



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
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Submission Cover Sheet

Inquiry into drone delivery systems in the ACT

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STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

Submission: INQUIRY INTO DRONE DELIVERY SYSTEM IN THE ACT

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To the Standing Committee on Economic Development and Tourism,

I would like to thank you for taking the time to hear the concerns of the residents of Bonython (and Canberra) into the Drone Delivery System in ACT. As a resident of Bonython, I have developed a thorough understanding and knowledge of this trial.

As a member of the Bonython Against Drones Action group, (a 'non-political' action group) I have provided information (through a face book page, website and through various media avenues) and ensured that residents could have their say and advised them where to direct their complaints and issues.

I have never in my history (including working with disadvantaged people) seen such an emotional reaction by people to this drone trial. Distressed mothers, frightened children, frustrated families and many others aggravated by the invasion of drones.

I am also conscious that because of the nature of the trial, Wing received death threats because of the impact of the drones on people's lives, this was confirmed by the local police. Comments such "shoot them out of the sky" were commonplace. I have had to advise people NOT to break the laws and what the subsequent penalties could be.

Whilst the main immediate issue with the drones was the noise, the lost of wildlife and birds in the area was also significant. This was reported by many residents. The loss of our peacefulness and amenities was immediate. The trial introduced angst between neighbours where deliveries occurred. The delivery of "coffee and burritos" seen as a frivolous activity. The impacts on neighbours and those in the drone delivery flight paths were exacerbated by multiple flights.

One of the other major concerns was the inability to obtain information, feedback and have authorities take responsibility for the trial impacts. There are no regulations which cover these drone impacts, the technology is too new and the laws outdated. There is no agency which oversees the trial or performs a compliance role over the drones. This meant that Wing could effectively do what they like, report what they like and have no accountability what so ever.

A major frustration was in seeking answers and solutions. Given that advice of aviation experts was sought by myself and others in order to fully understand the issues, the contempt to which agencies and Wing responded with evasive and incorrect information was unacceptable and simply reflected that they were either out of their depth, or treated the residents against the trial with no respect. Examples of these are contained in the attached submission.

I would also like to acknowledge I am not against the use of drones, they can be a very valuable resource, especially in emergencies, etc. However, this current trial has only damaged any reputable drone users, exposed lack of regulations and loopholes which Wing have exploited.

Thank you for the opportunity to provide comment. This submission contains my own individual viewpoints.

Andrea Sheather

I would like to comment on the following terms of reference:

1) The decision to base the trials of the technology in the ACT and surrounding region

The decision to base the trial in the ACT was initiated by the ACT Government and Google X. During this process there was no consultation with the public, nor were the residents of Bonython asked if they wanted to be part of the delivery trial. Extracts from Hansard clearly show that this trial is not about a delivery trial of “coffee and burritos”, but an experiment in managing airspace and developing drone technology

Unfortunately, the residents of Bonython (and previously Royalla) were the test guinea pigs for the technology trial.

Hansard (extract below) states ACT was chosen given the government’s progressive approach. It is more likely that the ACT was chosen because the ACT Government were the ones who agreed to this stupidity of have commercial and large drones flying directly over urban areas without adequate regulations in place. All other States/Territories in Australia and countries in the world have not allowed such trials to proceed, given the safety and other risks to the general public.

Extract from Legislative Assembly for the ACT: 2018 Week 7 Hansard (31 July) . . Page.. 2380 ..

“Following San Francisco we took an opportunity to visit the headquarters of Project Wing, formerly known as Google X, which runs Project Wing, where we met a number of representatives and spoke to them about the next stage of the project here in Canberra. I am sure that you are all aware of Project Wing, a drone delivery initiative being piloted here in Canberra and testing in Bonython at the moment. We were chosen by X as a place to trial this technology, given the ACT government’s progressive approach and commitment to innovation, which is becoming more and more recognised around the world.

We were fortunate enough to have the co-founder of Google Sergey Brin join us for the meeting at X. Mr Brin was impressed with the ACT’s strong commitment to innovation and our progressive attitude to change. I have since written to Mr Brin offering them further assistance should Google X wish to establish further businesses in Canberra.

Finally, with Canberra the test ground for drone delivery, the team at X facilitated a visit to NASA to see the work that they are doing on managing airspace for drones, similar to current air traffic control but for what is expected to become a very congested space as the drone delivery business continues to grow. This was a fascinating part of the visit and was directly relevant to our leading-edge work with X on the development of drone technology for mainstream delivery.”

Legislative Assembly for the ACT: 2018 Week 7 Hansard (1 August) . . Page.. 2543 ..

The ACT government continues to work with Google's Project Wing and NASA on flight algorithm and drone delivery testing in Canberra. I am confident this work will benefit the application of machine learning in flight and also advance into autonomous vehicle navigation applications later on.

I previously stated that we were not consulted about the trial. Wing held a BBQ at Pine Island (about 50 people attended), gave a presentation at the Tuggeranong Community Council (about 20 people attended) and did a letterbox drop to the Bonython residents (we estimate to only 1/3 of the households as unit and flats were excluded, as were letterboxes marked 'no junk mail or advertising'). This was information giving, not consultation. The letterbox pamphlet stated "Tuggeranong residents are invited to come by and get to know the Wing team, learn about the trial and order free prizes by drone". The trial was also agreed to by ACT government and CASA. We do not consider this as consultation.

I am also concerned that Wing have already proposed future developments and expansion of the drone service in Northern Canberra, despite the Bonython Trial not yet completed, OR a evaluation of the trial been conducted. Wing (James Ryan) was quoted in the Canberra Times stating, "we decided to invest in our first ever ongoing operation in Canberra because it's a growing innovative city and Canberrans have a reputation as early adopted of new technology". He also stated they had started the process of obtaining approvals from CASA to fly in the northern suburb. A spokesperson for CASA said Wing had only signalled its intent to apply for permission to operate the service.

2) The economic benefit of drone delivery technology being tested in the ACT including;

a. The investment that has been brought in to the Territory.

There has been no investment brought to the ACT as drone delivery trial was for free. The trial failed to provide any competitive opportunity to other delivery providers. If a delivery fee was charged as part of the trial, then a true analysis of the investment could be done. In addition, a true delivery trial would have included a "fee" for delivery. The lack of a fee means that some people joined the trial as a novelty. Until a fee is included in the costs, the real value of using the services cannot be assessed.

Wing had a strategy paper prepared and publically released, "Drones: delivering benefits to the ACT"(Canberra Times 16/11/18). The report claimed a growth in retail sales in the ACT by \$40 million by 2030. There is no evidence in this report to substantiate where and in which industries the sales will be generated from.

