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CASA.UOC.0270



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Dear Members of the Committee,

Thank you for the opportunity to provide a submission for the following inquiry:

Regulatory requirements that impact on the safe use of Remotely Piloted Aircraft Systems, Unmanned Aerial Systems and associated systems.

My name is Joel Newman and I am the owner and Director of Elevo Pty Ltd, a commercial drone service provider in Perth, Western Australia. Elevo has been operating since gaining CASA Certification in August 2016. I am a licenced RPAS Controller with two years commercial experience operating fixed-wing and multirotor drones for survey, photography, inspection and payload operations in Australia and Africa. For context, running Elevo is my full-time employment and my sole (potential) source of income.

Terms of Reference Part A – Regulatory Framework

In contrast to many CASA Certified drone operators, I support the recent amendments to the laws governing the commercial use of drones.

The risk-based deregulation of drone operations is a sensible approach when one considers a future where drones are far more common, and the line between recreational and commercial operations is less distinct. Maintaining and enforcing the previous laws in that context was never going to be a viable long-term solution. However I still encourage the committee to commit resources to the continued development of drone laws in Australia, to reflect the changing technology and uses that I am sure other submissions will cover in detail.

Terms of Reference Part D – Compliance

As alluded to above, many CASA Certified operators have been vocal about the impact that the new regulations have had on public safety. We see evidence of unsafe and illegal drone operations typically on a weekly basis, if not more. These are recreational flyers and commercial operators (both certified and non-certified), but this has been going on since well before the new regulations were introduced.

It is my opinion that the opposition to the new rules has been misguided, and it is not the regulations that are the problem, it is the total lack of enforcement. It is not hard to understand that the work of this committee, CASA, the numerous industry bodies, and all of the other parties that are investing time and taxpayers money into regulatory reform will be absolutely pointless if there is no enforcement of whatever laws are developed.

Most commercial operators operate legally, but that is only because we respect the law. When the low probability of prosecution is considered, with the insignificant fines that are imposed, a purely rational cost-benefit analysis shows that it makes financial sense to ignore the law. This is a ridiculous situation.

I would like to make the following recommendations to the committee regarding compliance:

Enforcement:

In the short-term, provide CASA with the resources to quickly investigate, prosecute, and publicise even just a few illegal operations. Even if it is not a sustained campaign, as a stop-gap measure it is likely to garner adequate publicity to send the message to illegal operators that there will actually be some consequences to breaking the law.

For maximum effect these prosecutions should be targeted so that customers that have engaged illegal drone operators have their imagery or data confiscated under Proceeds of Crime laws, and/or are fined. This will provide an incentive for customers to participate in regulating the industry through the choices that they make.

In the longer-term, determine unequivocally which agency should be responsible for enforcing drone laws - whether that is CASA, Federal or State Police, Local Government agencies, or even private contractors. Provide them with the legal framework and resources they need to enforce the law quickly and effectively.

Penalties:

As mentioned above, the fines currently issued do not provide a disincentive for illegal operations, and they must be increased. Temporary or permanent prohibition of a company or individual to operate an RPAS must be considered if found guilty of illegal operations.

Public Education:

Commit resources for CASA to provide an extensive campaign to educate recreational drone flyers about the rules that they must comply with. Ignorance should no longer be a valid excuse for illegal flying. This will also empower the general public with the knowledge they need to understand when a drone operation is illegal, and provide them with the means to report any suspected illegal activity.

Terms of Reference Part I – Other Matters

The development and adoption of RPAS technology has the real potential to help grow the Australian economy. However, there is a lot of uncertainty amongst commercial operators and general distrust of the government and regulatory bodies regarding the rules that the industry operates under. This situation will undoubtedly stifle investment, and the industry as a whole. Therefore I strongly urge the committee to discuss and act on the issues raised in this inquiry as a matter of priority to ensure that further investment in this industry is viable.

Thank you for your time, and I look forward to hearing the outcomes of this inquiry.

Yours Sincerely,

Joel Newman

Director