs, for example, inspection of Council assets, and assisting with design/management of facilities.

Council officers nominated and trained by the Chief Remote Pilot are the only pilots authorised to operate a Council-owned drone.

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence. CASA will be notified, and will investigate all reports alleging breaches of the applicable legislation.

All persons working under the authority of Council to operate Council’s drone must report any accident, incident or near miss to the Chief Remote Pilot.

Certain incidents and accidents that relate to drone operations must also be reported to the Australian Transport Safety Bureau (ATSB). The Chief Remote Pilot is responsible for notifying the ATSB of these events. The events will be categorised as either an Immediately Reportable Matter (IRM) or Routinely Reportable Matter (RRM), and reported as per the following table.

Immediately Reportable Matters	Routinely Reportable Matters
Make a report as soon as is reasonably practicable by telephone on 1800 011 034	Submit a written report within 72 hours
Follow up with a written report within 72 hours	

Any and all data collected or recorded by the drone, including geospatial data, is owned by Council and subject to the *Privacy and Data Protection Act 2014* and Council's Information Privacy Policy.

Flight paths should be determined so that a drone does not operate over private property, and where possible the pilot should avoid filming people and/or private property. If it is unavoidable, the property owner's consent should be obtained beforehand. Data is managed by:

- Collecting (or recording) only for a specific purpose in support of a Council function
- Reviewing to redact inadvertently collected personal information
- Editing to dispose of data that is not required.

The Chief Remote Pilot is responsible for all operational matters and Remote Pilot training affecting the safety of operations.

### 4.2 Security and Storage of Data

Council will ensure that access to equipment and data is secure to prevent unauthorised access.

### 4.3 Access to Footage

Any person who believes that personal information relating to them has been captured by a Council drone may contact Council and request to view it by filling out the appropriate form (Application to View Drone Footage). Requests to access or view recordings made by government law enforcement agencies must also complete the Application to View Drone Footage.

The showing of recorded material to the public will be permitted only in accordance with the requirements of applicable legislation, including the *Privacy and Data Protection Act 2014*.

Access to recordings for the purposes of reviewing staff performance or to search for breaches of policy or legislation by staff is not permitted. However, where misconduct is alleged requests to access recordings for investigative purposes must be made in writing and be subject to review and approval by the Director Corporate Services. Where the recording suggests unacceptable work conduct or serious misconduct by staff, action will be in accordance with the Disciplinary Process Policy.

### 4.4 Privacy and Complaints

Council staff who use drones are required to act responsibly and in accordance with legislation. The reasonable expectations of the privacy of individuals is paramount.

Complaints regarding the use of drones by Council officers will be managed in accordance with Council's Complaints Resolution Policy. Where a complaint relates to the conduct of approved users the relevant action officer will be the Director Infrastructure.

If a member of the community believes that their privacy has been breached by images or footage captured by a drone they are encouraged to contact Council's Privacy Officer or the Victorian Ombudsman at [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## 5. COMMUNICATION

Policy to be shared on the Council website and intranet and at relevant team meetings.

## 6. RESPONSIBILITY

**Policy Owner:** Director Infrastructure

**Chief Remote Pilot:** Director Infrastructure

The role and responsibilities of the Chief Remote Pilot are to:

- Ensure that operations are conducted in compliance with the Civil Aviation Act and the Regulations to operate under the Sub-2 kg excluded category.
- Maintain a record of approved Remote Pilots
- Monitor and maintain operational standards and supervise nominated Remote Pilots who operate drones on behalf of Council
- Notify CASA of intention to fly and maintain a register of approval.
- Develop applications for approvals and permissions where required to facilitate operations
- Develop checklists and procedures relating to flight operations
- Be the primary point of contact for CASA
- Approve applications for the regular use of drones for internal business requirements; and requests from external entities and/or organisations to enter into an agreement with Council to utilise drone services.

### Remote Pilot:

Nominated Remote Pilots are to:

- Fly a drone in accordance with CASA regulations and in an approved manner as required by Horsham Rural City Council.

## 7. DEFINITIONS

Definition	Meaning
<b>Chief Remote Pilot</b>	A person nominated by Executive Management Team to manage Council's drone as per the responsibilities. Whilst Council operates a drone under CASA Sub 2kg excluded category, the Chief Remote Pilot will not necessarily require a 'Remote Pilot Licence'
<b>Council</b>	Horsham Rural City Council
<b>Council Officer</b>	A current member of Council staff with the authority to engage in activities on behalf of Council
<b>Drone</b>	'Drone', in a technological context, is an unmanned aircraft. This term is used interchangeably with 'remote piloted aircraft'
<b>Operator Certificate</b>	CASA - Civil Aviation Safety Australia CASR - Civil Aviation Safety Regulations
<b>RPA</b>	'Remote Piloted Aircraft' is the common term used to reference an unmanned aircraft – this term is used interchangeably with 'drone'
<b>Staff</b>	All staff engaged by Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers
<b>Remote Pilot</b>	Nominated Employees approved by Chief Remote Pilot to fly under the CASA Sub 2kg excluded category
<b>Sub 2kg excluded category</b>	CASA "If you fly a drone (remotely piloted aircraft) RPA under 2kg but for commercial reasons, you can fly your drone in what is called the excluded' category"

## 8. SUPPORTING DOCUMENTS

### Applicable Legislation:

The following legislation governs the operation of drones in Australia:

- Civil Aviation Safety Regulations Part 101 (Commonwealth). This consolidates the rules governing all unmanned aeronautical activities into one body of regulation. It prescribes the rules for the use of unmanned moored balloons and kites, unmanned free balloons, unmanned rockets, remote piloted aircraft, model aircraft and pyrotechnic displays.
- *Air Navigation Act 1958* (Commonwealth). This consolidates the law providing for the application of the Commonwealth Air Regulations to and in relation to air navigation within the State of Victoria.

Document	Location
<i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)	Internet
<i>Evidence Act 2008</i> (Vic)	Internet
<i>Freedom of Information Act 1982</i> (Vic)	Internet
<i>Local Government Act 1989</i> (Vic)	Internet
<i>Privacy and Data Protection Act 2014</i> (Vic)	Internet
<i>Public Records Act 1973</i> (Vic)	Internet
<i>Surveillance Devices Act 1999</i> and <i>Surveillance Devices Regulations 2006</i> (Vic)	Internet
<i>Wrongful Acts 1958</i> , Part IV – Damage by Aircraft S.29-31 (Vic)	Internet
Operational Procedures – Remote Piloted Aircraft	Draft – Being Created
CASA Remotely piloted aircraft systems – operation of excluded RPA(AC 101-10)	CASA Website
Information Privacy Policy	Intranet/Council Website
Complaint Resolution Policy	Intranet
Application to View or Obtain Drone Footage	Intranet
Public Record Office of Victoria (PROV) a. PROS 07/01 VAR 3. General Retention and Disposal Authority for Records of Common Administrative Functions, Variation 3, Status Date: 21/07/2015 b. PROS 09/05 VAR 1. Retention and Disposal Authority for Records of Local Government Functions, Status Date: 21/07/2015	Internet

## 9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	28 April 2020	EMT	New policy	28 April 2023
1.1	March 2023	n/a	New logo	28 April 2023