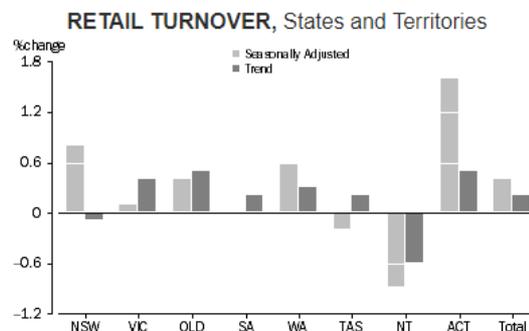
According to the Australian Bureau of Statistics (ABS) Retail Trade No 8501, November 2018, the growth of retail trade in ACT is currently 1.6% seasonally adjusted. The main

growth was in household goods and personal items (note, these items are not delivered as part of the trial and their size and weight would preclude them). Sales in food and takeaway items reduced (the components of the trial). An analysis of retail growth in the ACT shows that over the past five years shows an average growth of \$20 million per year in retail trade. Therefore the claim by Wing is unsustainable and unfounded, as ACT's economy is already demonstrating strong growth in retail. Introducing a new method of delivery will not impact or add to this growth.

TOTAL RETAIL - BY STATE

The following states and territories rose in trend terms in November 2018: Queensland (0.5%), Victoria (0.4%), Western Australia (0.3%), South Australia (0.2%), the Australian Capital Territory (0.5%), and Tasmania (0.2%). New South Wales (-0.1%), and the Northern Territory (-0.6%) fell in trend terms in November 2018.

The following states and territories rose in seasonally adjusted terms in November 2018: New South Wales (0.8%), Queensland (0.4%), Western Australia (0.6%), the Australian Capital Territory (1.6%), and Victoria (0.1%). South Australia was relatively unchanged (0.0%). The Northern Territory (-0.9%), and Tasmania (-0.2%) fell in seasonally adjusted terms in November 2018.



Source: ABS

The report also claims to reduce delivery costs for businesses by up to \$12 million per year. Given that the drone trial was completed for free and no costs were involved to the consumer, the take-up rate for this type of services is unknown. According to media reports, Wing state that 160 households (out of 3,700 households of which 65% (1,547) were separate dwellings so therefore eligible for the trial) in Bonython signed up for the delivery trial. Wing reported 2,000 deliveries in the 5 months. The take-up rate was less than 10% of the population in Bonython. 2,000 deliveries over the 5 months equates to 100 deliveries per week. Given this low number, and the significant negative community reaction in Bonython to limited drone deliveries, the impacts will be magnified 1000 times if as they claim, Wing will be doing 11,000 deliveries per day in the Northern Canberra suburbs.

How Wing/AlphaBeta report extrapolated this figure to over 11,000 deliveries per day in the Canberra northern suburbs (Gungahlin, Palmerston, Grace, Harrison and Franklin) is also unfounded. The total population of these suburbs (ABS Census data) is just over

30,000, of which only 47% (5,530 dwellings) of total dwellings (11,500) would be eligible. If the take-up rate is similar to Bonython, then only 550 households in Northern Canberra would join the proposed trial. Wing would have to undertake 20 deliveries per day per household to reach their forecast numbers. Even if there was 100% take-up, it still assumes one delivery per day per household. Current courier and take-away delivery services do not perform at these levels. Given that only 'lighter items – less than 1.5 kilos' can be delivered, the numbers are unsubstantiated and make a mockery of these forecasts.

Evidence about 'eligible households' references in the Canberra Times, where James Burgess from Wing stated "they were looking at ways to deliver to high-rise buildings. Would it be roof-top, or some type of mailbox on people's balconies?".

Unreliability and limited delivery options

In addition to the low take up rate (10% of eligible dwellings), there are a number of contribution factors which make many households ineligible for the drone delivery service. These include the following restrictions:

- Drones cannot delivery to high rise buildings
- Drones cannot delivery to other high density residences (units, flats, aged care, etc) as there is nowhere within these bounds that they can deliver a parcel
- Drones cannot operate within national areas of significance – such as near parliament house, treasury, etc
- Drones cannot operate at night time
- Drones cannot operate over public areas, such as parks, schools, sports grounds, etc
- Drones cannot operate within 5km of airport
- Drones cannot operate when there is a total fire ban
- Drones cannot operate in adverse weather conditions including high winds, storms and rain.
- Many parcels require a "signature" from the resident
- Special requirements to leave parcels (such as placing around the back of property , etc) cannot be accommodated
- Drone can only deliver up to 1.2 kilos, any larger requires either multiple trips or a larger drone.
- Any other unforeseen circumstance

The impact of these was recently reported in the Wall Street Journal article where a Bonython resident had ordered a lunch meal. The size of this meal required 3 drone deliveries. The first two were successful, however due to the high winds; the third meal was delivered by vehicle.

Compliance

Another large concern is the lack of regulations and compliance measures over drones and with this trial (as Wing only have to self report any incidents). Bonython residents have witnessed and reported a number of incidents. Wing claim these are 'controlled landings', we claim they are incidents. The federal government announced in May 2018 additional money to CASA to help develop compliance. Until these measures are in place, there should be no trials. It is the same analogy as trialling driverless cars on our roads, what happens if there is an accident, how do you protect the public?

The Civil Aviation Safety Authority will receive a \$2.9 million boost thanks to the budget in order to manage safety standards and associated compliance for recreational and commercial drone technologies in Australia.

<https://www.innovationaus.com/2018/05/Budget-2018-A-tech-round-up>

As no one is responsible for drones compliance, who would stop other drones operating? We could have drones popping up everywhere and not enforcement. What is stopping private and anti-drone due in the ACT or counter-drone operators establishing services in Canberra? In the US they are not allowing commercial drone use due to identified risks. The US is forward looking and can see that congestion due to the small amount of aircraft is a massive risk. NASA has signalled that airspace management solution testing for the future, but until then the US government will not allow commercial use for deliveries. The question then is why in ACT government allowing this trial?

Lack of transparency and incorrect information

Despite repeats requests to Wing, they have advised they would not share their feedback publically or to the ACT government. They will only provide a 'summary' at the end of the trial. I believe a proper and thorough audit should be conducted on the trial to ensure the veracity of the results and that government assistance has been appropriate and worthwhile.

There are numbers of conflicts in information reported by Wing in the media. Another example is SEERE, where Wing stated before they moved to Bonython that there "*was a*

potential 50,000 new tested in Bonython region". The population of Bonython is only 3600.

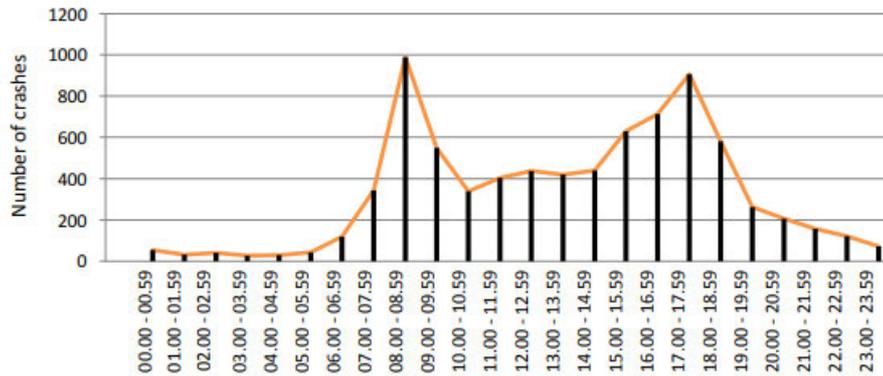
Transcript from Breakfast with Dan Bourchier 12/11/18. James Burgess states " *There are a small number of residents in Bonython who have been highly organised and voiced their complaints repeatedly to us, and we welcome that. I don't know the exact numbers but it is roughly about 10 percent negative versus positive responses. It's about 160 trialers using the service and we have 800 or 900 more who are interested*". All the latest media articles since this statement only refer to the 160. There are NO 800 or 900 more. Incorrect and false statements in the media by Wing are commonplace.

