

COUNCIL POLICY			
Date Adopted by Council	23 March 2022	Council Resolution	2022/03/23.3
Effective Date	23 March 2022	Next Review Date	23 March 2025
Responsible Officer(s)	Manager Innovation and Technology	Revokes	AP_CORP_09

Purpose

The purpose of this policy is to ensure that all legislated requirements for the use of Whitsunday Regional Council owned or managed drone technology, also known as remotely piloted aircraft (RPA) technology, is applied, and adhered to by WRC staff and contractors. The intent of these requirements is to protect people, property and other aircraft from injury or damage that could result from drone use. This policy provides clear guidelines for the internal use of drone technology for WRC's operations.

Scope

This policy is applicable to all employees of WRC; all WRC owned or managed drone systems and technology, and any data and information collected by them, including geospatial data.

Applicable Legislation

This policy is in reference to:

- **Civil Aviation Safety Regulations Part 101 (Commonwealth)** which outlines the rules governing all unmanned aeronautical activities into one body of legislation. It prescribes the rules for the use of unmanned moored balloons and kits, unmanned free balloons, unmanned rockets, remote piloted aircraft, model aircraft and pyrotechnic displays.
- **Air Navigation Act 1937 (Queensland)** which provides for the application of the air navigation regulations and civil aviation regulations of the Commonwealth to and in relation to air navigation within the State, and to provide in relation to liability for certain injury, loss, damage or destruction by aircraft.
- **Information Privacy Act 2009 (Queensland)** which provides for the fair collection and handling in the public-sector environment of personal information and a right of access to and amendment of personal information in the government's possession or under the government's control, unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended; and
- **Public Records Act 2002 (Queensland)** which ensures that the public records of Queensland are made, managed, kept, and, if appropriate, preserved in a useable form for the benefit of present and future generations, and public access to records under this Act is consistent with the principles of the *Right to Information Act 2009* and the *Information Privacy Act 2009*

Policy Statement

Background

1. The operation of drones, also referred to as remotely piloted aircraft, is governed by the Civil Aviation Safety Authority (CASA) and determined by the Civil Aviation Safety Regulations 101 (CASR 101). At all times, use of drone technology by employees of WRC must adhere to the requirements of CASR 101.

2. This Policy and the Remote Operators Manual will provide a framework to ensure the following objectives are achieved:
 - a) RPA are operated in a manner consistent with CASR 101.
 - b) RPA use has a clearly defined purpose to ensure the information is complete and relevant and minimize potential drone intrusions.
 - c) WRC's use of RPA is in alignment with public interest and governing legislation, and is in accordance with relevant policies, directives and procedures of WRC including, but not limited to WRC's Information Privacy Policy.
 - d) WRC's use of RPA occurs in a financially responsible and safe manner.
 - e) Risks to WRC and the wider community from RPA operations is minimized.
 - f) Engage with the community via a clear and comprehensive communication strategy to inform the community about the RPA use event where deemed applicable by the Chief Remote Pilot.
 - g) Take all steps to safeguard the personal information captured by the drone in the air and on the land.
 - h) Ensure contracted service providers are contractually bound to comply with these same privacy obligations; and
 - i) Enable the community to exercise their right to access information held by government.

RPA Use

3. The use of drone technology will only be approved when operational efficiencies or benefits are identified, and adherence to CASA regulations is demonstrated.
4. All staff who are employed by WRC to use drones can be classified by CASA as using them commercially, as they are being paid for their work. Drone flights may therefore only be undertaken by an operator who holds the appropriate Remote Pilot License for the class of drone being flown.
5. The primary purpose of WRC owned drones is to support authorised officers in the conduct of their duties. This may include, but is not limited to,
 - a) Asset management and inspections.
 - b) Water and waste infrastructure management.
 - c) Disaster response and management.
 - d) Tourism, community services and events.
 - e) Compliance management.
 - f) Urban planning – aerial surveys of proposed development sites.
 - g) Land surveying, mapping and 3D terrain modelling.
 - h) Environmental monitoring.
 - i) Pest and weed management.
 - j) Aerial photography (eliminating risks associated with cherry picker type photography); and
 - k) Coastline management.

Legislative compliance

6. As an organisation operating drones commercially, WRC will hold an ARN, and maintain and update a CASA authorised Remotely Piloted Aircraft Operators Certificate (ReOC). The ReOC mandates the following:
 - a) WRC nominate a Chief Remote Pilot and a Maintenance Controller according to the requirements of the Certificate.
 - b) The Chief Remote Pilot is responsible for ensuring that all operations under the ReOC are conducted safely and legally.
 - c) All drone operators and drone operations must adhere to the practices and procedures contained in the Remotely Piloted Aircraft Operators Certificate. These are set out in the Remote Operations Manual, which provides procedures to comply with the CASR 101 requirements: and
 - d) Any proposed drone operations must be logged sufficiently in advance to allow time for approval by the Chief Remote Pilot and must not commence until this approval has been received.

Data Collection and Management

7. All data collected or recorded by WRC managed RPA or from contractors engaged to undertake RPA projects, including geospatial data, is owned by WRC and is subject to WRC Information Security Policy, the *Information Privacy Act 2009* and *Public Records Act 2009*.
8. The data collected will be for specific purposes in support of WRC functions. The data will be stored in accordance with WRC Information and Records Management Policy.

Access to Information

9. Requests by the public to access WRC collected RPA data will be assessed and managed in line with WRC's Information and Records Management Policy, Information Security Policy, and relevant legislation.
10. All requests must be in writing addressed to the Chief Executive Officer, Whitsunday Regional Council.

Complaints

11. Any complaints regarding the use of RPA or breaches of privacy by WRC officers or contractors will be managed in accordance with WRC's Administrative Action Complaints Policy.

Review of Policy

12. This Policy will be reviewed when any of the following occur:
 - a) The related documents are amended or replaced; and
 - b) Other circumstances as determined from time to time by a resolution of Council.
13. Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Definitions

ARN shall mean Aviation Reference Number

CASA shall mean Civil Aviation Safety Australia

CASR 101 shall mean Civil Aviation Safety Regulations

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to the Whitsunday Regional Council.

Drone shall mean an unmanned/remotely operated/autonomously operated vehicle that operates on land, in the air, or in water. For the purposes of this document, this term is used interchangeably with 'remotely piloted aircraft'.

Employee refers to all council employees, contractors, volunteers, temporary, and casual workers.

ReOC shall mean remotely piloted aircraft operator's certificate.

RePL shall mean Remote Pilot Licence.

RPA shall mean 'Remotely piloted aircraft.' This is the term used by CASA in reference to an unmanned aircraft. This term is used interchangeably with 'drone' in this document.

RPA Pilot shall mean the operator of an RPA and holder of a RePL.

RPAS shall mean 'remotely piloted aircraft system.' This is a term used by CASA to refer to a set of configurable elements consisting of a remotely piloted aircraft, its associated remote pilot station (or stations), the required command and control links and any other system elements as may be required at any point during the operation of the aircraft.

UAV shall mean unmanned aerial vehicles. This term is used interchangeably with "drone" and "remotely piloted aircraft" in this document.

Related Documents

Whitsunday Regional Council Remote Operations Manual
WRC Information Security Policy
WRC Information and Records Management Policy

Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.