



ACT GOVERNMENT RESPONSE TO: Report by Standing Committee on Economic Development and Tourism Inquiry into Drone Delivery Systems in the ACT

Legislative Assembly for the
Australian Capital Territory
Presented by Mick
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ACT GOVERNMENT RESPONSE TO REPORT NO 6 OF THE STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

Introduction

The ACT Government welcomes the opportunity to respond to Report No 6 – *Inquiry into Drone Delivery Systems in the ACT* (Inquiry Report) - released by the Standing Committee on Economic Development and Tourism in July 2019.

The ACT Government's response to Wing and the drone delivery services industry's presence in the ACT is a continuation of the Government's commitment to adopting a smart and innovative city mindset and engaging with emerging industries. This approach delivers competitive advantages, better outcomes and new opportunities for ACT businesses and the community, including business investment, more efficient business models and employment opportunities.

The Inquiry Report comes at a time when further regulation of remotely piloted aircraft systems, unmanned aerial systems and urban air mobility systems is under active consideration by the Commonwealth. An Issues Paper – *Review of the Air Navigation (Aircraft Noise) Regulations – Remotely Piloted Aircraft* – was released by the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development in September 2019.

The considerations and deliberations of the Standing Committee and the Report have been very useful to the ACT Government in formulating its response to that Issues Paper and has further cemented the ACT's position as a leader in the use of drone technology in Australia.

The ACT Government notes that drone usage is growing rapidly and that the drone industry's technical capabilities and requirements are also changing at pace. It is important that all levels of government do their best to anticipate these advances and develop the policy and regulatory frameworks to accommodate them.

ACT Government's position on drone regulation

The ACT Government continues to support a national approach to future drone regulation, including delivery services. A national approach is the most effective means of regulating owing to the nature of the exclusive power of the Commonwealth to legislate in the area of aviation.

The ACT Government's view is that a nationally consistent whole-of-government approach in the management of drones in Australia is best achieved by only the Commonwealth continuing to exercise legislative power in this space. This position reflects the Commonwealth's existing responsibilities and the fact that drone flights may cross State/Territory borders, as well as providing the opportunity to use existing compliance and complaints systems without unnecessary duplication.

Drone operators are not, however, exempt from a range of existing laws which apply in the ACT alongside applicable Commonwealth laws. These include criminal laws, civil claims of trespass or nuisance, work health and safety obligations, and planning laws.

Wing Operations in the ACT

The ACT Government notes that the Territory has been the launchpad for trials of ground-breaking services such as those provided by Wing, and that we have now had some experience observing their operations and the community's response.

As the Report observes:

- Wing has been undertaking drone trials in the Canberra region since 2017: initially at Royalla, then at Bonython from 2018;
- On 8 March 2019, Wing received a Development Application approval for building and associated site works at a site in Mitchell; and
- On 5 April 2019, Wing's Early Flyer program received an exemption from the Civil Aviation Safety Authority (CASA) permitting drone delivery services from Mitchell to 100 homes in Crace, Palmerston and Franklin. This approval runs until 31 January 2020.

The ACT Government notes specific issues about Wing operations raised in the Report including:

Economic impact

The ACT Government notes the Committee comments in paragraph 2.21 in the Inquiry Report that "...the economic impact of drone deliveries...[is not]...easily predicted at this point".

The ACT Government however remains optimistic about the potential benefits of drones and drone delivery services: from empowering local businesses to reach more customers, to cutting greenhouse gas emissions and making life easier for Canberrans living with mobility challenges. We are also interested in further exploring the wide range of situations and possible applications for drone technology, including in the context of Emergency Services.

Safety

The ACT Government notes the comments in the Inquiry Report about a lack of understanding in the community of the safety requirements applying to Wing's licences to operate in the ACT and agrees with the Committee's confidence that CASA has taken steps to minimise the risks posed by drone operations.

The ACT Government further notes that Commonwealth law prohibits, amongst other things:

- Operating a drone in a way which creates a hazard to another aircraft, person or property;
- Flying within 30 metres of another person;
- Flying over a populous area at a height less than that from which, if any of the drone's components failed, it would be unable to clear the area;
- Flying over an area where an emergency operation is being conducted; and
- Causing a thing to be dropped or discharged from a drone in a way that creates a hazard to another aircraft, person or property.

The ACT Government is confident that the combination of licensing conditions and Commonwealth law provides a high level of safety of Wing operations. To date, there is no evidence that Wing has breached either the conditions of its licenses or relevant Commonwealth regulations.

Noise

The ACT Government notes from the Report that some residents in the trial areas have raised concerns about the distinctive sound of Wing's drones and the origin of the sound

(e.g. neighbours' backyards and open space beyond their boundary fences rather than street facing aspects of their home).

