

**FALLS CREEK ALPINE RESORT MANAGEMENT BOARD
BOARD POLICY**

Board Policy No. D1.1

DRONES – RPA

Issued: 06/2015

Operational Policy: D1.1

Title: Use of Remotely Piloted Aircraft (RPA) – also known as “Drones”

Revision No:	2.0		
Replaces:	Version 1.0		
Approved on:	March 2015	By:	FCARMB
Next Review Date:	Updated May 2017 – Next Review May 2018		

Purpose

To ensure the appropriate rules and legal requirements are applied to DRONE usage, commercial and private, within the defined geographical footprint managed by Falls Creek Alpine Resort Management.

Updated May 2017 incorporating amendments from: Sept 2016 and February 2017 re: Part 101 of the Civil Aviation Safety Regulations 1998.

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Policy background	<p>This is the official policy for the usage of DRONES within the Falls Creek Alpine Resort.</p> <p>All users of DRONES are responsible for acting within the parameters of the governing legislation.</p> <p>DRONE Licensing is administered for only Commercial use. Any Civil/Hobby/Recreational Use is prohibited within Falls Creek Alpine Resort.</p>
Compliance	<p>Compliance with the Civil Aviation Safety Authority (CASA), via Civil Aviation Safety Regulations 1998 part 101 (CASR101) for both commercial and Civil/Hobby use of Drones. CASR Division 101.F and associated clauses defines the particular reference in relation to Remotely Piloted Aircraft (RPA).</p>
Definition	<p>Commercial Use of Drones</p> <p>CASA defines the commercial use of a drone as:</p> <ul style="list-style-type: none">- any activity undertaken that is deemed a business or income generating operation. For example, a production company using a drone for the purposes of recording and gathering footage, or use of drone to propel any object into the air for research or the like, that will be defined as commercial use.- Amendments in September 2016, have reclassified classes of drones based on weight (>2kgs and more than <2kgs)of drone use. Please refer to:- https://www.casa.gov.au/standard-page/commercial-unmanned-flight-remotely-piloted-aircraft-under-2kg- And- https://www.casa.gov.au/aircraft/standard-page/commercial-unmanned-flight-gaining-your-remotely-piloted-aircraft-pilot- And- https://www.casa.gov.au/files/ac10110pdf <p>Before activating a drone for commercial purposes CASA requires:</p> <ul style="list-style-type: none">- Pilots must undergo certification. FCARMB will require any commercial operators to hold; RPA Operator’s Certificate (ReOC) and Remote Pilot License (RePL) before applying to get permission to use their RPA in resort.- Such certification recognizes the operator as being able to maneuver the drone safely, and that the operator understands and abides by the rules and regulations relating to drone flights in Australia. <p>Depending on category of remote craft, CASA still require notification, of at least FIVE days prior to the first commercial flight and there must be agreement to operate by the standard operating conditions.</p> <p>Commercial operators with drones exceeding 2kgs need explicit approval from CASA in relation to launch, location and use prior to the drones operation.</p> <p>Prior to notifying CASA you will need to have registered for an Aviation Reference Number.</p> <p>Furthermore. CASA requires that any commercial use is supported by approved flight plans and copies of the user’s certifications.</p> <p>TRIM:</p> <p>If a commercial entity is caught operating a drone without the appropriate approval from CASA, they may serve the operator with an infringement notice or</p>

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Liability

Failure to comply with the following rules – will result in penalties and infringement notification being issued:

Falls Creek resort has THREE active helipads. HENCE NO DRONES can be flown ANYWHERE within the resort.

- An operator may **NOT** fly closer than 30m to vehicles, boats, buildings that are not on the operators private property or the operator must have explicit permission from the private property owner.
- The operator is **NOT** allowed to fly over any populated areas such as beaches, other people's backyards, heavily populated parks or sports ovals where there is a game on.
- The operator is **NOT** allowed to fly any closer than 30m from people not associated with the flight.
- The operator is **NOT** allowed to fly in a prohibited or restricted area.
- **The operator may NOT operate within a RADIUS of 5.5km of any aerodrome, airfield, airport, seaplanes taking off or landing, helicopter landing sites which may be located at hospitals, police stations or other locations that you may not be aware of.**
- Operators may ONLY operate during DAYLIGHT – NO night flying! Only in good weather and you MUST be in visual-line-of-site of the RPA.
- Operators may NOT fly above 400ft (120m).

In addition – further restriction can be applied to:

- A Populous Area - defined as an area with sufficient density that an unreasonable risk of death, injury or property damage would be presented by any aspect of RPAS operations;
- An RPA must not be flown over **a Restricted or Prohibited area** without written approval from the relevant authority. **Falls Creek Resort is a restricted area**, Falls Creek Resort Management Board is the relevant authority, from whom approval must be sought.

In the event that these rules are violated, CASA can take action in the form of infringement notices of up to \$9000 per offence. Furthermore, the Civil Aviation Act 1988, the Aviation Transport Security Act 2004 and aviation security regulations also contain criminal offences for interference with the safe conduct of air transport or reckless flying, which may result in up to 2 years imprisonment.

