

Upper Macquarie County Council

POLICY: UMCC_2018/02

Drone Operations Policy

Using Remotely Operated Aircraft to assist with Weed Biosecurity Management.

Adopted by: Upper Macquarie County Council

Date: 15th June 2018

Review Date: Every 3 years or as required

Next Due: June 2021

Policy Document Approved by:

David Young
General Manager

Date: 9th June 2018

1. Policy Purpose

Upper Macquarie County Council seeks to utilise established and emerging technologies as a means of helping achieve the core weed biosecurity mission of the Council.

This Policy seeks to ensure that in the use of a Drone in support of weed biosecurity inspections and weed biosecurity enforcement activities, the Council meets all applicable legislative and regulatory obligations associated with the Civil Aviation Safety Regulation (2016) the NSW Surveillance Devices Act (2007), NSW Biosecurity Act (2015), and the Privacy & Personal Information Act (1998).

2. Scope of Policy

This Policy applies to all staff employed by the Council and all contractors or other agents thereof involved in the use of a Drone on behalf of Council.

3. Policy Statement

The Council authorises the use of a Drone in support of weed biosecurity inspections and weed biosecurity enforcement activities by the Council, provided that such use is strictly in accordance with all applicable legislative and regulatory requirements.

The council will not use a Drone or allow a Drone to be used for any purpose other than in direct relationship with its weed biosecurity function as a local control authority under the provisions of the Biosecurity Act (2015).

4. Procedures and Guidelines

The Council authorises the General Manager to attach, prepare and amend as necessary, any procedures and guidelines that are considered necessary from time to time to ensure the proper operational implementation of this policy.

Such procedures and guidelines will be reported to the Council for information when initially produced and thereafter when and if any substantive change is made thereto.

For the time being (unless and until they are replaced by other procedures) the following documents are authorised as procedures under this policy to the extent that they are not in conflict with Council's policy or procedures and further to the extent that they relate to Council drone operations.

- A. Civil Aviation Service Authority Circular 1.01 *standard operating conditions* applicable to very small Drones.
- B. AVCRM's *aviation compliance and risk management* software Implementation Instructions.
- C. AVCRM's RPA Manager *Initial User Manual 2018'*

The selection, installation, and use of each and every kind of optical surveillance device installed upon Council Drones is to be in accordance with the Councils Drone Operating Policy as amended from time to time.

5. Privacy

The privacy of a property owner is protected under the Privacy & Personal Information Act (1998), however special exemptions apply where the Council as a *local control authority* seeks to collect appropriate information for a lawful purpose related to the function of the Council.

As a local control authority the Council will only use a Drone for the purposes of viewing a landholding and/ or collecting appropriate photographic / video information required for weed biosecurity inspection, compliance and enforcement purposes, and not otherwise. Such information will primarily be of landscape, vegetation and particular plant type images, and as such will normally not be considered personal information.

For the purposes of weed biosecurity inspections, a property owner must at least be advised in an INITIAL *notice of intention to inspect (i.e. for Inspection 1)* that the inspection may include (in addition to a personal inspection by a biosecurity officer) the use of a Drone owned and operated by the UMCC.

Under no circumstances is a Council Drone permitted to be used for the purpose of observing or recording images of a person or the activities of a person UNLESS the recording or streaming of any video surveillance material of a person or activity of a person unless it is incidental to a weed biosecurity matter AND either (a) there is express or implied consent from the owner or occupier of the property OR (b) in accordance with the terms of a warrant issued by a competent court to monitor or take images. In addition no Drone surveillance images of any kind are to be duplicated, transmitted or published or otherwise provided to any person or organisation outside UMCC without formal approval from the General Manager.

6. Property Access when using a Drone

The Council's authorised officers may normally exercise the right to enter a property at any time, however where this includes the use of a Drone it must be at a reasonable time. Such reasonable time for Council's biosecurity inspection purposes (when using a Drone) will usually mean between 9.00 AM and 5.00 PM on any day excluding a Sunday or Public Holiday OR at another time agreed with the property owner or occupier.

The Council's authorised officers may exercise the right to enter a property (with or without notice). However, other than in exceptional circumstances, Council requires that authorised officers to: (a) during the *cooperative compliance phase* of its weed biosecurity activities (advisory, educational and undertakings) provide 10 clear days prior written notice of the intention to enter a property and to use a Drone to inspect a property, and (b) during the *enforced compliance phase* of its weed biosecurity activities (directions, penalties, court action) Council will not normally provide prior notice of its intention to enter the land or to use a Drone to inspect a property (unless required by statute to do so).

Note: An authorised officer may inspect a property without actually physically entering the property.

7. Biosecurity Matters

The primary purpose of Council owning and operating a Drone is to utilise their aerial optical surveillance capability to assist weed biosecurity officers in the inspection of properties to establish the extent and nature of weed biosecurity matters and incremental changes therein.

The Biosecurity Act generally permits the authorised officers of a local control authority to obtain evidence, and record same provided the person providing the evidence has been informed of the recording prior, and a copy of the record is made available to the person as soon as practicable after it is made. While the specifics of this provision relate more to *records of interview*, Council will only apply the same principle to evidence obtained from the use of aerial optical surveillance where the recording is to be retained by Council and is intended to be used as evidence.

8. Aviation

The Council will only use *very small* DRONES of a gross mass less than 2kg and hence is permitted under the Civil Aviation Service Authority regulations to operate within restricted airspace provided it does not exceed an altitude of more than 120m above ground.

All operators of Council Drones must be trained (to the satisfaction of the Chief Weed Biosecurity Officer) in the operation of remotely piloted aircraft and comply with Civil Aviation Service Authority specified *standard operating conditions* applicable to very small Drones.

Council DRONES must always be operated in conjunction with the *aviation compliance and risk management* software (AVCRM), provided by Council, and not otherwise.

9. Approvals

This Policy is to be approved by the General Manager and subsequently adopted by the Council before it comes into effect.

10. Review

From time to time the Council may make changes to this Policy and associated procedures and guidelines to improve the effectiveness of its operation or to meet new provisions in any relevant legislation.

11. Further Assistance

Further information on this policy will be detailed in the Councils Remotely Piloted Aircraft (DRONE) Procedures and Guidelines as required.

Any staff member who requires assistance with this Policy should in the first instance consult their supervisor.

END.