Australian Government
Department of Infrastructure, Transport,
Regional Development, Communications, Sport and the Arts

SAFETY AND FUTURE TECHNOLOGY BRANCH / DRONES POLICY

Better practice guide to drone laws

Principles for law makers when making 'non-safety' drone laws

March 2026

Introduction

The Best Practice Guide to Drone Laws (the Guide) provides a set of principles to support nationally consistent non-safety rules relating to new aviation technologies.

The Guide aims to inform the drone-rule making process across all Australian jurisdictions and encourage all to move towards a consistent, fit-for-purpose and digital-first rules approach to address non-safety concerns. It does this through exploring some of the implications of emerging aviation technologies and their potential impacts on their communities, and show casing practical examples across jurisdictions.

Scope

This Guide focuses on the making of state, territory and local government non-safety drone laws– that is, laws designed to manage impacts of drones other than those directly related to aviation safety[1].

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) developed the Guide in consultation with CASA, Air Services, state, territory and local governments.

It builds on the Local Drone Rule Map, released in February 2024 as a joint project with state and territory governments. The Local Drone Rule Map shows local drone rules for parks and corrections institutions across Australia. The first release showed rules for 7,610 different areas managed by 15 different responsible authorities. The map is available publicly at drones.gov.au.

---

[1] The Civil Aviation Safety Authority is responsible for aviation safety legislation, including that for drones and other emerging aviation technologies.

A new challenge for law makers

Many parts of civil aviation regulation have traditionally been regulated by the Australian Government, particularly in relation to aviation safety, air navigation and the management of airspace. However, drones and other emerging aviation technologies are creating new challenges for governments and regulators, requiring state and territory government action in relation to matters within their jurisdiction.

Drones

The ease of access to drones (when compared with access to traditional aviation), including by private individuals, has led to situations where people previously unable to access flight-technology can now do so quickly and cheaply. This is creating new challenges for governments.

Some examples include:

- Drones flying contraband into correction facilities / prisons.
- Drones flying over critical infrastructure sites, such as state-controlled ports.
- Drones being used to stalk individuals or interfere with peoples' privacy in places inaccessible by foot.
- Drones creating noise or other disruption in state parks and affecting endangered wildlife.

Existing Commonwealth civil aviation regulation is not necessarily fit for purpose to tackle many of these problems, and some of the areas of drone regulation may more appropriately fall within the jurisdiction of states and territories.

State and territory non-safety drone laws

To manage these emerging issues, state and territory governments have already introduced laws regulating certain aspects of drone use – which, depending on the law in question, may be applicable to flight, take-off and landing, or even 'possession' of a drone, at certain locations. It is not uncommon for Commonwealth and state or territory laws to apply to different aspects of the same activity.

For example, a person that field a drone for commercial purposes, among other requirements, will most likely need to obtain a Commonwealth Remotely Piloted Aircraft Operator Accreditation and, when flying, stay the required distance away from airports, as required by Commonwealth law. They may also be required under state and territory law to stay the specified distance away from a correctional facility. This is leading to a situation in Australia where both Commonwealth and state or territory laws could limit or impose conditions on drone usage, depending on the particular, regulated issue.

State and territory governments are making these laws to address real concerns among their communities. However, the practical requirements for enforcement, and the interaction with aviation safety and air navigation requirements is creating complexities. There is a real risk of a fragmented approach to drone operations across Australia, potentially limiting beneficial commercial opportunities, difficult enforcement conditions for regulators, increased compliance costs and risks of accidental breach for drone operators.

When formulated non-safety drone laws, states and territories should consider other existing laws that may already regulate the issue and, if possible and practicable, consider adopting a consistent approach to regulation.

Principles to making non-safety drone laws

Consider whether existing rules achieve the same outcome

‘Perceived fairness’ of drone laws is critical for compliance

Limit unintended consequences of laws, particularly on broader aviation

Consider digitising your rules to make it easy for people to comply

Consider how you will enforce the laws

Principle 1 Consider whether existing rules achieve the same outcome

Although drones are a relatively new technology, the issues arising from their use may well have previously been legislated against.

Concerns like privacy, community noise complaints, environmental impacts and transportation of contraband are not new to drone usage, although the cheap and easy access to drones may have exacerbated them. Many jurisdictions already have laws in place to manage these types of impacts.

