



Australian Government
Civil Aviation Safety Authority

LEGAL AFFAIRS, REGULATORY POLICY
AND INTERNATIONAL STRATEGY

27 SEP 2017

Senator Glenn Sterle
Chair, Senate Rural and Regional Affairs
and Transport References Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Sterle

**Senate Rural and Regional Affairs and Transport References Committee
Inquiry into remotely piloted aircraft systems
Correction and clarification of statements made at
Committee hearing on 29 August 2017**

I write to correct and clarify two statements I made in response to a question you raised in the course of the hearing captioned above in relation to the legality of flying a remotely piloted aircraft ('drone') over Parliament House.

The pertinent portion of our exchange, which appears at page 32 of *Hansard*, was as follows:

CHAIR: If I wanted to zap a drone over Parliament House, can I just sit there and zip it out from the car park or wherever? What would you do? What would you say to me?

Dr Aleck: You want to zap it? Do you mean bring one down?

CHAIR: I'm flying over Parliament House. I'm filming Parliament House and I'm filming the sporting fields where there might happen to be a rugby game on between politicians.

Dr Aleck: I'm looking at our app right now, and I see that the—is that Parliament House?

Mr Gumley: Correct.

Dr Aleck: Parliament House is within the control zone of Canberra Airport. So, that operation is, in fact, not appropriate.

CHAIR: Illegal?

Dr Aleck: Yes.

Whether the operation of a drone in any particular location (including Parliament House) at a particular time and in particular circumstances is or is not lawful under the civil aviation legislation will depend upon the facts and circumstances of that particular operation. Certain restrictions and limitations that apply to a particular flight might not apply generally, and certain flights which might normally be impermissible may be permitted under specified conditions and/or subject to certain approvals.

In the absence of specific details related to a particular operation (actual or hypothetical), it is not possible to say with certainty whether it would or would not be legal. My unqualified concurrence with your characterisation of such an operation as illegal ought to have been qualified as depending on a range of considerations.

In responding to your hypothetical question, I had regard to the Civil Aviation Safety Authority's (CASA's) *Can I fly there?* app, which my colleague called up on his mobile telephone for my quick reference. From the app I observed that virtually the whole of Parliament House, including the sporting fields within the perimeter of Capitol Circle, was depicted as falling within the darkly shaded area surrounding Canberra Airport. That area is designated on CASA's app as a 'No Fly Zone'.

Describing that zone in my response, I referred to the area as within the 'control zone' of Canberra Airport. Technically, however, the 'No Fly Zone' depicted on the app is not fully contiguous with the Canberra Airport control zone, as the latter has been formally designated under the *Airspace Regulations 2007*.

I apologise for any confusion that may have been caused by my unqualified response to your question about the legality of a hypothetical flight of a drone over Parliament House, and my incorrect reference to the 'No Fly Zone' depicted on the CASA app as reflecting the Canberra Airport control zone.

Yours sincerely

Dr Jonathan Aleck
General Manager, Legal Affairs, Regulatory Policy
and International Strategy