

## UAVNZ Submission to the Draft CAA Act

We thank you for giving us a voice in future of aviation in New Zealand and value your efforts to engage stakeholders.

UAVNZ was well represented in the meeting (your presentation of the Draft Act to drone users in Auckland on the 13<sup>th</sup> of June) and we welcome that we were able to provide feedback on the day.

In light of the rapid advancement both in technology and in increasing uptake of “Remotely Piloted Aircraft Systems” (RPAS)<sup>1</sup> we believe that we have opinion to offer. While we may not represent every single commercial operator, we have a good understanding of the legislative and also social framework that these operators have to work in. We understand limitations and frustrations but we also understand the requirements to advance the industry as a whole towards a safe and worthwhile environment. Many of our members are not only business and “drone” operators. They have wider experience in aviation and are therefore placed in a prime position to offer comment on a future environment where drones have to share space with a variety of other aircraft.

### **"Just Culture"**

We welcome the protection that “Just Culture” offers to affected parties. In the wider context of creating a positive reputation towards drone (RPAS) operators we encourage any action that fosters opinion that commercial drone operators are eminently safety conscious and that provides them with opportunity to contribute to that reputation without the fear of unjust consequence.

We understand that an open reporting system is at the heart of progress toward a safe environment.

A further step may be to offer anonymity to the operator in the incident reporting, at least until formal judgement is passed.

We feel further that, if “justice” is central to the “just culture” then this has to be supported by independence and swiftness in those passing judgment.

We therefore support the Aviation NZ proposal in its submission, to create an independent appeal or complaints authority.

### **Offences and penalties**

We are well aware that if RPAS operators are expected to operate in the same space, geographically and commercially, then they have to fall under the same or similarly stringent rules where safety is concerned. We therefore support recklessness being included as an element of the offence and we suggest a mechanism where prosecution is swift.

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<sup>1</sup> We will be using the term “drone” here in line with the CAA Draft Document



Unintended consequences: delayed prosecution may, for various reasons, prevent or impinge the operator from commercial participation during that delay in spite of the offence being rectified. We would like to see a mechanism where operators are freed to continue operation swiftly. At the same time, if the result of prosecution were to be forced discontinuation of the operator's services then that has to occur with equal urgency.

### **Fit and proper process**

We acknowledge that at times information about a person has to be sought from a third party. We are however concerned about the power to override the Privacy Act.

Unintended Consequences: Despite operating legally, drone operators are frequently subject to scrutiny by the general public, especially where they are operating in perceived "personal" space. In this regard, the rules of operation of piloted vehicles are set and are generally accepted. They are also usually well away from any "personal" space.

Our concern is that gaining information regarding drone operators from third parties is tainted with emotion and results in gaining "opinion" or a rash assessment of the operator. That opinion or assessment may be quite incorrect and to the detriment of the operator. We would be concerned with who gives the information, who gains the information, to what end and with what consequences.

We would advocate that any information has to be provided with indisputable proof.

### **Drug and Alcohol Management Plan**

We support that all commercial drone operators are subject to Drug and Alcohol Management Plans. As any business that relies on people operating equipment, we see this as good practice.

Our concern is that the implementation (as outlined in Schedule 1 on of the CAA Draft Act) could be cumbersome and expensive to implement for small operators.

We note also that the draft limits the DAMP to commercial operators. It is very likely that the private and recreational drone operator constitutes a greater risk in terms of "Clear Heads" obligations.

Unintended Consequences: Public perception does not differentiate between commercial and recreational drone use. While drug and alcohol management plans are in place for recreational pilots of manned aircraft (through the pilots medial), no such system is in place for the recreational drone operator. Our concern is that there is no system in place to curb irresponsible behaviour for recreational operators and that public opinion about commercial drone operators is affected.

This has to be seen in context of "Fit and Proper Process" where public opinion is sought but where some drone users are excluded from a system that promotes and enforces responsibly.



## **Accident**

There is no categorization of drones or drone use in your draft. You mention that ‘rules that identify which drone accidents must be reported can be nuanced to exclude accidents where notification to the CAA would be impractical and unnecessary’.

In line with our view on ‘Just Culture’ we understand that accident reporting is central to meaningful safety management. We see challenges in categorisation in terms of whether an accidents should be reported or not. Possibly a similar approach to car accidents can be taken where some accidents remain unreported if they are inconsequential to insurance or injury.

Our concern is that a requirement to over report may dissuade emerging operators from taking an active part in contributing to the sector or that it may lead to an erosion of transparency.

At the same time we are in favour of registration for all drones, regardless of use or size where they are capable of inflicting damage or injury.

Recreational drone users must be given ample opportunity to exercise their hobby in a safe environment.

## **Pilot in Command**

Ultimately every drone has either a person in direct command or someone who is responsible for programming its behaviour. We support that this person is identified as the Pilot in Command.

## **Detention, seizure and destruction of drones**

There has been strong reaction to this and disappointment that this has already been singled out by the press. Just like there have been incidents where drones have put the public at risk, there have been incidents where drone operators have been put at risk due to an overly emotive response from the public.

In the heat of the moment, the rhetoric is easily, if incorrectly, interpreted as passing the decision to seize or destroy to members of the public. We are concerned in particular that there is little public knowledge regarding the sanctioned use of drones.

We ask that strong emphasis be given to the wording, in the draft and in any publication that members of the public are prohibited to act independently of “delegates or the director” in this regard and that “delegates of the director” that are given this responsibility are clearly and publicly identified.

We suggest further that there is inherent danger in causing a drone to “lose control” by using technology like jamming or interception and in particular destruction.

## **Further discussion**

We would be happy to engage in further discussion.