Further, drones are already subject to a number of federal laws, including those captured in the CASA safety rules (see spotlight on the following page).

Before introducing more rules, law makers should consider whether their own laws or CASA's safety rules are sufficient to manage a particular policy problem involving drones.

Questions to consider

- If a drone wasn't involved, what laws do you currently have in place to address the core problem?
- Do you need to amend your laws to remove any legal doubt that they also apply to drones?
- Would the average drone flyer be aware of your existing laws and, if not, what may you need to do to raise awareness?

Examples

ACT Correction Facilities

In 2023, the ACT amended its *Corrections Management Act 2007* to include 'sending' instead of just 'taking' a prohibited thing into a correctional centre, and included as an example a prohibited thing being dropped by a drone. This removed a potentially grey area by clarifying that an item does not need to be personally taken into a correctional facility to be an offence.

Western Australia – Wadjemup / Rottnest Island

Home to the incredibly cute quokka[2], Wadjemup / Rottnest Island is both a nature reserve and popular tourist location. Unlike most other WA parks where recreational drone use is allowed subject to some conditions[3], the Rottnest Island Authority does not permit drone use unless for commercial filming and then only with prior approval from the authority.

The Rottnest Island Authority was able to use the Rottnest Island Regulations 1988 without amendment to prevent drone use as sections 66 and 67 already restricted the use of aircraft.

---

2 Quokkas are a protected species, and listed as vulnerable in the threatened species index.

3 Drones in parks | Explore Parks WA

Spotlight on CASA Safety Rules

The Civil Aviation Safety Authority (CASA) is responsible for aviation safety legislation, including that for drones and other emerging aviation technologies. CASA has a range of standard drone safety laws, including:

You must:

- only fly one drone at a time
- always fly your drone in visual line-of-sight — this means:
    - flying only during the day
    - avoid flying through cloud, fog or smoke
    - always seeing your drone with your own eyes without goggles, binoculars or other devices
    - not flying behind obstacles that stop you from always seeing your drone. For example, trees, buildings or other structures.

You must not fly your drone:

- higher than 120 m (400 ft) above ground level
- closer than 30 m to people — other than those helping to control or navigate your drone
- over or above people at any time or height
- in a way that creates a hazard to another person, property or aircraft
- near emergency operations
- in prohibited or restricted airspace.

Although these rules were primarily introduced for safety, they have flow on benefits to other policy areas. For example:

- Not flying over people at any height or not flying closer than 30 m to people means drones should not be flown at populous beaches or nature spots when in use. This may be sufficient to protect visitors' amenity instead of requiring another law banning drones from popular spots.
- Flying only during the day limits drone noise impacts in urban settings.
- Flying a drone only within visual line of sight can prevent people from flying over other people's property.

Safety signage

CASA has developed drone safety signage to help drone flyers know where they can and can't fly. This is for the safety of people, property and other aircraft. You must have CASA approval to display the **No drone zone** sign. Further information, including downloading and ordering is available at Safety signage | Civil Aviation Safety Authority.

Principle 2 'Perceived fairness' of drone laws is critical for compliance

People are much more likely to comply with laws that they consider to be fair.

Voluntarily compliance plays a large part in the drone community, especially among recreational users as it can be very difficult to enforce drone laws using traditional methods (see Principle 5).

One of the critical factors influencing whether people obey laws is whether they perceive them to be 'fair'. This is made up of several elements[4], but those particularly relevant to drone rules are:

- There has to be a clear link in the public's mind between the problem and the drone rule.
- Laws shouldn't treat drones harsher than other technologies.
- Laws should acknowledge that drones can be used positively to further a policy outcome as well.

A clear link

Law makers need to make a clear link in the public's mind between the problem and the drone rule. This is particularly the case for environmental laws seeking to protect wildlife.

Many environmental reserves are popular tourist spots, and people are increasingly wanting to use drones to capture footage of their park experiences. Clearly explaining why drone use may be restricted in the area (e.g. a sign saying "Nesting birds in this area – drones prohibited") will go some way to ensuring voluntary compliance, as will limiting the time or area where the rule is applied (e.g. only during nesting seasons).

