



CHAPTER 6: OTHER RELEVANT CONSIDERATIONS

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The CASR Part 101 and its associated MOS, contains the rules relating to aviation safety for the operations of RPA and model aircraft. There are other rules an RPA operator should be aware of before operating. This section briefly details some of the other rules as well as some of the non-operational rules relating to aviation safety.



The controller is responsible for complying with all rules that may apply to the operation of RPA.

Reporting of incidents and accidents (TSIA Pt.3)

Certain incidents and accidents, known as immediately reportable and routine reportable matters, must be reported to the Australian Transport Safety Bureau (ATSB) under the *Transport Safety Investigation Act 2003* (TSIA).



The ATSB's function is to improve safety and public confidence in aviation, rail and marine transport through accident investigation, data analysis and safety awareness. The ATSB does not apportion blame.

Immediately reportable matters

An immediately reportable matter is a serious safety matter including accidents involving death, serious injury or significant damage to the RPA. Immediately reportable matters may include where a person is seriously injured by an RPA, a collision with another aircraft (including another RPA), where the RPA has been seriously damaged, or other matters where it may be necessary for the ATSB to attend the operational area immediately to collect evidence for safety analysis.

If any of these occur, the ATSB must be contacted by phone as soon as reasonably practicable, with a follow-up written report submitted within 72 hours.



As soon as reasonably practicable means at the first opportunity after you have completed your emergency procedures and the emergency services have been informed (where required).

Routinely reportable matters

A routinely reportable matter is something that has not had a serious outcome and does not require an immediate report, but could have impacted the safety of aviation. Routinely reportable matters may include a non-serious injury to a person, a near-miss with another aircraft (including another RPA), an issue controlling the RPA such as a loss of control, non-serious damage to the RPA, or other matters where aviation safety could be enhanced by the ATSB collecting the incident data.

If any of these matters occur, a written report should be submitted within 72 hours.

Who is required to make a report?

Anyone who becomes aware of a reportable matter must make a report unless they reasonably believe that another person has or will be making a report. Generally, it is the controller or owner of the RPA who makes the report to the ATSB.

Details on how to make a report about an incident or accident can be found on the [ATSB website](#).

The ATSB has a 24/7 toll-free telephone number: **1800 011 034**.

Operations in national and state parks (and forests)

Each state and territory has rules about RPA operations in national parks and forests. These rules differ from state to state, but generally prohibit RPA from operating without consent from the park's controlling authority. Before you fly, you should check the local state or territory laws.



Generally, any commercial or business activity carried out in connection with a national or state park requires a formal approval from the park's controlling authority in the form of a lease, licence, permit or consent.

If an RPA is flown over a national or state park, consent is generally required from the park's controlling authority.

Operating near wildlife

Some states and territories have specific rules about operating RPA near wildlife, including minimum distances and limitations on the direction in which wildlife can be approached. Penalties may apply, so check the local laws before you fly.

The NSW Government states that drones must not be flown within 100 m of marine mammals (see Figure 15). Breaking these rules can incur a fine.

Figure 15: Height restrictions for aircraft in the vicinity of whales, dolphins, and dugongs

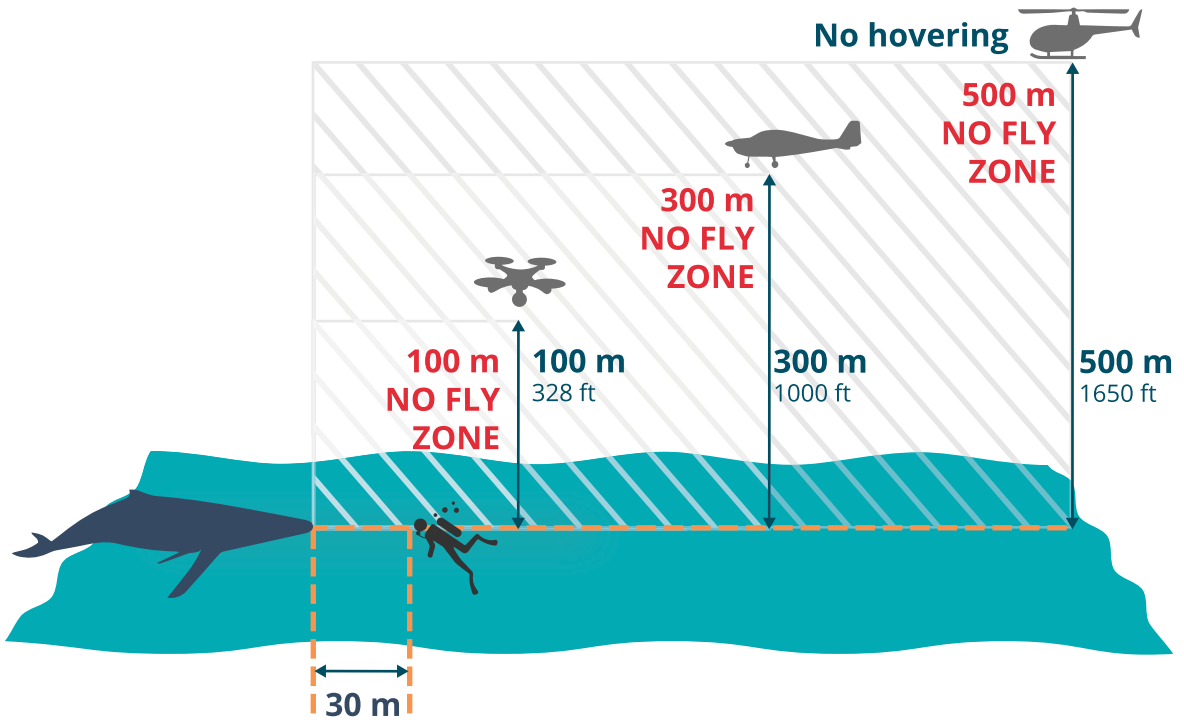


Image | **Duncan Grant** | based on [NSW Department of Planning, Industry and Environment](#)



Image | Vecteezy

Using RPA for chemical application

Some states and territories have rules about the aerial application of pesticides, fertilisers or other chemicals using RPA. These rules can include additional licensing requirements, spray quality and equipment standards. Before you fly, check the local state or territory laws.

The [Australian Pesticides and Veterinary Medicines Authority](#) also has information about the regulation of agricultural chemicals and spray drift management in aerial application.

Privacy

A range of privacy laws can apply to RPA operations. These differ by state and territory, the type of RPA activity and the size of the operator's organisation.

In some cases, an RPA activity may be considered a criminal offence. This can include activities where an RPA is used to record a person conducting a private act without their consent, or where the RPA is used as a surveillance device.

The [Office of the Australian Information Commissioner](#) has more information about some of the privacy rules that apply.

Insurance requirements

There are no aviation rules that require the owner or operator of an RPA to hold public liability insurance. However, an operator may be exposed to potentially large financial liability should something be damaged or someone be injured by an RPA you operate. You should consider obtaining liability insurance for your operations. Also, most landowners and administrators, such as the various state park administrators, will not give a permit to operate an RPA unless they have sighted an insurance certificate.