Gai Brodtmann, responded with accurate statistics stating that she had had 124 people in touch with her, 19 positive, 91 negative and 14 neutral. That equates to 75% AGAINST the drones – a similar number to the estimate provided by the Bonython Against Drones Action group when they had the petition signed.

Wing have also quoted in the Canberra Times (December 10/12/18 – more than 10k drone flights daily in ACT, that " *they would be cutting traffic and would reduce the number of road accidents and have fewer people hurt*". They quote almost 8000 motor vehicle accidents a year of ACT road. The ACT 2016 crash report confirms that the number of accidents is around this number. What Wing failed to clarify is that the majority of accidents (over 50%) coincided with peak hour traffic. Therefore, the statements that drone deliveries would reduce road accidents is incorrect and irrelevant, because peak hour traffic will still continue. What the ACT Crash report does not contain is the location of the crashes. The figures quoted by Wing should only represent the area in which they propose to fly. Based on population statistics, only 14% of the population of ACT lives in the proposed Northern suburbs area. Using the whole of ACT population and road statistics is misleading. Also misleading is the statement about making local wildlife safer. Only 160 of the accidents in the report were caused by wildlife. Again, given the medium to high density of the proposed Mitchell area (northern Canberra), except for the grass land nature reserves (which are fenced in), this statement about making it safer for wildlife is untrue.

http://cdn.justice.act.gov.au/resources/uploads/JACS/PDF/ACT_Road_Crash_Report_2016_web_accessible.pdf

The peak hours for crashes coincided with traffic volume peaks as demonstrated in the graph below.



Wing continue to make the same statement in the media without proof. The statement “our service in Mitchell will increase sales for local businesses, result in cleaner air and make Canberra’s and local wildlife safer by taking cars off the road”

b. The number of jobs that have been created as part of the trial.

The proposed expansion of the trial will result in job losses. There has been no growth in jobs as the drones themselves are “unmanned and operate automatically”. Operating the drones requires licensed and trained drone operators. Depending on how the future service operates, the business from which the delivery is originating will attach the “package” onto the drone for the delivery. Therefore, we are now faced with potential job losses from those employed in the courier and delivery area. These are generally low skilled, low paid and casual jobs. The drones will replace people employed in courier and delivery areas.

Evidence that delivery drivers would be replaced by the buyers and sellers themselves is stated in the Canberra Times 15/11/18. Steve Evans quoted James Burgess’s description of how the service would work in Mitchell as “the drones would hover 7 metres off the ground and lower a line with a container. Sellers and buyers would hook and unhook the baskets containing the goods”. So, the end result – job losses.

c. The extent of collaboration with local industry and academic institutions

There has been no collaboration with local industry and academic institutions. Wing did not use local Tuggeranong business, instead using companies that were not part of the Tuggeranong business community. The entire extent of their slick marketing campaign focused on KickStart (for the coffees) and Gomez and Gomex (for the burritos), and Chemist Warehouse – none operating in the Tuggeranong area. The Australian Journal

of Pharmacy reported in their journal on 10/9/2018 the residents' concerns and that there were already 5 "chemists in the area. If you are feeling sick or miserable I'd rather go someone and get professional advice". This was also supported by the local Capital Chemist who sponsored the Bonython Against Drones Action group Bulletins, as they were concerned about the issue of pharmacy products without advice and also by an outside business.

As far as we are aware, there has been no collaboration or discussions with local couriers and delivery agencies.

3) **The extent of regulatory oversight of drone technology at various levels of government including;**

a. Local authorities such as EPA, Worksafe, Access Canberra

EPA – There are not regulations under the EPA Acts that apply to drones, therefore the EPA has not accepted any responsibility for addressing concerns such as the excessive noise levels. The Environment Protection Act 1997, Section 8 specifically does not apply to "Aircraft" (see below).

- 8 Limitation of application in relation to certain people and things**
- (1) This Act does not apply in relation to noise made by or a pollutant emitted into the air by—
- (a) a light rail vehicle or other train; or
 - (b) a Commonwealth jurisdiction aircraft within the meaning of the *Air Services Act 1995* (Cwlth); or
 - (c) a person using only his or her body; or
 - (d) an animal; or
 - (e) a motor vehicle being driven on a road unless the motor

ACT Government has not accepted responsibility for the noise – see Attachment E.

Air Services Act 1995 and Air Services Australia are only responsible for "manned" aircraft". Hence the problem that drones are classed as "unmanned". This means that the only avenue to complain about the noise was to the company making the noise "Wing".

Worksafe – have nothing to do with this trial or drones.

ACT Parks and Wildlife – we are aware that Parks and Wildlife (through various emails), granted an exemption for the drone trials to fly over the relevant parks in the Bonython area including Pine Island (a popular sport for Canberrans during summer). Part of the condition was the Wing were supposed to do an avian study. This has not occurred either at the start of the trial (where a baseline could be established on the wildlife in the area), or

since the trial has started. We believe Wing were supposed to hire their own consultant. As far as we are aware, none of these requirements have happened. The ACT government is failing to follow up on any of the imposed requirements, make information available or take responsibility for its actions in allowing the trial to proceed.

Access Canberra – we are aware many complaints were referred through Access Canberra, however as these were outside the “normal business” for the government, they were referred incorrectly back to CASA . No one in local government had any idea of who, where and what to do with complaints. The Action Group has sent many emails and letters to ACT government, and has either received incorrect information or no response at all. Attachment D is an example of a letter to the Chief Minister and Minister Gentleman. A reply 6/1/2019 (Attachment E) states Act government not responsible for noise.

The question to ask is – who is? No one as not covered in any regulations, State or Federal. .

b. Commonwealth agencies such as Air Services Australia, Civil Aviation Safety Authority

CASA are only responsibility for safety aspects of the drones. Despite the residents of Bonython reporting drone incidents, these were ignored by CASA as Wing are required to ‘self report’.

The Bonython Against Drones Action Group also wrote to the Minister for Transport, Infrastructure and Regional Development highlighting the many issues due to the drone trial and lack of oversight and regulations. The original and response (Attachment C) by the Federal Minister acknowledges that a whole of government approach to RPAS (drones) will be required.