Considering how other technologies are regulated

As mentioned under Principle 1, although drones are a relatively new technology, the issues arising from their use have often already been legislated against. Singling out drones, or imposing harsher penalties on drone users compared with those having the same impact but using different technologies, will lead to higher rates of non-compliance.

For example, would your law differentiate between someone taking a photo in a nature reserve using a mobile phone, a Gimbal, a drone, or from a helicopter? If so, why?

Drones furthering a policy outcome

Law makers should ensure their rules are sufficiently flexible to allow drones to improve the same policy problems they are seeking to address. One clear example is where drones are used for scientific purposes to keep track of wildlife, which can have a lesser impact on sensitive areas than requiring scientists to enter them on foot and interact with wildlife at close range.

This is examined more in Principle 3.

Questions to consider

- Is there a clear link in the public's mind between a proposed drone rule and the problem it is trying to solve?
- Is this a temporary rule? Are there certain times of the year that a drone shouldn't be flown e.g. nesting periods?

---

[4] See, for example, OECD's report on Perceived Fairness and Regulatory Policy – a Behavioural Science Perspective on Government-Citizen Interactions (2016)

- Does the rule prescribe specific details that enable a drone operator to comply with the rule? e.g a drone must remain *X* meters from a animal, or not fly under an altitude of *X* meters over a certain facility.
- How can you ensure the positive aspects of drones in addressing a particular issue can still be captured?
- Can you differentiate between drone users – for example, recreational, commercial or scientific?
- Would your law look different if it was regulating the same issue but without a drone involved?

Examples

Northern Territory's tiered approach to parks and reserves

The NT Government has adopted a tiered approach to drone restrictions in their parks and reserves:

- Permitted without a permit
- Permitted with a permit
- Not permitted

Within the 'permitted with a permit', the NT Government has also built in flexibility for some restrictions to only be within certain times of the year – such as Berry Springs and Howard Springs Nature Park, where the restrictions are only in place from November to March before 9am and after 5pm.

For each restricted area, the NT Government clearly lists the reason, including for visitor safety, cultural considerations, nearness to helipads or airports or to protect shorebird habitat.

See nt.gov.au/parks/permits-for-parks/permits-to-use-aircraft-and-drones-in-parks for more information.

Principle 3 Drone users are a diverse group: one-size-fits-all rules don't work

Commercial drones are still a developing industry and regulatory burden is one of its biggest barriers.

The commercial use of drones is estimated to have significant economic benefits for Australia. Over the 20 years from 2020[5], these are expected to include:

- Creation of up to 10,000 jobs
- $14.5 billion increase in GDP – of which $4.4 billion would be in regional areas across New South Wales, Queensland and Victoria
- Cost savings of $9.3 billion, with $2.95 billion of this in the agriculture, forestry and fisheries industries, $2.4 billion in mining and $1.34 billion in construction.

However, one of the biggest challenges to us realising these benefits is the regulatory burden placed on commercial drone use[6].

One way to manage this is for law makers to consider having exemptions or additional flexibility for commercial operations. This reflects the fact that commercial drone operators must already go through rigorous assessment to obtain a remote pilot licence, remotely piloted aircraft operator's certificate, noise approval and, for complex operations, further approval through CASA.

This could look like building in flexibility to:

- Grant extra ability for people who have gone through training – for example, those that have obtained a remote pilot licence or remotely piloted aircraft operator's certificate through the Civil Aviation Safety Authority (CASA).
- Allow exemptions for commercial, educational or scientific drone use that are easily accessible and at little- to no-cost.

Questions to consider

- Have we consulted with stakeholders outside our normal groups who may have insights into how the laws could unintentionally impact them?
- What is the cumulative impact of this law with other laws already in place?
- How can you ensure the positive aspects of drone use can still be captured?
- Have you recognised where there might be inconsistencies between states, and collaborated to determine if consistency or diversity will be better?
- Can an increase in the granularity of regulation to better enable the diverse range of operations and operators?