In the event that these rules are seriously breached and injury/harm has been caused to person(s), CASA will apply to the Commonwealth Director of Public Prosecutions for criminal charges to be laid in accordance with Commonwealth and State Legislation.

Depending on the circumstances, non-compliance with this policy may constitute a request to cease using the drone.

Approval to use a drone for commercial purposes

In the event of a **commercial operator** wanting to use a drone within the area governed by Falls Creek Alpine Resort Management, appropriate and current certification has to be provided and recorded by FCARM. To ensure the material provided is correct, FCARM can perform a check on the authorised website of Australian Certified UAV Operators Inc.

Copies of all such paperwork are to be scanned and saved for perpetuity.

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Non-compliance with commercial usage legislation

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence and CASA will receive and investigate all reports of misuse.

Breaches of commercial usage legislation are to be reported via webportal: <https://www.casa.gov.au/webform/unsafe-drone-operations-complaint-form>

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence and CASA will receive and investigate all reports of misuse.

Non-compliance with civil/hobby usage legislation

Breaches of civil/hobby usage legislation are to be reported to: <https://www.casa.gov.au/webform/unsafe-drone-operations-complaint-form>

References

Civil Aviation Safety Authority
<http://www.casa.gov.au/scripts/nc.dll?WCMS:PWA:1526390299:pc=PARTS101>
<https://www.casa.gov.au/files/ac10110pdf>

Australian Certified UAV Operators Organisation
<http://www.acuo.org.au/>

Commonwealth Legislation: *Air Navigation Act 1958*
http://www.austlii.edu.au/au/legis/vic/hist_act/ana1958148.pdf

Vic State Legislation: *Wrongs Acts 1958, Part VI – Damage by Aircraft S.29-31*
http://www.austlii.edu.au/au/legis/vic/consol_act/wa1958111/

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Roles and responsibilities The following table lists the key roles and responsibilities for implementing and maintaining this business rule.

Role	Responsibility to...
Chief Executive Officer	<ul style="list-style-type: none"> • provide leadership in fostering an organisational culture of preventing, detecting, and responding to reported policy breaches in a timely and appropriate manner • ensure staff are aware that policy breaches will not be tolerated and allegations will be followed up in a fair and discrete manner • ensure policy breach risk assessments are undertaken in line with the risk management process set out in the Risk Management Business Rule and Guidelines • ensure that: <ul style="list-style-type: none"> ○ controls for related risks are in place and operating effectively • develop, implement and manage treatment strategies for policy breach related risks, as appropriate • ensure that any disclosures of policy breaches are appropriately investigated and dealt with • ensure that policy breach related risks are reviewed and updated at an appropriate frequency, in line with operational risk registers • attest as part of the six monthly risk management sub-attestation, that policy breach related risks are being appropriately managed within their area of responsibility
Executive Leadership Team	<ul style="list-style-type: none"> • foster a culture of preventing, detecting, and responding in a timely and appropriate manner • participate in their divisions/regions risk assessments and if identified, contribute to implementing treatment strategies • ensure that controls and treatments relating to policy breaches are reviewed at an appropriate frequency to ensure a satisfactory level of control • be an avenue for staff to report policy breach disclosures • understand the management response for dealing with disclosures of policy breaches • inform all staff and contractors of the policy breach control measures that are to be observed within the Board and where applicable, the Victorian Government or any other relevant agency or organisation
Employees and Contractors	<ul style="list-style-type: none"> • foster and maintain the highest standards of ethical behaviour throughout the FCRM • comply with the requirements of this business rule • be aware of and abide by the Code of Conduct for Victorian Public Sector Employees 2007 • not commit improper conduct

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Maintaining ethics and integrity

Public sector employees and contractors seek to build and maintain a high level of trust with the Government, community and other public sector employees. They are to behave in a manner that does not bring themselves or the public sector into disrepute.

All FCRM employees and contractors are bound by the [Code of Conduct for Victorian Public Sector Employees \(No 1\) 2015 \(PDF - 418 KB\)](#), as prescribed in the Public Administration Act 2004. Failure of FCRM staff to behave in the ways described in the Code of Conduct may lead to action under relevant performance management or misconduct processes.

Related documents and forms

Board Policy D1.1 - Drones – RPA Policy
CASA Website
Code of Conduct ([Code of Conduct for Victorian Public Sector Employees \(No 1\) 2007 \(PDF - 418 KB\)](#))

Legislative Framework

Act
Commonwealth Legislation: *Air Navigation Act 1958*
Vic State Legislation: *Wrongs Acts 1958, Part VI – Damage by Aircraft S.29-31*

Regulations

[Code of Conduct for Victorian Public Sector Employees \(No 1\) 2007 \(PDF - 418 KB\)](#)

Civil Aviation Safety Authority (CASA), via Civil Aviation Safety Regulations part 101 (CASR101)

Alpine Resorts (Management) Regulations 2009 – S.18

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