The response agrees with the recommendation to develop a whole of government approach to RPAS in Australia. The Department of Infrastructure, Regional Development and Cities will lead this work with relevant departments and agencies to develop a clear view on those matters that fall outside of the Civil Aviation Safety Authority's remit; including privacy, noise and environmental impacts. It is the intent that this work will help to clarify for the public, the separate areas of responsibility in relation to drone issues.

Given that there are no laws in place to manage the impacts of the drones, it is immoral that the trials continue. Until the Australian public can be assured of its safety and basic human rights (United Nations Human Rights Declaration Article 12), then all commercial use of drones should be ceased. We have laws that manage our roads and penalties for those who do not abide by the laws. We should have laws for managing airspace (outside those areas already under regulations by Air Services Australia).

Air Services Australia – no responsibility as unmanned aircraft

CASA – is only safety. However, why relax the standard rules for a trial, as this infers that if the trial going into live production, the general rules for drones would have to be relaxed. Why CASA allowed trial in the first place (under due diligence and duty of care) when the federal enquiry identified so many issues which as still unresolved.

The FOI document from CASA revealed risks assessment and changes to regulations to allow the trial over Bonython. Given the number of recent drone incidents worldwide (Gatewick airport, Canberra NYE, Tasmanian Bush fires, etc), we question why the rules would even need to be relaxed and changed for the trial. If Wing cannot operate within the current laws, then it brings into question other issues such as favouritism and non-competitive nature of the trial. Will CASA change the rules for other drone delivery agencies (such as Amazon). On what basis was this business decision made?

4) The extent of any environmental impact as a result of trialling drone delivery technology on;

Carbon Footprint – claims by Wing that drones will reduce carbon footprint is incorrect

Two key points are:

- (1) The reduction in carbon footprint by drones only applies to where they don't have far to fly and have a light load – therefore a very small component of the delivery courier industry.
- (2) Does not acknowledge that by 2030 over 50% of cars will be electric, this change in itself will significantly reduce the carbon footprint of vehicles and delivery services. (Note, Australia Post are already using electric bikes)

Wing claim that the drones have a less carbon footprint. The research they refer to is by Professor Goodchild in the USA (Riot Act website). The article has been misrepresented by Wing as it actually it states “ researchers found that drones tend to have carbon dioxide emissions advantages over trucks when the drones don't have to fly very far to their destinations or when a delivery route has few recipients”. Trucks — which can offer environmental benefits by carrying everything from clothes to appliances to furniture in a single trip — become a more climate-friendly alternative when a delivery route has many stops or is farther away from a central warehouse”. The statement by Profession Goodchild “that drones have a less carbon foot print” is only correct when it applies to small and light goods.

<http://www.washington.edu/news/2017/05/30/drone-vs-truck-deliveries-which-create-less-carbon-pollution/>

The statement by Wing also fails to take into account the reduction in carbon footprint with the introduction of electric cars and vehicles. Electric vehicles (EVs) use is growing very strongly across the Globe (approx. 30% growth in 2016). It is forecast that by 2040, 55% of all new car sales globally will be EVs.

Source: https://www.carbonfootprint.com/electric_vehicles.html

<http://kab.org.au/blog/keeping-australia-beautiful-with-the-environmental-benefits-of-electric-vehicles/>

Environmental Benefits of Electric Vehicles (extract)

While there are numerous benefits to having more electric vehicles on Aussie roads, the environmental advantages in particular cannot be stressed enough. There are almost no ongoing costs to the environment at all when an electric vehicle is being run on renewable energy and these ongoing operational impacts heavily outweigh the environmental costs of production and disposal, especially when taking into consideration that many parts of EVs are often built from recycled materials.

According to a 2012 paper released by Victoria's Department of Transport, an electric vehicle operating on renewable energy can provide a net benefit in terms of lifecycle carbon emissions in just three years of operation and give savings of more than 50 per cent across its 20 year average lifetime.

If the ACT wants to significantly reduce its carbon footprint, then along with the light rail, the government should be encouraging EVs, installing more charging stations, etc.

Economy of Scale

Letter to the editor by myself. *How many trips does Australia Post need to complete to deliver 1000 letters to residents in Bonython in one day. Answer: One trip by one postie on his electric bike. How many trips does a drone need to complete to deliver 1000 letters to residents in Bonython in one day. Answer – that would be 1000 noisy trips. Where is the economy of scale and savings in this?*

a. Residents within the trial area

As mentioned in the key taking points - Attachment B:

- The drones are large, very noisy like at F1 racing car and make a high-pitched sound which you can hear them from a long way off. NASA study says drones are more annoying than trucks, motorbikes, etc. Drone noise has been measured at 85 decibels from 35 meters,
- Over 80% of the residents in Bonython oppose the trial.

- Canberra Times online survey (15/12/18) resulted in over 68% of Canberrans saying they opposed any drone delivery trials and another 15% unsure. Only 17% said they would use the drone delivery service if offered in their suburb.
- No agency (ACT Government, CASA, Airservices Australia) will take responsibility for monitoring the noise made by drones. (see Attachment D – letter to ACT government)
- They can be heard from inside closed houses, even with double-glazing and it is going to get worse when people have their houses open in warmer weather.
- Various media articles quote Wing (Ryan Burgess) as saying “we have received a lot of feedback from the community about what would be most acceptable and we think targeting commercial and industrial areas for a future site makes a lot of sense. He said the company took the feedback to heart and was currently looking at ways to address the issue and improve the system. (Riotact 267723).

b. Native wildlife and domestic animals

- The bird life has enormously decreased in the area.
- Dogs are reportedly stressed and injuring themselves as they are spooked by the drones.
- Neighbours are complaining because of the dogs barking continually on flight days.
- No avian study on impacts.
- We have video evidence on our website of a magpie attacking the drone. Wing are aware of this as it was brought to their attention (via email) and they responded in the usual non-committal way “thank you for the information”
- Extract from letter to Canberra Weekly by Lyn and Robert Newham. “We walk around the Stranger Pond reserve and are always mindful of the drones. The pond has been home to a pair of nesting swans and their families, ibis, pelicans, cockatoos, parrots and other bird life that have been there in the 20 years we lived in Bonython. Since the drones, only wild ducks remain”
- Local Royalla newspaper editor reported to Bonython Against Drones the issues they had with their drone trial, “Royalla group began posting angry accounts of livestock being harmed as they ran in fear from the low-flying drones. Their group had trouble getting their voices heard as no media were interested as ‘drone as cool, no parliamentarians were interested, CASA had approved the trial and the amount of noise this man was experiencing was not concern to anyone”. Bonython resident experienced the same issues, however our voices were heard as more residents united against the drone trial.

