

Chapter 1

Introduction

Referral

1.1 On 28 October 2014, the Senate referred an inquiry into the potential use of unmanned platforms by the Australian Defence Force (ADF) to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 25 June 2015.¹

1.2 The terms of reference for the inquiry are as follows:

The potential use by the Australian Defence Force of unmanned air, maritime and land platforms, with particular reference to:

- (a) their role in intelligence, reconnaissance and surveillance operations, including in support of border security, civil emergencies and regional cooperation;
- (b) their cost- and combat-effectiveness in relation to conventional military platforms;
- (c) the Government's force structure review and defence capability plan;
- (d) challenges, opportunities and risks associated with their deployment;
- (e) domestic and international legal, ethical and policy considerations;
- (f) research and development capabilities and Australia's industrial expertise;
- (g) transport, health and air safety implications; and
- (h) other related matters.

Conduct of inquiry

1.3 The committee advertised the inquiry on its website and in *The Australian* newspaper. The committee also wrote to individuals and organisations likely to have an interest in the inquiry inviting them to make written submissions. The committee has received 25 submissions to the inquiry, two of which were accepted as confidential. The Civil Aviation Safety Authority (CASA) and the RAND Corporation also provided the committee with additional information.² Public submissions are listed at [Appendix 1](#). The committee held public hearings for the inquiry on 14 April 2015, 4 May 2015 and 13 May 2015 at Parliament House in Canberra. A list of hearings and witnesses who appeared before the committee is at [Appendix 2](#).

1 *Journals of the Senate*, 28 October 2014, p. 1629.

2 Lynn Davis et al, 'Armed and Dangerous?: UAVs and US Security', *RAND Corporation Report*, 2014; CASA, 'Remotely Piloted Aircraft Systems', *Information paper*, 2015.

1.4 All public submissions, additional information received, public hearing transcripts and answers to questions on notice are available via the committee's website: www.aph.gov.au/senate_fact.

Policy context

1.5 The previous Defence White Paper in 2013 considered that the 'importance of unmanned air, maritime and land platforms to future ADF operations and the future force needs further investigation'. It stated:

These platforms, particularly unmanned aircraft, are proliferating not only among national defence forces around the world, but also civil organisations and non-state actors. With stealth and the ability to loiter for extended periods, these systems have advantages for intelligence, surveillance and reconnaissance, including in support of Australia's border security needs. Armed unmanned systems will be available in greater variety and sophistication in years to come.³

Defence White Paper 2015 and Force Structure Review

1.6 On 4 April 2014, the Prime Minister and the then Minister for Defence, announced that the Department of Defence (Defence) would produce a new Defence White Paper to be released in mid-2015. The Defence White Paper 2015 website outlines:

A fully-costed Force Structure Review will underpin the White Paper. The Force Structure Review will assess Defence's future capability needs and propose a force structure that addresses Australia's defence objectives within an agreed allocation of funding...

Following the release of the 2015 Defence White Paper, Defence will publish a 10-year Defence Capability Plan and a Defence Industry Policy Statement to provide defence industry with greater certainty about the Government's key priorities and timeframes.⁴

1.7 The Defence Capability Plan (DCP) is intended to provide industry with guidance regarding Defence's capability development priorities and contain major capital equipment acquisition proposals planned for Government consideration. The last public version of the DCP was released in 2012.⁵

1.8 The Defence submission noted that the 'Force Structure Review (FSR) will consider the utility and cost benefit of unmanned systems within the ADF, particularly where the opportunity exists to improve operational effectiveness and reduce personnel risk in the land, maritime and air environments':

3 Department of Defence, *Defence White Paper 2013*, p. 19.

4 Department of Defence, '2015 Defence White Paper', available at <http://www.defence.gov.au/Whitepaper/default.asp> (accessed 6 April 2015).

5 Department of Defence, *Defence Capability Plan 2012*, p. 1.

The FSR will continue to focus on the capability benefits, and will develop a number of options for Government consideration that include unmanned systems integrated into the force, but it will not specifically include or exclude any system depending on whether it is manned or not. The FSR is still developing the Preferred Future Force and it would be premature to provide details as to what may or may not be under consideration at this point.⁶

House of Representatives committee report on privacy and safety

1.9 In July 2014, the House of Representatives Standing Committee on Social Policy and Legal Affairs tabled the report from its inquiry into unmanned aerial vehicles (UAVs) and the regulation of air safety and privacy. The committee recommended additional consultation in the development of air regulation and that the Australian government consider introducing legislation to provide protections against privacy-invasive technologies such as UAVs.⁷

First Principles Review

1.10 On 1 April 2015, the Minister for Defence released the First Principles Review (FPR). The Minister noted that the government had agreed or agreed-in-principle to 75 of the 76 recommendations made by the FPR. In particular, the FPR recommended that the Defence Materiel Organisation be disbanded and its core responsibilities transferred to a new Capability Acquisition and Sustainment Group within the Department. However, the government did not agree to the recommendation relating to the Defence Science and Technology Organisation (DSTO) becoming part of the new Capability and Acquisition Group 'at this time'.⁸

Structure of the report

1.11 The remainder of the report is structured as follows:

Chapter 2 provides a brief background to the use of unmanned platforms, including current use by the ADF;

Chapter 3 examines the effectiveness of unmanned platforms as military assets;

Chapter 4 considers some of the defence policy issues arising from the use of unmanned platforms by the ADF;

Chapter 5 looks at certain legal issues arising from ADF use of unmanned platforms;

6 *Submission 23*, pp 10-11.

7 Standing Committee on Social Policy and Legal Affairs, *Eyes in the sky*, July 2014.

8 The Hon Kevin Andrews MP, Minister for Defence, 'First Principles Review of Defence', *Media release*, 1 April 2015.

Chapter 6 considers Australian research and industry engagement issues as well as acquisition and procurement issues;

Chapter 7 considers the airspace regulatory issues raised during the inquiry; and

Chapter 8 contains the committee's view and recommendations.

Acknowledgements

1.12 The committee thanks all those contributed to the inquiry by making submissions, providing additional information and appearing to give evidence at hearings.