

Module	DRONES
Jurisdictions	CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT
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Module Scope

Is your organisation aware of its obligations in relation to the licencing, approvals, accreditation and registration requirements set by the Civil Aviation Safety Authority in relation to commercial drone operations?

Has your organisation ensured compliance with all relevant obligations in relation to the classification, use and safety obligations in relation to commercial drone operations?

Has your organisation implemented adequate policies and procedures that are compliant with all applicable privacy and data protections laws, standards and principles in relation to the use and operation of drones in Australia?

Has your organisation established appropriate policies and procedures to ensure compliance with all applicable laws in relation to the identification, maintenance requirements, reporting of defects and mandatory notifications in relation to commercial drone operations?

Has your organisation implemented appropriate strategies to ensure safeguards in place for all commercial drone operations to minimise liability by the operator?

Module Application

The legislative term for drones operated commercially and other applications, other than for sport and recreation, is 'remotely piloted aircraft' or RPA. (Drones flown for sport or recreation are deemed as 'model aircraft').

RPA are becoming increasingly prevalent in commercial operations including but not limited to surveying, agricultural operations, defence, search and rescue, farming and research operations.

Drones have the capacity to cause significant damage to persons or property. Whether this is due to illegal or irresponsible use, system failure, equipment malfunction or human error, there are a number of statutory, regulatory and common law requirements for operators, pilots, owners and hirers involved in commercial drone operations where damage is caused.

This module assists drone operators, pilots and hirers to understand and comply with their obligations in relation to the safe use of drones in commercial operations. The module encompasses a range of legislative resources including:

- › Airspace Regulations 2007 (Cth)
- › Privacy Act 1988 (Cth)
- › Civil Aviation Act 1988 (Cth)
- › Civil Aviation Safety Regulations 1998 (Cth)
- › Civil Aviation Regulations 1988 (Cth)
- › CASA OAR 064/21 – Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument 2021
- › Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 (Cth)
- › Transport Safety Investigation Act 2003 (Cth)
- › Transport Safety Investigation Regulations 2021 (Cth)
- › Agricultural Chemicals Distribution Control Act 1966 (Qld)
- › Wilderness Protection Regulations 2021 (SA)
- › National Parks and Wildlife Act 1974 (NSW)
- › National Parks and Reserves Management Regulations 2019 (Tas)
- › National Parks Act 1975 (Vic)
- › National Parks Regulations 2013 (Vic)
- › National Parks and Wildlife Act 1972 (SA)
- › National Parks and Wildlife (National Parks) Regulations 2016 (SA)
- › Forestry Regulations 2013 (SA)
- › Conservation and Land Management Act 1984 (WA)
- › Biodiversity Conservation Regulations 2018 (WA)
- › Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)
- › Nature Conservation Act 2014 (ACT)
- › Nature Conservation (Animals) Regulation 2020 (Qld)
- › Wildlife Act (Vic)
- › Wildlife (Marine Mammals) Regulations 2019 (Vic)
- › Biodiversity Conservation Regulation 2017 (NSW)
- › Biodiversity Conservation Regulations 2018 (WA)
- › Corrective Services Regulation 2017 (Qld)
- › Corrective Services Act 2006 (Qld)
- › Crimes (Administration of Sentences) Act 1999 (NSW)
- › Children (Detention Centres) Act 1987 (NSW)
- › Correctional Services Act 1982 (SA)
- › Corrections Act 1986 (Vic)
- › Serious Offenders Act 2018 (Vic)
- › Children, Youth and Families Act 2005 (Vic)
- › Damage by Aircraft Act 1999 (Cth)
- › Air Navigation Act 1937 (Qld)
- › Civil Liability Act 1936 (SA)
- › Civil Liability Act 2002 (NSW)
- › Damage by Aircraft Act 1963 (Tas)
- › Wrongs Act 1958 (Vic)
- › Damage by Aircraft Act 1964 (WA)
- › Civil Law (Wrongs) Act (ACT)

- Personal Injuries (Liabilities and Damages) Act 2003 (NT)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Information Act 2002 (NT)
- Information Privacy Act 2009 (Qld)
- Personal Information Protection Act 2004 (Tas)
- Privacy and Data Protection Act 2014 (Vic)
- Surveillance Devices Act 2007 (NSW)
- Surveillance Devices Act 2007 (NT)
- Surveillance Devices Act 2016 (SA)
- Surveillance Devices Act 1999 (Vic)
- Surveillance Devices Act 1998 (WA)
- Crimes Act 1900 (ACT)
- Crimes (Domestic and Personal Violence) Act 2007 (NSW)
- Criminal Code (NT)
- Criminal Code 1899 (Qld)
- Criminal Law Consolidation Act 1935 (SA)
- Criminal Code 1924 (Tas)
- Crimes Act 1958 (Vic)
- Criminal Code Act Compilation 1913 (WA)

The specific questions and answers covered by the module include:

- What are the legal obligations associated with the commercial drone operations whether in-house or contracted out?
- What processes or procedures should the organisation adopt to ensure it aligns with regulatory requirements relating to commercial drone use?
- What are the consequences of breaching the legal obligations associated with operating a drone commercially?

The specific issues covered by the module include:

- Accreditation and licencing requirements relating to commercial drone operations
- Drone registration requirements and classifications under civil aviation legislation and associated regulations
- The safe operation and conduct of commercial drone operations and the applicability of standard operating conditions, other restrictions, and the how these may be dispensed with
- Rules relating to carriage and consignment of goods by drone including dangerous goods, chemicals, agricultural activities, and the discharging of objects
- Local requirements relating to the use and operation of drones for commercial activities in national parks, forest reserves, and marine parks to protect animals, plants and visitors
- Compliance with flight restrictions relating to foreign territory, or over prisons or correctional facilities
- Regulations relating to no-fly zones, controlled and non-controlled aerodromes and airspace, and the impacts on commercial operations
- Drone maintenance requirements, including identification, authorised modifications, reporting of defects, recordkeeping
- ATSB mandatory incident notification requirements

Other issues covered by the module include:

- Administrative, investigative or criminal prosecutions relating to improper drone use or operation
- Personal liability obligations and negligence principles relating to drone use that may cause damage or injury
- Privacy and data protection laws regulating the use of personal information obtained by drones in commercial operations
- The recordkeeping requirements applying to certified remotely piloted aircraft operators

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