5) Ways to improve the use of drone delivery technology within the ACT

Use drone technology for purposes which make it unique and valuable. Anyone can have deliveries done by existing methods, with no impact. Encouraging deliveries to be done by EV's will reduce the carbon footprint. Drones need to focus on specialist and other emergency services, where they will make a valuable impact. There are many of these examples already in the community, life saving, aerial photography, search and rescue, surveillance, delivering immunisations and medical supplies to remote areas, surveying, digital surface modelling, aerial Delivery of Packages and Humanitarian Relief Supplies, assistance with agriculture, etc

6) Any other relevant matter(s)

Risks

There are many other matters and risks associated with the drone delivery service by Wing which remain unanswered or uncontrolled. There are outlined in Attachment B – Key talking points and include:

- Privacy concerns and data storage
- Loss of amenities by residents.
- Cyber security
- No formal oversight, government agencies are currently not funded or legally obligations to manage compliance of drones.
- Lack of laws and regulations
- Violation of human rights

Privacy risks are well known and totally uncontrolled. Recent article by Legal Eagle highlights all the issues.

http://thelegaleagle.com.au/drones-neighbours-and-privacy/?fbclid=IwAR1fjU2CplLwGoptRFdEEYr1WgcMVQ6DaQD3ikZabqneyVNddb3Jr8OA_dg

Federal Government submissions

The Federal Government in 2016 called for a submission into the Regulatory requirements that impact on the safe use of Remotely Piloted Aircraft Systems, Unmanned Aerial Systems and associated systems.

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Drones

There are many concerns and issues included in the submission, and I strongly suggest if the Standing Committee on Economic Development and Tourism are to be better informed on the issues of drones, they should read the various submissions

The submission by Adelaide University raised many valuable points including, “ *The authority to enforce restrictions on the location of RPA activity is not sufficiently expressed in current Regulations. At present there are constraints on operations near airports or helipads and a general restriction on flights over populous areas (unless adequately controlled). Under current Regulations, RPAS operations must be conducted within line of sight, so air and ground space is necessarily co-located for the duration of any operation. Permission to access land, particularly in urban areas, is not contemplated under the current Regulations. The responsibility for such approval generally falls to state or local governments. These levels of government are generally not knowledgeable about the operation of RPAs and are not authorised or sufficiently informed to check credentials or ask relevant questions. These levels of government need to be prepared to provide local area compliance support as public and commercial use of RPAs expands. This preparation should extend to enforcement officers, such as police, who should be trained in the regulation of RPAs and authorised to control inappropriate RPA activity.*”

Their submission also mentions CASA’s role and the need for it to be adequately resourced to manage compliance of drones.

“The resourcing of CASA to ensure that the regulator has capacity to administer existing regulatory requirements needs to be carefully considered and a growth plan implemented. The role of the regulator will be critical in the coming years as the industry expands. Delays in servicing the industry will hamper this expansion. For instance, the current Regulations anticipate the issue of a Manual of Standards to provide clarification and certainty on a range of operational dos and don’ts, The Manual has yet to be issued. It can only be assumed that the resources to complete the task are not available.

At present, risk to public safety at the local area level is largely being overseen by those with knowledge of the regulations and safety requirements (such as CASA approved pilots). This general responsibility is beyond their remit and legal authority. The development of local enforcement capacity needs to be considered in the context of public safety and privacy. As well as liaison with local and state government agencies, CASA also needs to be able to anticipate and respond to developments in a fast moving industry.

Recently, significant delays in both initial response to enquiries and approvals through the

CASA RPAS office have occurred. It appears that this is a result of staff turnover and understaffing. Given the huge momentum behind the RPAS industry, the critical importance of ensuring public safety and the potential competitive benefit to Australia, it would make sense for CASA to take a generous approach to staffing the RPAS office, and be funded to do so“

Attachment A: Petition

Drone delivery trial—petition 23-18

By Ms J Burch, from 1,043 residents:

To the Speaker and Members of the Legislative Assembly of the Australian Capital Territory

The following residents of Bonython, ACT, draw to the attention of the assembly that:

- We are subject to the Project Wing drone trial in Bonython.
- We were not consulted in a genuine manner about the trial prior to its approval and start up.
- We have no specific and formally established avenue to submit complaint or feedback other than to Project Wing.
- We find that there is no due governance and transparency in overseeing the trial.
- We find this trial subjects us to unacceptable levels of noise, is a gross invasion of privacy and subjects us to unacceptable safety risks.
- We find this trial compromises our right to peace, privacy and a good quality of life (refer to United Nations' Universal Declaration of Human Rights, article 12).

Your petitioners, therefore, request the Assembly to:

- Commit to ceasing commercial drone delivery trials in Bonython and any future trials in the ACT forthwith.
- Acknowledge the impact on residents of commercial drones regularly and frequently flying over our homes and within the suburb.
- Acknowledge our right to peace, privacy and a good quality of life, to not fear for our safety and not feel anxious about the possibility of drone accidents.
- Acknowledge the detrimental impact of drones on pets and wildlife.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Economic Development and Tourism.

Economic Development and Tourism—Standing Committee Statement by chair

MR HANSON (Murrumbidgee) (10.47): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism. Following the referral by the Assembly on 1 November this year of an inquiry into drone delivery systems in the ACT, the committee has agreed to call for submissions. The committee would like to hear from all parties involved in or affected by the trial, including residents, companies and regulators and anyone else who may be affected by the regulation of commercial drone activities. The committee is requesting submissions by close of business 22 February next year.

Attachment B: Key talking points of issues – Bonython Against Drones Action Group

All the issues were well known and identified in the risk assessment between CASA and the ACT Government (gained under FOI).

The decision to base the drone delivery trial in the ACT was initiated by the ACT Government and Goggle X. During this process there was no consultation with the public. Extracts from Hansard clearly show that this delivery trial is not about a delivering “coffee and burritos”, but an experiment in managing airspace and developing drone technology.

The risks outlines in the risk assessment are detailed below with the actually impacts of these risks:

1. Noise

- The drones are large, very noisy like at F1 racing car and make a high-pitched sound which you can hear them from a long way off. NASA study says drones are more annoying than trucks, motorbikes, etc.
- No agency (ACT Government, CASA, Airservices Australia) will take responsibility for monitoring the noise made by drones.
- They can be heard from inside closed houses, even with double-glazing and it is going to get worse when people have their houses open in warmer weather.

2. Privacy concerns

- Surveillance and intrusion of privacy.
- There is no open and transparent management of personal information collected.
- Wing state that images are stored for 30 days, however in that time we have no knowledge who has access to that data, for what purposes and is it being shared with a third party?
- Risks assessment acknowledges that there is “no recognised common law action in tort for breach of privacy”.

3. Impact on wildlife and domestic pets

- The bird life has enormously decreased in the area.
- Dogs are reportedly stressed and injuring themselves as they are spooked by the drones.
- Neighbours are complaining because of the dogs barking continually on flight days.
- No avian study on impacts.

4. Loss of amenity – visual and noise pollution, emotional and mental health

- Anxiety and stress levels due to anger are increasing every time they hear a drone fly over.

- Some young children are too scared to go outside when the drones are around.
- Disturbing for those who need to sleep (shift workers) during the day.

5. Cyber security

- Canberra has many sensitive government agencies. Parliament house recently constructed a “drone shelter” to prevent security attacks from drones.
- Media reports of large companies (face book) breaching privacy and security.

