



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM  
Mr Jeremy Hanson MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),  
Mr Michael Petterson MLA

## Submission Cover Sheet

**Inquiry into drone delivery systems in the ACT**

**Submission Number: 110**

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Mr. Jeremy Hanson MLA  
Chair  
Standing Committee on Economic Development & Tourism  
GPO Box 1020  
London Circuit  
Canberra ACT 2601

Dear Mr. Hanson,

### **Inquiry into Drone Delivery Systems in the ACT**

Thank you for the opportunity to make a submission to the inquiry into drone delivery systems in the ACT. We would be willing to appear in front of the inquiry to further explain and amplify our submission.

### **Background**

NODRONE.ZONE is a community-based lobby group. Participation in the group is open to all sectors of the community who share similar concerns about the current lack of clear legislation, regulation and delineation of government agency responsibility (both Federal, Territory/State and Local) regarding matters concerning the commercial use of Remotely Piloted Aircraft Systems (RPAS) also known colloquially as “Drones”, and how this may negatively impact the community.

### **Our Position:**

NODRONE.ZONE recognizes that with evolving technologies and disruptive innovation, new competition is ultimately inevitable.

In our open market system, it is also accepted that new competitors should be capable of entering and exiting the market relatively freely. This is on the proviso that these players are

prepared to abide by the legal and regulatory frameworks that exists for their specific market space.

However, we have seen from the ACT drone delivery trials, that where there is a lack of clear legislation, regulation and delineation of government agency responsibility especially as to where affected or aggrieved members of the community can take their concerns, this has the potential to result in community disquiet. This situation has already been clearly witnessed with the previous drone delivery trials undertaken by Wing in Bonython.

NODRONE.ZONE takes the position that new entrants to a market with new technologies or disruptive innovation should have no measurable ill effect on those individuals that deliberately choose not to avail themselves or partake in the goods and services provided by the said market provider.

A clear example of how this applies has been the entry of Uber to the market competing with the Taxi and Hire Car Industries.

- To previous operators in the market the arrival of Uber has created new competition,
- To the participating consumers they now have the benefit of more choice of products, services and pricing options within this market,
- More importantly in this case of a consumer that deliberately chooses not to avail themselves or participate in that specific market sector there is no direct positive or negative impacts to them.

In the case of commercial drone delivery services, this too is new technology and an example of disruptive innovation. In terms of existing market players, it is most likely to impact some existing courier and delivery services. However, unlike Uber (competing in the Taxi/Hire Car industry) as a consumer, the individual is potentially impacted even if they deliberately choose not to partake in the services provided by commercial drone delivery operator.

The impact to non-participants is manifested in the following ways:

- Potentially there are overflights of commercial drones flying over residential properties resulting in what can be deemed as unacceptable “excessive noise” for a residential area<sup>1</sup>.

During the Bonython trials sound pressure level readings (“noise”) of between 70-80dB(A) were regularly measured by residents during Wing drone overflights and delivery in adjacent and nearby properties. It should be noted that the standard permissible “day time” noise levels in ACT residential areas should not normally exceed 45dB(A) according to existing regulations.

Unfortunately, as RPAS are considered Aircraft, the legislative framework (Both Federal and Territorial) places the enforcement of action against noise generated by drones in a “grey area” allowing any complaint to fall out of scope or responsibility of any given agency:

- The Department of Infrastructure, Regional Development and Cities are ultimately responsible for **Noise Certification** of all Aircraft – thus they set the level of noise that is acceptable for all operating aircraft to generate.
- AirServices Australia do not have their usual “noise” NCIS related responsibility unless the RPAS flies in a **controlled Airspace** – delivery drones currently operate outside controlled airspace.
- The ACT Environment Protection Authority (EPA) currently defers all noise complaints regarding RPAS to the “relevant” Federal Agencies as they do not **currently** have jurisdiction over aircraft in general or more specifically RPAS related noise.

Clearly this is the greatest area of frustration and concern as there appears to be no legislation or regulation that clearly defines the acceptable levels of noise that can be

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<sup>1</sup> Noise Standards for Residential Areas in The Environment Protection Act 1997 (the Act) and the Environment Protection Regulation 2005

generated by commercial RPAS. Furthermore, there is no specific agency or agencies that are currently capable (due to lack of legislation and regulation) or otherwise williness to take carriage and responsibility.