Examples

Drones and dolphins in Western Australia (WA)

In WA under the Biodiversity Conservation Regulations 2018, drones must be kept at least 60m from marine mammals, including whales, killer whales, dolphins, dugongs and seals. However, the WA Government also

---

5 Economic Benefit Analysis of Drones in Australia, Deloitte Access Economics, 2020, Data and research | Drones, accessed 28 April 2025

6 Australian RPAS Industry Survey 2024, Australian Association for Uncrewed Systems (AAUS) - Position Papers, accessed 3 March 2025

recognised that drones can benefit wildlife when used in certain circumstances and has a process by which drone operators can seek an exemption.

In 2019, the Department of Biodiversity, Conservation and Attractions[7] partnered with Murdoch University, Heliguy Scientific and Macquarie University to use drones to collect blow (snot) samples from wild dolphins off the coast of WA.

Previously scientists had to use more invasive methods such as biopsy darts that involve a close approach by boat. Using drones allowed them to collect samples with no contact with the dolphin.

---

[7] www.dbca.wa.gov.au/news/2019/ground-breaking-method-uses-drones-collect-dolphin-dna accessed 4 March 2025

Spotlight on drone noise regulations

In Australia, all remotely piloted aircraft and drones operated commercially must abide by the Air Navigation (Aircraft Noise) Regulations 2018[8].

The Regulations manage noise impacts arising from drone use in a targeted and risk-based way.

Drones operating within CASA's existing standardised operating conditions are exempt as the conditions contain community safeguards which also limit nuisance drone noise, including:

- Only operating during the day
- Staying at least 30m away from people
- Avoiding operating over populous areas.

Drones operated for agricultural, environmental, firefighting, medical, policing, sport or recreation purposes are exempt as, due to their size, use case and location of operation, these operations present a low risk of significant noise impact to the community, or are reasonable in the circumstances (e.g. in an emergency response).

Micro drones (those that weigh 250g or less) are also exempt.

Any drone types or operations that do not fall under the exempt criteria must apply for an approval. The Australian Government considers a range of factors in assessing risk of drone noise before issuing an approval, including:

- The location, time of day and frequency of operations.
- The type of drone(s) being operated and the expected noise impact from those aircraft during typical operations.
- Community outreach and noise mitigation strategies used by the operator.

The Australian Government monitors drone noise complaints and can revoke the approval of any operator that fails to meet conditions included in their approvals.

---

[8] https://www.legislation.gov.au/F2018L00448/latest/text

Principle 4 Consider digitising your rules to make it easy for people to comply

Most people want to do the right thing, but it can be hard for members of the public to navigate all the federal, state and local laws around an issue. The easier you make it to comply with a law, the more people will follow it.

Most drone pilots use their drones for fun or recreation[9]. They are unlikely to do extensive research about local laws before flying. Even with CASA's basic drone safety rules, the average drone user failed over a quarter of the questions when asked[10].

One of the easiest ways governments can boost compliance rates is simply to make sure laws are **easy to find**, **easy to understand** and **easy to navigate** – and one of the easiest ways of achieving all three is to digitise drone laws wherever possible.

The digitising process can be made simpler by:

- Ensuring laws are written with clearly defined geographic boundaries and specific height requirements
- Using your government's existing geospatial datasets
- Building in a digital process for applying for exemptions and approvals early.

Other questions to consider

Where digitising drone rules is impractical, the below are some other questions to help guide lawmakers to ensure laws are easy to find, understand and navigate.

Easy to find

- Do you have enough signs around areas where you have banned or restricted drones?
- Are the signs easy for people that speak no or limited English to understand?
- Do you rely on people having access to the internet to find your rules? How might this work in remote areas like environmental reserves?

Easy to understand

- Do you make it clear why drone restrictions are in place?
- Are your rules available in plain English or do they rely on technical jargon?
- Would it be easier to show people where they *can* fly instead of where they *cannot* fly a drone?

Easy to navigate

- Do you have an easy way for people to apply for exemptions? For example, easy to find and easy to use forms, with clear guidance on when exemptions may be applied?
- How quickly can you action exemption applications? Some drone operations may need application turnarounds within hours or days.

---

9 In CASA's 2022-22 Annual Report, CASA estimated that 1.8 million Australians fly drones for sport or recreation.

10 www.casa.gov.au/knowyourdrone, accessed 3 March 2025. The average drone user got 8 out of 11 questions about CASA drone safety rules right.