6. Sensitive location – geographical issue

- Not supposed to fly over nature parks and public areas, all these rules relaxed for this trial. When at Pine Island you can hear the high-pitched drones take off, where normally it was the sounds of birds and nature.
- They fly over the local mountain bike trail.
- There are many identified high risks areas in ACT.

7. Distraction risks to drivers, cyclists and pedestrians, safety, collision with people, infrastructure, other drones

- Wing self report to CASA, and have not reported any safety issues, even though many cited by residents. Wing claim they are ‘controlled landings’.
- No independent body or agency which regulates or polices Wing.
- There have been a number of mishaps that have been reported to us by residents that are not acknowledges by Wing, CASA or ACT Govt. We have video evidence of bird strikes.

8. Land use concerns. Delivery drones are not currently defined in the territory plan, thus not permitted except under a temporary use.

- Why are they allowed to operate on nature reserve and within the Murrumbidgee Corridor? This involves the commercial use of a public nature reserve.

9. Feedback and reporting (ACT government agency objections)

- There is no specific and formally established avenue for residents to directly submit feedback or comment other than through Wing. Wing has already stated they will not release the feedback publically or to the ACT government. Wing is self assessing and undertaking their own review of the trial.
- ACT Government does NOT acknowledge valid concerns by residents
- CASA and ACT Government received complaints and failed to respond too many.
- The ACT Government imposed this trial on Bonython residents with no consultation or consideration of the impact on people's lives. There has been no collaboration or collective decision making involving Bonython residents.

10. Trespass

- No laws about airspace over homes.
- Recent media exposure of illegal drone activity.

11. Fire ignition

- Not allowed to operate during period of fire bans.

12. Negligence

- Are we covered by public liability?

13. Reputational damage

- Local business - the chemist and Mexican food businesses currently operating in the drone delivery service are not local to the area and undercut existing businesses.
- Wing and the ACT Government are not presenting transparency on the drone issues.
- Wing has provided information only in the form of advertising and marketing their delivery service.

14. Other - Violation of our human rights, UN Article 12

- Because there are no regulations (except for CASA around safety) that cover the operations of the drones, no one can refute their use with other legal arguments.
- The drones do interfere with our family/life. It is morally and ethically wrong that we are subject to this trial without any recourse.
- This is a direct violation of our human rights as Article 12 of the Universal Declaration of human rights states “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the **right** to the protection of the law against such interference or attacks”.
- In a response from Minister for Infrastructure, Transport and Regional Development dated 5th December 2018, he admits there are gaps in the law and “they need to work with relevant agencies to develop a clear view on those matters that fall outside CASA’s remit, including privacy, noise and environmental impacts”.

15. Other - Parliamentary Enquiry in place (submissions due 22/2/19)

- Canberra Liberals have called for a parliamentary inquiry into household drone delivery services in the ACT. An inquiry has been approved following significant complaints about the drones since the trial started in July.

16. Purpose of drone deliveries - Unreliability and limited delivery options

- Low take up rates with only 1.5 – 2% of Bonython households electing to participate in the trial.

- There are a number of contribution factors which make many households ineligible for the drone delivery service. These include the following restrictions:
 - Drones cannot deliver to high rise buildings
 - Drones cannot delivery to other high density residences (units, flats, aged care, etc) as there is nowhere within these bounds that they can deliver a parcel
 - Drones cannot operate within national areas of significance – such as near Parliament House, Treasury, etc
 - Drones cannot operate at night time
 - Drones cannot operate over public areas, such as parks, schools, sports grounds, etc
 - Drones cannot operate within 5km of an airport
 - Drones cannot operate when there is a total fire ban
 - Drones cannot operate in adverse weather conditions including high winds, storms and rain.
 - Many parcels require a “signature” from the resident
 - Special requirements to leave parcels (such as placing around the back of property , etc) cannot be accommodated
 - Drone can only deliver up to 1.2 kilos, any larger requires either multiple trips or a larger drone.
 - Any other unforeseen circumstance

Attachment C – Letter and Response to Hon Michael McCormack MP

Bonython Against Drones
Community Action Group
Stopbondrones@gmail.com

The Hon Michael McCormack MP
Parliament Office
PO Box 6022
House of Representatives
Parliament House, Canberra ACT 2600

media@infrastructure.gov.au
clientservice@infrastructure.gov.au

CC: Mr Anthony Mathews
Chair of the Civil Aviation Safety Authority (CASA) Board
Mr John Weber
Chair of Airservices Australia
Director, Governance Section
Department of Infrastructure, Regional Development and Cities
GPO Box 594
CANBERRA ACT 2601

Dear Sir(s)

We are writing to request that you cease the Drone trial in Bonython ACT. We would like to bring to your attention to current and future issues with the use of commercial drones. Many of these you are aware of as these issues were provided to you in feedback to the Inquiry into the Regulatory requirements that impact on the safe use of Remotely Piloted Aircraft Systems, Unmanned Aerial Systems and associated Systems, December 2016. We question how you could have approved the trial, relaxed the rules around drones, when you were fully aware of the gaps in regulations regarding noise, safety and privacy. Surely under your duty of care, you should have addressed these core issues, before approving any trial?

We belong to a community action group, Bonython Against Drones which was formed September 2018 in response to the large outcry by our residents to the current trial by Project Wing Australia using DRONES to deliver a range of food (coffee and burritos) and some pharmacy products to our suburb. https://x.company/intl/en_au/wing/australia/

The Bonython Against Drones action group main core issues about the drone trial are:

- Noise and impact on our quality of life
- Privacy and safety
- Impact on wildlife
- Lack of transparency and governance
- Insurance and their potential liability obligations – no federal requirement to be insured
- Compensation for losses

We are unable to find anyone to take responsibility for our complaints on any of the issues above. For example, both your agencies (CASA and Air Services Australia) have advised us they are not responsible for the noise. Our local government Environmental Protection Agency also states that it is not their responsibility, and refers us back to CASA.

The issues around safety are also a concern. Your agency, CASA has asked Project Wing to self-report incidents, and although our Group is aware of a number of concerning incidents, Project Wing have apparently reported none to CASA. There appears to us be no overall governance of the trial. No one appears to be responsible for a final 'sign-off' of the trial. It seems that all parties, including Commonwealth and ACT Governments, are abrogating their responsibilities to the company that will benefit. This self-reporting and self-assessing is of great concern to us. In fact, Project Wing have already announced that they are looking to expand in the ACT, prior to ending and reporting on this trial. They have also stated that they will not be providing any of the feedback received to either ourselves, your agencies or the ACT Government. Instead they say they will "summarise" the feedback. No transparency or ability to seek correct information.

We have also identified many other gaps in the current legislation and regulations and as such we are incapable of having our complaints addressed or finding someone to take

responsibility. We believe that Wing (under Google) are using these legislative gaps and loopholes to do what they like.

Our local federal member, Gai Brodtmann recently called for an independent review, following hundreds of complaints to her office. This statement was in the Canberra Times 27/10/18.