The ACT Government notes the finding in the Report of the Committee that noise '...is the single biggest obstacle to community acceptance of drone delivery services...'

CASA has exclusive regulatory responsibility for the safe operation of all commercial and recreational drones throughout Australia. CASA is responsible for granting drone licences, sometimes including bespoke conditions, and is responsible for enforcing regulations and responding any to breaches. ACT regulatory agencies do not have a role in managing or enforcing these requirements.

The ACT Government's response to the Issues Paper – *Review of the Air Navigation (Aircraft Noise) Regulations – Remotely Piloted Aircraft* will make clear that noise regulation of aircraft, including drones, rests with the Commonwealth.

Privacy

The ACT Government notes Wing's assurance to the Committee that it complies with all applicable Australian privacy laws and has no evidence to the contrary.

The ACT Government questions that personal information is collected by drones taking images of landscapes, even if those images include people, but will write to the Australian Information Privacy Commissioner raising the Committee's concerns about the collection of information on non-users.

Domestic animals and wildlife

The ACT Government notes that there is a lack of research in the area of drone noise impact on domestic animals and wildlife.

The Government has taken into consideration a 2018 fauna study by NGH Environmental that was commissioned by Wing¹ which suggested it was unlikely that Wing operations would have a significant impact on native fauna, raptors or migratory birds. The Government also looks forward to the outcome of Wing's further discussions with the ACT Ornithological Society about any impact on birds in the ACT.

¹ Available as an FOI release at: https://www.environment.act.gov.au/__data/assets/pdf_file/0005/1417154/18_35867-Deferred-Documents.pdf

ACT Government Response to Recommendations in the Report

Recommendation 1 Page 11 of the Inquiry Report

'The Committee recommends that Access Canberra increase the amount of information on its website about Wing operations, including a direct link to the CASA exemption (CASA EX40/19) and to the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development's review of drone noise regulation.'

The ACT Government agrees to implement this recommendation as Access Canberra is and will continue to be the front facing agency for the Canberra community. Providing these contact points as a link on the Access Canberra website should allow residents to easily locate information and establish the correct avenue for providing feedback on drone operations.

Recommendation 2 Page 20 of the Inquiry Report

'The Committee recommends that the ACT Government provide information to the Australian Information Privacy Commissioner to assist her in considering the benefits of, or need to place restrictions on, the collection by commercial delivery drones of the personal information of non-users.'

The ACT Government agrees to implement this recommendation and notes that submissions to the inquiry indicate that privacy, along with noise, were important concerns of Canberra residents impacted by Wing's drone operations.

Wing has advised the ACT Government that the cameras attached to their drones are a very low-resolution format and are therefore unable to identify persons whilst the drone is at cruising altitude. In addition, Wing's cameras are also unable to zoom in and out.

Wing pointed to a comparison with the freely available Google Maps application, which offers zoom functionality and which makes available images of residential premises that are higher in resolution than Wing's cameras are capable of.

The ACT Government will note Wing's input when providing information to the Australian Information Privacy Commissioner.

Recommendation 3 Page 23 of the Inquiry Report

'The Committee recommends that the ACT Government and Wing collaborate to establish an independent comparative survey of wildlife numbers and behaviour in a suburb prior to, then following the commencement of, drone delivery operations.'

The ACT Government supports this recommendation and notes that Wing commissioned a fauna study in 2018 and subsequently provided this to the ACT Government. The results of this study indicated that, while the impacts are still unclear, it was unlikely that there would be a significant impact on native fauna, raptors or migratory birds by Wing's drone delivery operations.

Wing is seeking expert advice from the ACT Ornithological Society on the potential impact of their current operations in the Gungahlin area on local birdlife and the measures they can take to mitigate this impact.

The ACT Government will seek to minimise the impact of drone operations on the environment should further areas begin to receive drone deliveries, and notes that education of both commercial and recreational drone users will be a contributing factor in reducing any potential harms to wildlife or birdlife.

Recommendation 4 Page 32 of the Inquiry Report

'The Committee recommends that the ACT Government proactively engage with the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development's review, drawing on the experience of the ACT community in drone delivery trials.'

The ACT Government is currently in the process of preparing a response to the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development's Issues Paper on the *Review of the Air Navigation (Aircraft Noise) Regulations 2018 – Remotely Piloted Aircraft* and believes that advice to be provided about the ACT community's experience in drone delivery will be of value to that Department.

The ACT Government supports a national approach to future drone delivery regulation. A national approach is the most effective means of regulating owing to the nature of the exclusive power of the Commonwealth to legislate on aviation matters. The Commonwealth Department of Infrastructure, Transport, Cities and Regional Development has also recently established a national Drones Working Group, of which the ACT is an active member.