

RESPONSE TO THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY'S (ACMA) CONSULTATION PAPER: RADIOCOMMUNICATIONS EXEMPTIONS FOR LAW ENFORCEMENT USE OF DRONE JAMMING DEVICES – MAY 2020

Remotely piloted aircraft systems or unmanned aerial vehicles, commonly known as drones, are presenting a new means of introducing contraband into correctional centres. They are also presenting other security threats to the correctional system.

In 2019, nearly 20 drones were reported sighted over NSW prisons, with one drone recovered. In the current calendar year to 21 June 2020, there have been 10 reported sightings and one drone recovered.

Drones have the capability of being used to drop contraband into NSW correctional centres. There is also potential for introducing weapons as well as conducting unauthorised video surveillance of correctional facilities.

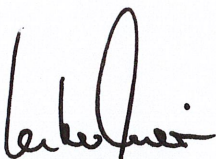
Considering these significant threats, Corrective Services NSW (**CSNSW**) has been investigating strategies to mitigate these risks and has identified that the use of drone jamming devices in correctional centres would enhance the security and safety of these facilities, and the community.

CSNSW makes the following submission in response to the Australian Communications and Media Authority's (**ACMA**) request for stakeholder submissions to its consultation paper on Radiocommunications Exemptions For Law Enforcement Use Of Drone Jamming Devices – May 2020.

1. CSNSW notes that the proposed *Radiocommunications (Police Forces – Disruption of Unmanned Aircraft) Exemption Determination 2020* permitting the AFP, and State and Territory police forces to jam drones in the performance of their functions or duties in relation to promoting the safety, security or protection of persons or property, supports a clear and strong public interest. CSNSW notes that there is no limitation in the proposed exemption on when and where police can use drone jamming technology.
2. CSNSW submits that the proposed exemption determination should be extended to apply to CSNSW for the limited purpose of protecting the security and safety of prisons, the community, and prison staff and inmates. Alternatively, a similar exemption should be made to permit CSNSW to jam drones for this purpose.
3. CSNSW agrees that the promotion of the safety, security and protection of persons and property is an important public interest that supports the making of the exemption

determination for police forces. CSNSW submits that the equally important public interests of protecting the security and safety of prisons and persons within prisons, as well as protecting the community, justifies the inclusion of CSNSW under this proposed exemption for that purpose, or the making of a similar exemption applicable to the corrections environment.

4. In light of the significant security and safety risks posed by drones, it is an offence under ss.253FA and 253FB of the *Crimes (Administration of Sentences) Act 1999* (NSW) to possess a drone in, or fly a drone over, or in the vicinity of, a prison in NSW. CSNSW is planning to erect signage for prisons to warn that drones are prohibited from flying over these facilities.
5. Drones are not a temporary phenomenon and their use to breach prison security is expected to increase. There is a need for CSNSW to be able to use prohibited drone jamming technology to protect the security and safety of prisons and the wider community. An exemption determination allowing CSNSW to jam drones would support these important public interests.
6. The public benefit of enabling CSNSW to use drone jamming technologies would outweigh the adverse effects and consequences associated with incidental interference of a short duration to devices operating outside NSW correctional centres. These adverse effects are further reduced by reference to the clear legislative prohibition on people operating drones near correctional facilities.
7. CSNSW is committed to working with the ACMA to mitigate any potential adverse impacts of using drone jamming technology in prisons and would be happy to explore any issues associated with its use in prisons.



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Department of Communities and Justice

9 July 2020