<https://www.canberratimes.com.au/national/act/federal-mp-inundated-with-complaints-about-act-drone-delivery-trial-20181025-p50bsa.html?fbclid=IwAR2DXIAhSe9GN9aQbua9uAbkmEicg9QtRniVXLDRkLo0gpmgn0gahhmG7nl>

Today (1st November), Andrew Wall MLA put forward a motion to the ACT Legislative Assembly and called for a committee Inquiry into drone delivery. This motion was successfully passed, demonstrating and reflecting the concerns of the residents and even our local Ministers of Parliament.

https://www.andrewwall.com.au/drone_trial?fbclid=IwAR0VomL_qx-MXacl7XnJ5TYukDbtEqNA3UZ6Z02ayrMPkIXts98Rf_tRpeU

As a community group, we are unfunded and currently run by volunteers. We would happy to provide any information about our experiences and evidence, so that you may use these to further identify and encourage drafting of laws and regulations that will provide protection and avenues to address concerns about the impacts of drones delivering goods in urban areas. Please note, we are supportive of new technology being used in a useful and productive manner (for example drones undertaking rescues, delivering vaccines, remote area mapping, security, military, etc), but not for delivering coffee and burritos in residential areas.

We therefore respectfully request that your stop this trial immediately.

Andrea and Neville Sheather

0406303706 and 0408661159

On behalf of the Bonython Action Group

Extracts from the submissions by legal firms and other references

QBE Submission

QBE – through its specialist aviation division – is a market leader in the insurance of Remotely Piloted Aircraft Systems (RPAS), Unmanned Aerial Systems (UAS) and associated systems throughout Australia.

Under the amended CASR, standard RPA operating conditions apply where a number of requirements are met, including where ‘the RPA is not operated at or below 400ft [above ground level] by day’. For both safety and privacy reasons, QBE is of the view that further consideration should be given to introducing a minimum operating altitude in certain circumstances, especially over private homes and infrastructure, and particularly where consent has not been provided or sought.

Compulsory insurance requirement RPAS can be similar to other forms of motorised vehicles in terms of weight, power, and the damage they are able to cause. As a market leader in this area, QBE’s experience is that the use of RPAS – both commercial and hobbyist – is expanding rapidly, and this trend is likely to continue. QBE is concerned that some operators in this growing sector may not be aware of the full extent of their potential liability obligations. For the protection of third parties, consideration may also be given to requiring some operators to hold a minimum level of aviation and third party liability insurance. This would ensure that members of the public who are injured or suffer damage to property caused by an RPAS would be able to access compensation for their injury or property damage.

Maurice Blackburn Lawyers

Maurice Blackburn Lawyers shares a sense of responsibility for safety through preventative and appropriate regulation, and an interest in ensuring suitable legal mechanisms are available for compensation for losses, in the event laws, technology, or people fail causing injury or death, in the operation of RPAS in Australia.

The technical and regulatory landscape in Australia is such that the owner of a drone or its operator are notoriously difficult to identify, and thus pursue, after an incident. There is no Federal requirement on the owner or operator to be insured for liability for damages. No legislation presently requires registration of non-commercial operators and their equipment. This is problematic because drones themselves are fairly unreliable. There are no international or local airworthiness standards in place for hobbyist operators, nor any import controls on the more powerful machines which are brought into the country daily in droves.

The Civil Aviation Legislation Amendment (Part 101) Regulation 2016 (CALA) which commenced on 29 September 2016 in Australia makes the situation worse, and is based on two-year-old consultation and research on the likelihood of injury occurrence from drones striking humans from above. While the rest of the world has pursued further research on this area and come up with rules which suggest that only very small (micro-or under-250g drones) pose little risk and can be operated under more relaxed rules, Australia has not only chosen to deregulate this weight class but now permits drones up to 2kg to be used commercially by anyone without training, insurance or certification. Furthermore, there must be a development of professional standards of operation for commercial operators by the industry itself, supported by government, and government must work harder to find ways to enforce existing laws against those who misuse drones and put people and property at risk.

Professor Des Butler. I am a Professor of Law in the Faculty of Law at the Queensland University of Technology (QUT)

I would like to address the potential of RPAS to invade privacy and to cause injury to persons and/or damage to property. In the absence of a specific common law or statutory cause of action protecting personal privacy, a piecemeal collection of common law causes of action such as trespass, private nuisance and breach of confidence, all of which have limitations which mean that they do not provide complete protection against invasions of privacy.

The Commonwealth and all States and Territories have enacted Damage by Aircraft statutes which provide for strict liability for injury or damage to persons or property on the ground caused by impact with aircraft or part of an aircraft, meaning that aggrieved persons may recover damages without proof of intention, negligence or other cause of action. Due to constitutional restraints the Commonwealth statute only applies to Commonwealth aircraft (other than Defence Force aircraft), aircraft owned by foreign, trading or financial corporations, aircraft engaged in international air navigation or trade or commerce, trade or commerce between the States, and aircraft landing at or taking off from places held by the Commonwealth. It will therefore apply to RPAS operated for commercial purposes by a trading or financial corporation but does not apply to RPAS operated by, for example, individuals or for recreational purposes. These uses may, however, fall within the ambit of State legislation.

A significant question will be whether RPAS constitute 'aircraft' as defined in the various statutes. 'Aircraft' in the Commonwealth statute has the same meaning as in the Civil Aviation Act 1988 but with the express exclusion of model aircraft. The Civil Aviation Act 1988 defines an 'aircraft' as 'any machine or craft that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the Earth's surface.' 'Model aircraft' is not defined in the Damage by Aircraft Act 1999 but is defined in the Civil Aviation Safety Regulations 1998 as 'an aircraft that is used for sport or recreation, and cannot carry a person'.

Piper Alderman

Our experience indicates that the current regulatory scheme is not adequately adapted to meet the requirements of this emerging industry and, in particular, does not strike the preferable balance between fostering innovation on the one hand and ensuring public safety and privacy on the other hand.

Smith's Lawyers

The regulations imposed by the Civil Aviation Safety Authority (CASA) do not require the operator of a drone to respect the privacy of others nor do they prohibit a drone being flown over another persons land or filming persons in private or in public.

Under existing laws, it is generally lawful to take still photographs or to film people in a public space without their consent. A photographer can be prevented from filming while on private property, however, it is legal for them to take photographs of or film any person on private property as long as the photographer is on public property or their own property and they are not filming the a person engaged in a private or indecent act or unclothed.

This means that if a drone flies over your backyard and takes pictures of you in your pool or films you through a window eating breakfast you have essentially no legal recourse for breach of privacy.

CASA advises individuals who believe that their privacy, or the privacy of someone else is being breached by the activity of a drone, can report it to police. However, there are limits on what the police can do to enforce an individual's privacy rights at this stage.



