

Worksheet 3 – Delegated law

The law that covers air safety in Australia is the *Civil Aviation Act 1988*. Under this law, the Governor-General (as part of the executive government) can make a regulation about air safety. The Civil Aviation Safety Authority (CASA) can be delegated the power to make decisions about the details of aircraft operation and navigation.

Below is an extract from a delegated law, signed by an executive office-holder in CASA. It relates to the 2015 Sydney Vivid Festival, in which the public could fly remote-controlled drones in a controlled space and under certain conditions.

Read the extract below and then turn over the page to answer some questions.

Droneheadz Pty Ltd (the **operator**) conducts a business providing aerial photography and aerial surveying to clients. Intel Corporation has contracted the operator to facilitate an interactive demonstration of “drone” technology at the Vivid Light and Music Festival in Martin Place, Sydney (the **Festival**) using Intel chipped drones. The operator will set up a cylindrical drone cage that is 7 metres tall and 6 metres in diameter containing the 6 UAVs [unmanned aerial vehicles], with additional safety netting around the perimeter of the cage. The UAVs will be lit and controlled by 6 tablet devices by members of the public under supervision of the operator’s 2 UAV Controllers.

This [delegated law] commences on the day of registration [20 May 2015] and expires at the end of 8 June 2015.

Schedule 1 Operation of UAV at night

- Take-off and landing areas must be illuminated, for example by street lighting, so that the position and orientation of the UAV can be established and maintained by visual reference by the UAV Controller.
- The UAV must have orientation lighting, such as LED lights on the front and rear arms of the UAV.

Schedule 2 Operation of UAV near people

- The wind speed, including gusts, at a height of 2 metres [above ground level] at the location of the operation, must not exceed 15 knots.
- The operator must establish exclusion zones appropriate for the safe operation of the UAV and ensure adequate measures have been taken to prevent uninvited members of the public encroaching the exclusion zones at all times.
- A UAV Controller must not supervise, at any one time, more than 3 participants.
- Before the operator is permitted to operate the UAV closer than 1.5 metres from a participant, the operator must ensure that the participant:
 - (a) has been informed of the responses required in an emergency; and
 - (b) has provided consent to the operation being conducted.

Schedule 3 General conditions

The participant and the operator must not operate the UAV outdoors:

- (a) in rain; or
- (b) if thunderstorms are observed or reported within 5 kilometres of the location of the operation.
- The operator must ensure that the UAV is only operated in a segregated area that is isolated from people and other airspace users by a physical transparent barrier (the caged area).
- The operator must ensure that no more than 6 UAVs are simultaneously operated in the caged area.

Why did the Parliament give CASA the power to make a law about air safety?

Why do we need this law?

List five rules that must be followed to let people use the UAVs:

1. _____
2. _____
3. _____
4. _____
5. _____

If you were writing this delegated law, what other rules would you include?

1. _____
2. _____

Why does this law include a start and end date?

What other delegated laws might be made about air safety?

1. EXAMPLE: number of cabin crew in an aeroplane _____
2. _____
3. _____

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- A UAV Controller must not supervise, at any one time, more than 3 participants.
- Before the operator is permitted to operate the UAV closer than 1.5 metres from a participant, the operator must ensure that the participant:
 - (c) has been informed of the responses required in an emergency; and
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Why did the Parliament give CASA the power to make a law about air safety?

What is the main reason for making this delegated law?

List five conditions that must be followed to allow the UAVs to operate:

1.

2.

3.

4.

5.

If you were writing this delegated law, what other conditions would you include?

Sydney Vivid Festival ran from 22 May to 8 June 2015. Why would the delegated law start on 20 May and expire (end) on 8 June? What could occur if there wasn't a start and end date?

What other delegated laws might be made about air safety?

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- The operator must ensure that no more than 6 UAVs are simultaneously operated in the caged area.

Why did the Parliament delegate the power to make a law about air safety to CASA?

What is the main reason for making this delegated law?

List two operating conditions included in this law and explain why each is necessary.

1.

2.

If you were writing this delegated law, what other conditions would you include? Why?

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