

18 June 2026

Aviation Command  
NSW Police Force  
Locked Bag 5102  
PARRAMATTA NSW 2124

By email: [nich1chr@police.nsw.gov.au](mailto:nich1chr@police.nsw.gov.au)

Dear Colleagues,

### **Have Your Say – Remotely Piloted Aircraft Systems in Moree**

We welcome NSW Police seeking community perspectives on the use of Remotely Piloted Aircraft Systems ('drones') in Moree.

The Justice and Equity Centre ('JEC') has been closely following developments around deployment of this technology by NSW Police as part of our well-established police accountability practice. This work sees us representing clients from across NSW and working with communities and representative organisations operating across the State, including in Moree.

#### **Lack of community consultation**

We are concerned by the lack of meaningful community consultation having taken place prior to the trial's commencement, or as part of the 3-month review. We understand this consultation is the first and only opportunity for community input, and that its purpose is largely to inform the continuation of the trial, rather than review its effectiveness or merit.

Our community partners have expressed significant concern regarding the use and potential expansion of police drones, particularly in relation to the surveillance of young people.

A failure to engage with the community on measures such as this, which have the potential to be invasive and impact upon privacy, risks undermining community trust and confidence in police.

We urge that further consultation be embedded into each stage of the development of relevant policy and training requirements and prior to any renewal or extension of the trial.

The limited consultation up to this point is particularly concerning given the choice of Moree as the test location, where a large First Nations community has historically experienced high levels of police involvement in their lives. The introduction of aerial surveillance without clear

community engagement risks deepening existing mistrust and damaging the relationship between police and community.

### **Inconsistent public communication**

There has been limited and at times inconsistent public information about how the drones are being used during the trial. While some statements suggest the drones will be limited to emergency response and missing persons, rather than for proactive surveillance, statements in March 2026 suggest they may be used to conduct proactive surveillance of public spaces.

This confusion and ambiguity raises concerns about potential use and the proportionality of the impact of such on rights like the right to privacy. The objectives, scope of authorisation, the uses, limits and safeguards for drones must be clearly articulated so they can be considered by the community.

### **Lack of legislative framework**

It remains unclear whether existing legislative frameworks adequately regulate operational police drone use. Comparing drones to body worn video, Deputy Commissioner Pisanos asserted that any evidence obtained by drones must comply with the *Surveillance Devices Act 2007* (NSW) ('SD Act'). There are however potential gaps in the current prohibitions on surveillance devices when it comes to drones.

Current surveillance, privacy and police powers legislation predates modern drone technology and does not directly address its scale, capabilities or risk. This raises serious questions as to whether existing laws will effectively constrain the use of this largely untested technology. NSW Police should clearly articulate the legal basis for the Moree drone trial to maintain public trust and confidence in contemporary policing, including by setting out the ways in which drones may be used in the exercise of police powers under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW).

While NSW Police have indicated that Standard Operating Procedures have been developed to ensure lawful drone use, that document has not been published, leaving communities uncertain as to how NSW Police drones are regulated in practice and what safeguards exist to protect their privacy and civil liberties. Unlike Queensland, NSW is yet to develop a whole-of-government drone policy establishing a clear framework for the safe, ethical and accountable use of drones by public authorities, including police.

These concerns are further heightened by recent amendments to the *Civil Aviation Safety Regulations* exempting police from key operational restrictions, including permitting flights beyond the visual line of sight and over populous areas (CASA EX108/25), and indoors (CASA EX88/25). The explanatory material accompanying those amendments expressly acknowledge the human rights and privacy implications of these expanded powers. Unlike jurisdictions such as New Zealand, NSW has not published police-specific drone guidance requiring the avoidance of inadvertent collection of personal information or setting clear procedures for remedying privacy breaches. This gap may increase the risk of unlawful or disproportionate intrusions on individual privacy.

The evaluation criteria for the trial have not, to the JEC's knowledge, been published, despite indications that the pilot will soon be expanded to other regional areas, including Kempsey and Tamworth. We caution against any expansion until the results of the trial are published and subject to public review and comment, and there has been detailed consultation with the communities where drone use is contemplated. We note in this regard NSW Police's commitment made in Budget Estimates in March this year to 'comprehensive community consultation with key First Nations stakeholders.'

We also understand the Moree drones have AI capability and were subject to an AI Risk Assessment and AI and Emerging Biometrics Ethics Board review, neither of which have been published. The absence of publicly available information limits scrutiny and oversight, undermining public trust and confidence.

### **Recommendations**

Legislative reform is required to introduce clearer statutory authorisation and limits for drone use. There is also need for an enhanced oversight role for the Law Enforcement Conduct Commission in relation to police use of emerging technologies, including drones, to maintain public confidence. This is particularly important in a context of rapid change.

In addition, we recommend NSW Police:

- a. develop and publish binding policies regulating police drone operations, including AI-enabled surveillance, with an express focus on privacy protection and prohibiting the use of drones for proactive surveillance;
- b. undertake mandatory privacy impact assessments prior to operational drone deployment to identify and mitigate adverse impacts on local communities;
- c. embed opportunities for community consultation and feedback throughout the process of policy development;
- d. provide training for police drone operators on surveillance, privacy and human rights obligations.

### **Further consultation**

We would welcome the opportunity to meet with NSW Police to discuss these concerns and options to strengthen safeguards governing police drone use in NSW.

Yours sincerely



**Jonathan Hall Spence**  
**Principal Solicitor**

Justice and Equity Centre

