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## Article Information

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# Drone/UAV Regulations and Operation – Update

**As both commercial and private use of unmanned aerial vehicles (UAVs), or 'drones' as they are more commonly referred to, become more prevalent, jurisdictions around the globe have either implemented or are beginning to refine tougher regulatory schemes in order to better manage their operation as well as the safety, privacy and other issues such use creates.**

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Drones are often misunderstood. From building and construction, to golf course design, to courier delivery, drones are increasingly becoming tools of the trade in some industries. The challenge for regulatory authorities around the world will be to ensure that any regulatory regimes governing the commercial use of drones do not present uncommercial restraints which inhibit growth in what is one of the fastest growing technologies around the world.

**Australia**

In Australia, the use of drones is regulated by the Civil Aviation Safety Authority (CASA) under Commonwealth law. The CASA Regulations differentiate between commercial or privacy use. Commercial operators are required to gain an operator's certificate and file flight plans and copies of certifications. Failure to do so carries penalties such as revocation of operator's certificates or conditions on future grants of permits.

If a drone is used for hire or reward then the user must be licensed by CASA. Current CASSA policy is such that it will regard usage as being for hire or reward if the drone is used for commercial purposes of any description; for example, if an employee uses a drone in the course of his or her employment. In those circumstances, it is advisable to seek specific certification form CASA to ensure the use is approved.

Whether for commercial or private use, the CASA regulations presently prohibit a person from:

- operating a drone within 30 metres of a person or building;
- flying the drone above 400 feet;
- operating the drone above a "populous area" (eg. sporting events)
- allowing the drone to fly out of eyesight;
- operating the drone within 5 km of an airport or airfield.

The CASA regulations also treat drones differently according to their size, where size is determined by mass. More stringent regulations apply to large UAVs.

CASA is currently reviewing the Regulation in regards to UAVs and is intending to overhaul current regulations through two phases:

- Phase 1: Amending the Civil Aviation Safety Regulation (CASR) Part 101 and creation of advisory circulars in order to give guidance on various topics such as training and licensing, operations, safety management/human performance and operators certificates.
- Phase 2: Will involve re-writing the regulation concerning drones, resulting in a new CASR Part 102.

CASA expects to release draft amended regulations in the second half of 2015 and complete its overhaul of the regulations by 2016.

**New Zealand**

New Zealand is also likely to introduce new regulations surrounding the use and operation of drones soon.

Currently, the Civil Aviation Authority of New Zealand (CAA) regulates the operation of drones (under 25kg) under Part 101 of the Civil Aviation Rules, and allows their use with little restriction as long as the following conditions are met:

- flying below 400 feet
- operating only during daylight
- operating within line of sight
- not flying the drone within 4k of an airfield
- if the mass of the drone is between 15 -25 kg, it must be constructed and operated under the authority of a 'model aircraft association' such as Model Flying New Zealand (MFNZ).

From 1 August 2015, under the Civil Aviation Rules, drone operators will also be required to gain consent from a property owner if they wish to fly a drone above private property.

Further requirements need to be met if the drone is over 25 kg (can be referred to as a pilotless aircraft). This includes gaining written approval to operate the drone and obeying any conditions the CAA imposes on the authorisation.

New Zealand's imminent regulatory changes will attempt to balance the issues of safety with the entrepreneurial character of drones as commercial popularity increases. This is a 'regulatory light' approach.

**Privacy**

The increasing use of drones has also triggered privacy concerns and calls for tighter privacy regulation over the protection of personal privacy. In general, while the common law in Australia provides some very limited privacy protections in the form of trespass and nuisance, there is no specific protection of personal privacy under Australian law. This will undoubtedly become an area of much debate in the coming months as both commercial and privacy drone usage increases.