Whilst the figures given by Wing and their consultancy agency AlphaBeta appear to be somewhat rubbery it has been reported that:

- Anticipated drone flights by 2030: “...up to 5.6 million drone deliveries a year by Wing and any other operators that come in or 11,000 a day. If each delivery is a flight that means 11,000 round trips, from the seller to the buyer a day.<sup>2</sup>”
- This needs to be contrasted with AirServices aircraft movements in and out of Canberra Airport (all movement types) of 61,864<sup>3</sup> for the annual year January-December 2018

It is anticipated that one commercial provider alone will have more drone movements in less than a week than is expected at the airport in over a year (This is even allowing for 100% growth in the number of aircraft movements in and out of Canberra airport by 2030) Obviously (unregulated) “Aircraft Noise” created by delivery drones of this magnitude is totally unacceptable by any measure.

- Potential invasion of privacy due to invasive imaging technologies used onboard the drones collecting both imaging, telemetric and spatial data.

in the case of Wing it is known that this data is stored overseas outside of the purview of the Office of the Australian Information Commissioner. Whilst it is agreed that when in public spaces the right to privacy cannot be reasonably expected, within the

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<sup>2</sup> <https://www.smh.com.au/environment/climate-change/more-than-ten-thousand-drone-flights-a-day-in-canberra-20181206-p50kim.html>

<sup>3</sup> <http://www.airservicesaustralia.com/wp-content/uploads/Airport-Movement-Calendar-YTD-November-2018.pdf>

confines of an individual's private property boundaries there should be a reasonable expectation of privacy unless explicit consent is given for the collection and use of said data.

It has also been alleged that Wing has approached other businesses that collect similar forms of data and offered to enter into agreements to mutually share data collected. Should these alleged actions be proven it would indicate that there is scant respect for data privacy and begs the question what else in terms of data is being collected, and what is the data actually being used for.

- Potential issues of safety: Whilst RPAS safety operations are generally covered under the auspices of CASA (Civil Aviation Safety Authority) there needs to be clear delineation of where ACT WorkCover can become involved should an incident causing damage or injury occur.

It should be noted that during the trial period Wing were given specific exemptions that reduced the distance they could operate their drones near people from the standard 30m radius to a cylinder a mere 5m high and 2m from either side of a person. As drone deliveries expand this will mean that there will be more close proximity operations especially in overflights of more densely populated areas. Whilst there have been no significant drone failure or incidents causing serious damage or injury to date during the trial, no technology is 100% fail proof and a serious incident or injury is ultimately inevitable.

- Potential negative impact on native wildlife: During the Bonython trails it was noted that there was anecdotal evidence that whilst the drones were flying avian wildlife was significantly diminished or otherwise "driven away". It has been reported that when the drones ceased flying the wildlife has started to return.

Before any fulltime commercial operations commence there should be appropriate environmental impact studies undertaken, where an area has a significant avian

wildlife community, these areas should be potentially excluded from any flight path overflights and operations.

### **Our Preferred Recommendation Outcomes from The Inquiry:**

1. That the ACT Government work with the relevant Federal agencies to ensure that there is a comprehensive “end to end” Legislation and Regulation framework covering all aspects of commercial RPAS operation at both the Federal and State/Territory levels.
2. That the Territory introduce appropriate specific legislation and regulation to provide appropriate local controls and enforcement capability for businesses within the Territory operating RPAS including:
  - a. Introduction of appropriate controls limiting noise levels of RPAS to that of an equivalent that does not exceed the current Noise Standards for Residential Areas in The Environment Protection Act 1997 (the Act) and the Environment Protection Regulation 2005 with no specific exemptions for commercial RPAS unless being operated for the purposes of law enforcement, management of essential services or other emergency services.
  - b. Introduction of appropriate controls ensuring that data collected by RPAS from over flight of private property must be handled in accordance with Australian Privacy Principles and require written consent for said data to be used for any commercial purposes.
  - c. Introduction of appropriate controls to ensure the involvement of ACT WorkCover in the event of any injury or damage caused by commercial RPAS operations
  - d. Introduction of appropriate controls to ensure that operation of commercial RPAS does not occur in areas of natural wildlife sensitivity unless the operations is for the purposes of law enforcement, management of essential services or other emergency services.
3. That the ACT Government should postpone and not approve any further drone delivery trials or any ongoing businesses operations where commercial drone delivery services and activities will occur until:

- a. A comprehensive evaluation of the Bonython Drone Delivery trial has been properly conducted and made available to the public. This evaluation will potentially highlight and flush out all the compliance and enforcement issues that the community group “Bonython Against Drones” (BAD) allege have occurred during the trial.
- b. That an “end to end” Federal & State/Territory Legislative and Regulative framework regarding Commercial RPAS operations is in place and fully enacted.

We trust that this document meets with you're the Committee's approval. If there is any further information we can provide we would be pleased to do so. As we have already previously indicated we would greatly appreciate the opportunity to present to the Inquiry in person.

Yours sincerely

Jonathon Reynolds  
(on behalf of NODRONE.ZONE)  
22 February 2019