



Drone (Remote Piloted Aircraft) Policy

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Purpose

The purpose of this policy is to ensure that all legislated requirements for the use of East Gippsland Shire Council-owned and/or Council-managed **drone** technology, which is also referred to as 'remote piloted aircraft' (**RPA**) technology, is applied and adhered to by **Council officers**, as well as the management and use of data collected by the RPA.

Scope

This policy applies to Councillors, the Strategic Leadership Group and Drone (Remote Piloted Aircraft) Pilots.

Policy Context

The operation of RPA is governed by the Civil Aviation Safety Authority (**CASA**) and determined by the Civil Aviation Safety Regulations Part 101 (**CASR101**). The policy has been designed with privacy and surveillance legislation in mind to protect the interests of the public.

Policy Statement

Remote Piloted Aircraft will increase the efficiency of Council's corporate and operational activity 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 determines Council-specific requirements for the use of RPA, specifically the drone system (software platform), technology (equipment and hardware) and data in addition to CASR101. It has been developed to ensure that safety, privacy and legislative compliance requirements are considered and met by Council officers who are CASA-certified RPA pilots.

The primary purpose of Council-owned RPA, including all data collected, is to service Council's business needs. However, from time to time Council may enter an *ad hoc* arrangement to provide RPA services to other organisations where a Memorandum of Understanding exists. This will occur only where a clear benefit to Council or the **community** can be demonstrated. When the drone and authorised pilots are hired to third parties, all operations must be in accord with the East Gippsland Shire Council Operational Procedures that accompany this policy.

Council will not provide community groups drone (RPA) flight services, "pro-bono" to capture footage or images of community run events. It has never been Council's intention to operate drone (RPA) services in opposition to existing commercial operators. While there may occasionally be benefit to Council to capture drone (RPA) footage of events held in the Shire, this should be undertaken proactively by and at the discretion of Council. There may be Council operated events where drone (RPA) footage may be captured in accordance with the Policy and with the cooperation and provision of resources within the organisation. Council must be aware of precedents that may be set when drone (RPA) footage is captured at a community run event, taking into consideration the number of events that occur across the shire and the number of community/not for profit or other organisations that may run an event.

CASA licenced Council officers are the only pilots authorised to operate Council-owned RPA. The hiring of Council-owned RPA technology to external entities is not permitted.

CASR101 determines hiring of licenced drone (RPA) Operators is commercial in nature. Therefore, any proposal of this kind must be approved by Executive Leadership Team, which in assessing proposals will have regard for the benefit to Council and the East Gippsland community that will be delivered through or derived from the arrangement.

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's drone (RPA) Operators Certificate must report any accident, incident or near miss to the Chief Remote Pilot.

Certain incidents and accidents that relate to drone (RPA) 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)

Immediately Reportable Matters	Routinely Reportable Matters
<ul style="list-style-type: none">• Make a report as soon as is reasonably practicable by telephone on 1800 011 034	<ul style="list-style-type: none">• Submit a written report within 72 hours
<ul style="list-style-type: none">• Follow up with a written report within 72 hours	

All data collected or recorded by the RPA, including geospatial data, is owned by Council and subject to the *Privacy and Data Protection Act 2014* (PDA) and Council's Information Privacy Policy. Recordings are subject to the legislated Information Privacy Principles (see PDA) that determine the storage and retention of data.

Flight paths must be determined so that the RPA 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 considered and managed by:

- collecting (or recording) only for a specific purpose in support of a Council function;
- reviewing to redact inadvertently collected personal information; and
- editing to dispose of data that is not required.

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

Proactive 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 General Manager Business Excellence. Where the recording suggests unacceptable work conduct or serious misconduct by staff, any action taken will be in accord with the Disciplinary Process Policy.

Access

Any person who believes that their personal information has been captured during a Council drone operation may request to view their personal information under the provision of Council's Information Privacy Policy.

It is emphasised that if images are inadvertently captured by the drone (RPA) on site that contain personal information, the concerned member of the public can be shown the footage where the footage will be either deleted, or authorised by the signing of an acknowledgement form by the member of the public. When downloading the footage in the office and it is discovered that a member of the public's image was captured, the image can be blurred (using appropriate software) or deleted. Nonetheless the right to access personal information is upheld.

A member of the public can be shown the footage captured by the drone (RPA) on site if they are concerned that they may have been inadvertently captured.

Requests to access or view recordings must be made in writing to the Manager Information Services and be subject to review and approval by General Manager Business Excellence, including any requests made by government law enforcement agencies.

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* and the *Freedom of Information Act 1982*.

Any application for access to personal information held by Council must:

- a) be made in writing from the individual it concerns,
- b) provide sufficient details to verify the identity of the applicant, and
- c) specify the approximate location, date and time footage was taken.

Complaints

Complaints regarding the use of drones by Council officers will be managed in accordance with the publicly available Customer Response Policy. Where a complaint relates to the conduct of approved users the relevant action officer will be Manager Information Services, where it relates to issues of privacy or surveillance the action officer will be the Manager Governance or Governance and Compliance Coordinator.

Action officers responding to complaints are required to provide an:

- Interim response – advising the customer of the current status and timelines for progress or delay (within 10 business days of the written complaint), and must provide;
- A substantive response – advising the customer of any delay, final decision, resolution, completion or fulfilment within 30 business days from initial request.

If a member of the community believes that their privacy has been breached by images or footage captured by a drone (RPA) Pilot, they are encouraged to write a letter to the Manager Governance or Governance and Compliance Coordinator stating the date, time, location and their concern.