Examples

Drone rule digitisation project

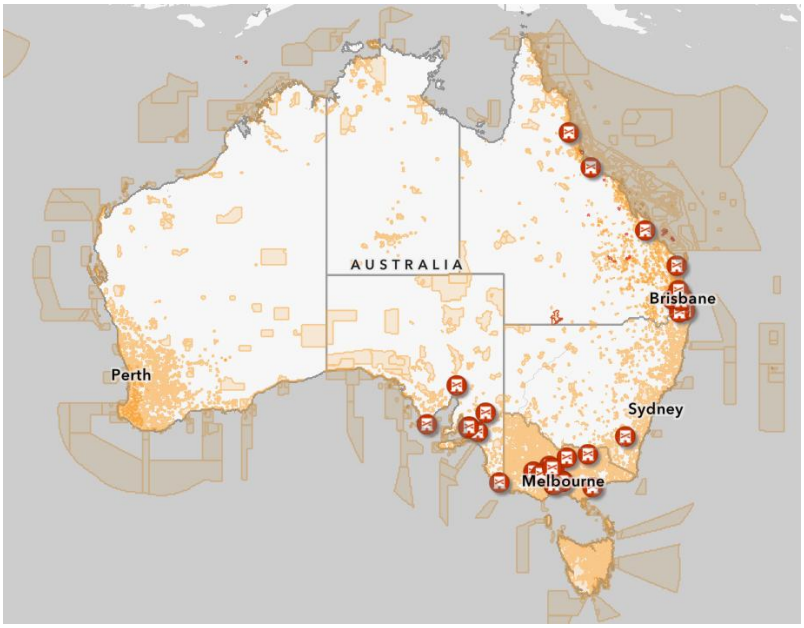
The key principle underlying the drone rule digitisation project is that laws should be easily accessible and easy to understand.

The federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) has been working with state and territory counterparts to pull together a Local Drone Rules Map which features non-safety drone rules across the country in one place.

Still a work in progress, the map is also available as an API.

The open data allows digital drone systems to easy incorporate the rules into their applications, such as CASA approved drone safety apps. This makes it easy for those using such apps to fly their drone to know immediately if the area they intend to fly is subject to any extra restrictions.

From 2026 onwards, when including data in the map, all new data needs to have specific geospatial boundary information including, including height data.



Principle 5 Consider how you will enforce the laws

Unlike road traffic, where law enforcement can use roadblocks and spike traps to stop an offending vehicle, drones are an aircraft and it is much more difficult to stop illegal drone activity mid-flight.

Most people follow rules, but when that doesn't happen, the expectation is that there are consequences. Unfortunately, catching drone offenders can be very difficult for several reasons:

- There is currently no requirement for recreational drones to be registered.
- There is currently no requirement for a remote identification function on drones, making it very difficult to identify a drone in-flight.
- Even when a drone is intercepted and confiscated, the operator may not be easily findable as rogue pilots may not be obeying the 'within visual line of sight' safety requirement.

Drones can be brought down with counter-UAS technology like radar, radio frequency or cyber takeover – but purchasing and using such equipment is not an easy matter and is only legal for law enforcement officers with specific legal permissions[11].

When designing drone laws, law makers should consider how it will enforce those rules given these unique challenges.

Questions to consider

- Who will enforce the laws? Do they have the resources in place?
- If you have an avenue for people to make complaints, have you made it clear what information you will need before you can investigate?
- Would education be better than enforcement? For example, in nature reserves, can you use information centres, rangers or signs to inform visitors of where drones can be flown? (See also Principle 4).

Examples

- Track complaints received in a log; track timelines for responses, effectiveness of actions taken.
- Develop summary of trends to understand community sentiment and the changes in.
- Policing and other enforcement actions are recorded, agencies should ensure that when drones are a factor in enforcement activities, that records are tagged to ensure complete data insights.

---

[11] Such as under the Radiocommunications (Exemption – Remotely Piloted Aircraft Disruption) Determination 2022, which authorises use of counter-drone equipment by Australian police

Document Control

Refer to the following table for the approver and latest version of this document.

Version	Release date	Approver	Reason for update
0.1	July 2025		First draft shared with CASA and Airservices Australia.