Office of the Hon Michael McCormack MP

Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina

Ref: [REDACTED]

05 DEC 2018

Mr Neville and Ms Andrea Sheather
[REDACTED]

Dear Mr and Ms Sheather

Thank you for your emails of 2 and 18 November 2018 to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development the Hon Michael McCormack MP, regarding the Wing drone delivery trial in Bonython, ACT. The Deputy Prime Minister has asked me to reply on his behalf.

I previously wrote to you on this matter in October 2018, and wish to provide you with an update on recent developments. On 27 November 2018, the Australian Government response to the Senate Standing Committee on Rural and Regional Affairs and Transport report: *Regulatory requirements that impact on the safe use of Remotely Piloted Aircraft Systems (RPAS), Unmanned Aerial Systems and associated systems*, was tabled in Parliament.

The response agrees with the recommendation to develop a whole of government approach to RPAS in Australia. The Department of Infrastructure, Regional Development and Cities will lead this work with relevant departments and agencies to develop a clear view on those matters that fall outside of the Civil Aviation Safety Authority's remit; including privacy, noise and environmental impacts. It is the intent that this work will help to clarify for the public, the separate areas of responsibility in relation to drone issues.

I have sought advice from the Civil Aviation Safety Authority (CASA) in relation to the matter you have raised about operational zones for the Wing drone delivery trial. CASA advised that the exemption instrument RPAS2017-1748 you received under the Freedom of Information request provides Wing with exemptions from CASA's standard operating conditions; that is, it allows Wing to operate within 30 metres of a person and in populous areas, such as urban or suburban zones.

The area of the launch and recovery site referred to by Wing as “the nest” is in open green space adjacent to the suburb of Bonython. CASA has advised that all operations over the green space do not require exemption from the standard operating conditions. Typical flight analysis shows flights either depart the launch area and fly south east across open space between the launch area and Pine Island Road, or exit the launch area to the south-west and fly along the Murrumbidgee corridor before entering Bonython. As a result, CASA does not consider that Wing has operated outside of the conditions applicable in instrument RPAS2017-1748.

Thank you for raising this matter and I trust this information is of assistance.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Damian Callachor
Chief of Staff

Attachment D: Copy of letter sent to ACT Government (still unanswered)

Andrea and Nev Sheather
Representing Bonython Against Drones

[REDACTED]
[REDACTED]
ACT Government

Andrew Barr MLA
Mick Gentleman MLA

Dear Chief Minister and Minister,

We are attempting to establish who is responsible for dealings concerning drone noise pollution?

Our community action group “Bonython Against Drones” respectfully request action be taken by the ACT Government Environment Protection Agency to our concerns raised about drones (also referred to as remotely piloted aircraft), as we believe it is this agency that has this responsibility!

We have received advice it is not the Civil Aviation Safety Authority, it is not Air Services Australia, nor is it Project Wing who are conducting the drone trial. Therefore, it must be the government agency which is responsible for the residents in the community, and the noise regulations and policy.

We recently received written advice (email 3/10/18 Peter Ryan, Environment Protection Officer) that “under the Environment Protection Regulations 2005 all aircraft noise is exempt and fall under Civil Aviation Safety Authority”. We believe that this advice is incorrect and contrary to what is on the Civil Aviation Safety Authority website and verbal advice provided to our community group.

CASA states

Noise complaints

As the safety regulator, the issue of aircraft (drone) noise is not in our remit. Wing has included some information on the noise drones make on [their website](#).

<https://www.casa.gov.au/aircraft/standard-page/trial-drone-delivery-systems>.

CASA is the safety regulator, and their role is about safety and writing safety regulations for drones and aircraft. We are also aware that Air Services Australia is the agency who

plays a major role in managing aircraft noise. However, this is only for Australian-administered airspace areas such as major airports. They have stated that they have no role or authority in managing remotely piloted aircraft (drones) noise or operations outside these defined areas. Drones are not included under the Air Services Act 1995.

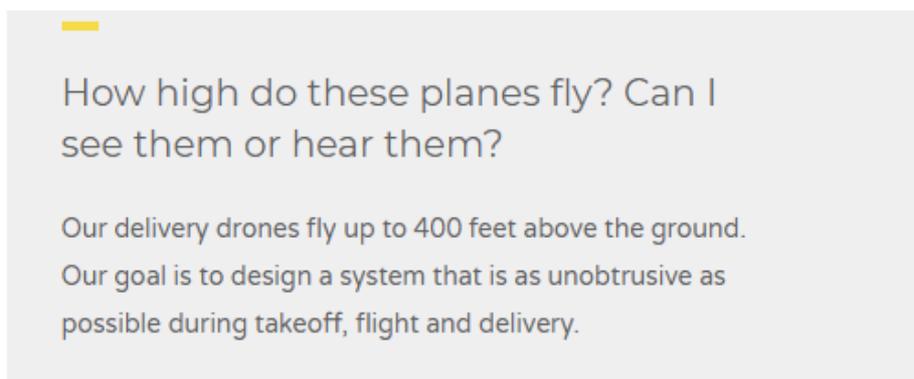
Airservices has a major role in managing aircraft noise and distributing information about it, while maintaining a focus on safety. Airservices produces [information on aircraft noise and complaints](#). This information is used to inform communities about the impacts of aircraft noise, as well as helping Airservices work with partners to identify ways in which the impacts can be minimised.

Airservices also undertakes periodic reviews of monitoring networks and noise abatement procedures at airports and reports on trials of new procedures.

<http://www.airservicesaustralia.com/publications/noise-reports/noise-reports/>

Furthermore, we have had verbal confirmation that CASA and Air Services Australia met and both agreed that they were NOT responsible for managing drone noise. This was advised to our Community Group.

The company, Wing Australia, who are conducting the drone trial in Bonython (refer to link above from CASA), are also not responsible for managing the noise they create. Their website states.



We have received verbal advice from a drone expert, that the noise pollution emitted by drones should be reported and dealt with by the EPA. Note that the drones appear to fly well under 400 feet as they have to deliver their loads.

We therefore request that you acknowledge your responsibilities and follow up our complaints.

If you disagree with this request, then can you please advise who is responsible for dealing with the noise complaints, including providing us with written confirmation from that authority.

Andrea and Nev Sheather

Representing the Bonython Against Drones Community Action Group.

10/10/2018

Attachment E - ACT government reply to noise complaint 6/1/2019

Dear Andrea and Nev,

Thank you for contacting Access Canberra regarding the commercial drones in Bonython.

Under the Environment Protection Act 2005, The Act does not apply to noise made by a Commonwealth jurisdiction aircraft. Unfortunately, in this matter, Access Canberra and the Environment Protection Authority (EPA) are unable to assist. You will need to contact the Civil Aviation Safety Authority (CASA) to assist you further. Due to CASA being a federal government agency we cannot forward your complaint to them, you will need to lodge your complaint with CASA. Please click on the following link for further information.

www.casa.gov.au/aircraft/landing-page/flying-drones-australia

I apologise that we are unable to assist you any further.

Kind Regards,

Nick | Case Manager

Access Canberra | Complaints Management Team

www.act.gov.au/accesscbr | 132281