Complainants have the right to take unresolved privacy complaints to the Commissioner for Privacy and Data Protection.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Executive Leadership Team or ELT	<p>ELT is responsible for organisational compliance. As a group, they will assess and determine the:</p> <ul style="list-style-type: none"> • staff positions that require CASA pilot qualifications; • approve applications for the regular use of Remote Piloted Aircraft for internal business requirements; and <p>requests from external entities and/or organisations to enter into an agreement with Council to utilise Remote Piloted Aircraft services.</p>
Manager Information Services	<p>Policy owner and officer with overall responsibility for the effective and ethical management of Council’s Drone (RPA) Program and equipment, and for ensuring that recorded information is appropriately collected, managed and disclosed in accordance with legislation, this policy and related procedures and guidelines.</p>
Business Systems Coordinator	<p>Responsible for the management of drone data and/or internal (for Council business purposes) release of it. Supports Manager Information Services by ensuring the related ethical, legislative and policy considerations and requirements are satisfied prior to the release of data.</p>
Coordinator ICT Operations	<p>Provides support to the Business Systems Coordinator when required as above (refer Business Systems Coordinator).</p>
General Manager Business Excellence	<p>Responsible for determining if drone (RPA) data can be disclosed to external (non-Council) applicants and that the related ethical, legislative and policy considerations and requirements are satisfied prior to the release of data. Also responsible for determining if a recording made by an RPA may be used in relation to staff performance, conduct or compliance with policy or legislation.</p>

Party / Parties	Roles and Responsibilities
Chief Remote Pilot	<p>The role and responsibilities of the Chief Remote Pilot are to:</p> <ul style="list-style-type: none"> • ensure that operations are conducted in compliance with the Civil Aviation Act and the Regulations • maintain a record of qualifications held by each RP • monitor and maintain operational standards and supervise RP(s) who work under the authority of the Remote Operator Certificate • maintain a complete and up-to-date reference library of operational documents as required by CASA for the class of operations conducted • develop applications for approvals and permissions where required to facilitate operations • develop checklists and procedures relating to flight operations <p>be the primary point of contact for CASA</p>
Maintenance Controller	Responsible for ensuring the maintenance of the drones (Remote Piloted Aircraft Systems) in accordance with the manufacturer specifications.
Pilot	CASA-certified Council employed pilots must abide by CASA laws and regulations and follow all Council Policies and Procedures.
East Gippsland Shire Council Audit Committee	To annually review the use, operation and compliance with this policy and related operating procedures, including all external requests to access drone RPA data.
Manager Governance or Governance and Compliance Coordinator	Receives and investigates complaints from the public alleging unlawful surveillance or breaches of the right to privacy.

References and Supporting Documents

Council Plan

Good Governance Goal 2 Our relationships with other levels of government and partners deliver great outcomes for East Gippslanders.

A Liveable Region Goal 1 East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Applicable Legislation:

The following pieces of legislation govern the operation of RPA in Australia:

- [Civil Aviation Safety Regulations 1998 \(CASR\) Part 101 – Unmanned aircraft and rockets](#) This consolidates the rules governing all unmanned aeronautical activities into one body of legislation. 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.

The following related legislation must be taken into consideration when assessing the use and management of data collected by RPA:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Evidence Act 2008 (Vic)*
- *Freedom of Information Act 1982 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Public Records Act 1973 (Vic)*
- *Surveillance Devices Act 1999 and Surveillance Devices Regulations 2006 (Vic)*
- *Wrongs Acts 1958, Part IV – Damage by Aircraft S.29-31 (Vic)*

Applicable Policy and Procedure:

This Policy is supported by the following internal operating procedures and guidelines:

- 1. Drone (Remote Piloted Aircraft) Operation Procedures - V2
- 2. CASA - EGSC RPAS Operational Procedures_V5 (Library)
- 3. CASA – EGSC RPAS Operations Manual_V3

Supporting Documents:

East Gippsland Shire Council Fraud and Corruption Policy

East Gippsland Shire Council Information Privacy Policy

- 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

Privacy and Human Rights Consideration

All personal information collected by the East Gippsland Shire Council in connection with the use of drone technology will be handled in accordance with all applicable privacy legislation. Personal information about an individual held by Council must only be used to carry out the primary or directly related purpose of collection. Furthermore, Council must not collect personal information unless the information is necessary for one or more of its functions.

If a member of the community believes that their privacy has been breached by images or footage captured by a drone (RPA) Pilot, they are encouraged to write a letter to the Governance and Compliance Coordinator stating the date, time, location and their concern.

Individuals have the right to make a complaint to the Victorian Commissioner for Privacy and Data Protection if they believe their privacy has been breached.

This Drone (Remote Piloted Aircraft) Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Definitions

Term	Meaning
CASA	Civil Aviation Safety Australia
CASR	Civil Aviation Safety Regulations
Community	People who live in East Gippsland; People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Contractor	Person or company engaged to undertake works for Council, including service provider's / service partners
Council	East Gippsland Shire Council
Council Officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Drone	'Drone', in a technological context, is an unmanned aircraft. This term is used interchangeably with 'remote piloted aircraft'.
RPA	'Remote piloted aircraft' is the common term used to reference an unmanned aircraft. This term is used interchangeably with 'drone'.
Shire	The geographic area of the East Gippsland Shire Council.
Staff	All staff engaged by the East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	09/05/2017	Council	7184201	New policy
2	Approved	03/07/2018	Council	7689034	Amendments resulting from internal policy audit
3	Approved	01/09/2020	Council	8610880	Change of title for Director Corporate to General Manager Business Excellence Change of name for Executive Group to Executive Leadership Team Change of Leadership Group to Strategic Leadership Group Update Legislative Acts