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Submission Cover Sheet

Inquiry into drone delivery systems in the ACT

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Inquiry into drone delivery systems in the ACT

I wish to comment on this matter as a resident who has not been subjected to drones in my neighbourhood but is sympathetic to the complaints of Bonython residents who have endured the recent trial. Living between two properties with neurotic dogs who bark non-stop whenever anyone is in our backyard makes me sympathetic to the complaints of those who have experienced distressing noises in their neighbourhood. I also have concerns about safety and privacy.

I have experienced a drone on one occasion at Lake Burley Griffin – a small drone taking photographs in a public space at some distance from people which was not disturbing in any way. My home is regularly, but not frequently, overflown by small aircraft and helicopters which are not disruptive, possibly because of the deep noise and great height.

I shall respond according to the terms of reference.

(a) the decision to base the trials of the technology in the ACT and surrounding region;

The decision to accept the private industry proposal to base trials of drones in the ACT was, according to the Canberra Times of 27 Nov 2018, in spite of warnings from the EPSDD mentioning that some of the risks were unknowable, that the high-pitched buzzing noise could annoy some residents and that pets, native animals and residents could be startled by unexpected overhead flights, as well as being an invasion of privacy, along with the potential to distract drivers and cyclists. The article does not elaborate on the reasons CASA chose to allow the trial. It might have been under pressure to do so, justified by the thought that a trial would confirm any issues that could arise.

Usually, people who participate in trials have agreed to do so. In this case, a select group of Bonython residents had signed up for a special Android/iOS app that would allow home delivery but it is not clear that nearby residents were asked if they agreed to the trial. The rights of these residents might, therefore, have been overridden by the bureaucracy.

Another significant fact is that drones are not envisaged under the planning rules which means that neither the overall city layout nor individual home blocks have been designed to accommodate drones. Town planning includes land use zones to separate nuisance activities from residential and ordinary commercial zones. Accordingly, nuisance activities are only

allowed in industrial areas such as Fyshwick and Mitchell, both of which would be satisfactory for drones.

(b) the economic impact of drone delivery technology being tested in the ACT;

There are many activities that could operate in the ACT and bring great financial benefit but are not permitted because they are undesirable for one reason or another. The illicit drug trade flourishes regardless of efforts to control it but the investment it could bring to the Territory and the number of part-time casual jobs already created are not considered in deciding whether it should be permitted. Likewise, potential investment and employment opportunities are not considered in determining whether other activities should be permitted or banned. While a good thing when they happen, potential income and jobs should not be considered when deciding whether permission should be given for drones which can affect residents' enjoyment of their property.

(c) the extent of regulatory oversight of drone technology at various levels of government including but not limited to:

I note the Australian Government's acceptance in November 2018 of only two (2 & 10) of the ten recommendations from the Senate Inquiry into Drones while agreeing in principle with another four. Those specifically relevant to operation of drones in urban ACT are:

- 1: Immediate reform of the current regulations which do not adequately cover small drones under 2kg despite being quite capable of causing considerable damage to rotorcraft and aircraft;
- 2: Mandatory registration of drone users and requirement to undertake mandatory education and training so all operators understand the rules which will ultimately reduce the risks to public safety;
- 4: Australian Federal Police and other relevant authorities to prohibit the use of remotely piloted aircraft systems in the airspace above significant public buildings, critical infrastructure and other vulnerable areas.
- 5: Development of drones-specific airworthiness standards, including mandated 'fail-safe' functions;
- 10: Creation of a nation-wide enforcement regime, including powers to issue on-the-spot-fines and report infringements.

The ACT Government should ensure the federal provisions cover these issues adequately and, where they do not, pass ACT legislation to fill the gap. In this respect, I note that the Integrated Transport Strategy Executive Summary on page 8 declares under the heading "Future-ready Canberra":

CMTEDD to work with TCCS, EPSDD and CASA to review and update regulation, where appropriate, to allow the continued trial and expansion of delivery drones as a service.

It is to be hoped that this process will be carried out with a primary aim to maintain safe and pleasant urban areas, rather than with an emphasis on legitimising commercial ambitions on the basis that the ACT government's progressive approach and commitment to innovation justify it.

In Australia, the common law does not defend individual privacy against direct invasion. As a safety regulator, CASA has no remit in the matter of noise or questions of privacy. At present, an affected resident can complain to the Office of the Australian Information Commissioner (OAIO) but must have previously given 30 days' notice to the drone operator. This is unsatisfactory. It is essential that an ACT Government agency have authority to

investigate and make decisions on noise and privacy concerns without the affected resident necessarily having to resort to OAIO in the first instance.

(d) the extent of any environmental impact as a result of trialling drone delivery technology;

Most drones used in the ACT to date have been small ones either for recreational use or for photography. Delivery drones are much larger at 4.5 kg. This means greater visual intrusion and larger, noisier motors.

(i) It is apparent that residents adjacent to a property that has signed up for deliveries by drones will be affected more than other residents who do not have that experience. The greater the number of drone deliveries occurring in an area, the worse the impact will be with inevitable adverse effects on neighbourly relations. Even if the noise effect can be attenuated, there is potential for the sheer number of drone flights to become, in itself, a major nuisance/hazard, as acceptance of this form of transport increases.

(iii) My experience of the neurotic dogs on either side of my property leads me to conclude that they would go berserk at the sight or sound of a drone. Over the past two years, they have not got used to any presence in our backyard, so I cannot see why they would become accustomed to drones over time. We have lived here since 1973 and neighbours have had dogs over that time without any problems until recently. If the ACT Government cannot control the breeding of dogs in Canberra, then there is little likelihood it would be able to control drone operations once established.

(iv) The claim that drones would reduce greenhouse gas emissions by removing the need for fewer car trips is spurious as cars are gradually becoming electric as the technology improves. Further, items for delivery still have to be obtained and delivered to the drone base before they can be shipped to the purchaser. This adds an extra road journey to the process to replace that of the customer driving to the shop. In addition, the convenience of having a drone deliver some item that has been forgotten in the weekly shopping trip will inevitably produce a certain mental laziness that will then result in even more drone deliveries than anticipated.

(g) information privacy;

The sophisticated guidance systems used by drones supposedly cannot be taken over by malign outsiders. This is an optimistic stance given recent hacking of Federal Government information systems. Again, protecting the interests of the individual should be supreme.

Conclusion

At this point in time and state of technology, drone use should be restricted until further information is available on physical and privacy risks, and associated legislation put in place to protect the ordinary citizen. While drones can do many things, in a congested area such as most urban precincts, their operation should be limited to essential services such as delivery of medicines and blood plasma to people who are restricted in their mobility for one reason or another. Ideally, drones over 2 kg should be restricted to industrial areas and banned from residential and commercial zones. The number of authorised drone operators for delivery purposes should be limited to reduce conflict between drones in flight.



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