



Australian Government

Civil Aviation Safety Authority

Instrument number CASA 22/19

I, WARREN CRAIG MARTIN, Acting Executive Manager, Regulatory Services & Surveillance, a delegate of CASA, make this instrument under section 23 of the *Civil Aviation Act 1988* and regulation 11.056 of the *Civil Aviation Safety Regulations 1998*.

[Signed C. Martin]

Craig Martin

Acting Executive Manager, Regulatory Services & Surveillance

4 April 2019

CASA 22/19 — Dangerous Goods (Law Enforcement Devices on Commercial Flights) Permission 2019

1 Name

This instrument is *CASA 22/19 — Dangerous Goods (Law Enforcement Devices on Commercial Flights) Permission 2019*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the end of 31 March 2021.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the Act and the Regulations. These include: *AOC*, *Australian territory*, *checked baggage* and *registered*. The terms *dangerous goods accident*, *dangerous goods incident* and *Technical Instructions* have the meaning as defined in regulation 92.010 of CASR. The term *UN*, followed by a 4-digit number, has the meaning as defined in regulation 92.170 of CASR.

In this instrument:

accountable person, in relation to a relevant Australian aircraft, means each of the owner, operator, hirer and pilot of the aircraft.

dangerous goods has the same meaning as in section 23 of the Act.

LEA officer means any of the following:

- (a) a member of the Defence Force, as defined in the *Defence Act 1903*, authorised to carry permitted dangerous goods in the course of the member's duties;
- (b) a person defined as a "law enforcement officer", within the meaning of that term in section 3 of the *Crimes Act 1914*.

LEA procedures means procedures of the law enforcement agency of an LEA officer that describe how LEA officers of the agency must pack permitted dangerous goods for air transport.

permitted dangerous goods means the following:

- (a) aerosols that:
 - (i) contain Oleoresin Capsicum, or a similar substance that falls within the scope of Special Provision A27 of the Technical Instructions; and
 - (ii) are classified in hazard division 2.1 or 2.2, without subsidiary hazard, and assigned UN number UN1950;
- (b) electroshock weapon devices that contain dangerous goods.

Note A taser is an example of an electroshock weapon. Electroshock weapons may contain a variety of dangerous goods, including explosives, compressed gases and lithium batteries.

relevant Australian aircraft means a registered aircraft that is operated by the holder of an AOC.

subsidiary hazard has the same meaning as in the Technical Instructions.

4 Permissions

- (1) For paragraphs 23 (2) (b) and (2A) (b) of the Act, an LEA officer is permitted to carry, or consign for carriage, permitted dangerous goods as checked baggage on board a relevant Australian aircraft for a flight within Australian territory.
- (2) The permission in subsection (1) is subject to the conditions stated for an LEA officer in sections 5 and 7.
- (3) For paragraph 23 (1) (b) of the Act, the accountable person for a relevant Australian aircraft is permitted to carry permitted dangerous goods, which have been carried or consigned for carriage under subsection (1), in the hold of the relevant Australian aircraft for a flight within Australian territory.
- (4) For paragraphs 23 (2) (b) and (2A) (b) of the Act, the accountable person for a relevant Australian aircraft is permitted to carry, or to consign for carriage, permitted dangerous goods, which have been carried or consigned for carriage under subsection (1), in the hold of the relevant Australian aircraft for a flight within Australian territory.
- (5) The permissions in subsections (3) and (4) are subject to the following conditions:
 - (a) for an operator — the conditions stated in sections 6 and 7;
Note The conditions in section 7 apply to an operator as an accountable person.
 - (b) for the pilot in command of a relevant Australian aircraft — the conditions stated in subsection 6 (1) and section 7;
Note The conditions in section 7 apply to the pilot as an accountable person.
 - (c) for an accountable person other than an operator or pilot of a relevant Australian aircraft — the conditions stated for an accountable person in section 7.

Note Under subregulation 92.025 (2) of CASR, it is a condition of the carriage of dangerous goods on an aircraft that the operator of the aircraft complies with the requirements of the Technical Instructions stated in that subregulation.

Also, under subregulation 92.030 (2) of CASR, subject to subregulation 92.030 (3) of CASR, it is a condition of the carriage of dangerous goods on an aircraft by a passenger that the passenger complies with the requirements of the Technical Instructions stated in subregulation (2).

5 Conditions — LEA officer

- (1) An LEA officer may carry, or consign for carriage, permitted dangerous goods only:
 - (a) when travelling for the purpose of official duties; and
 - (b) when the permitted dangerous goods are necessary for the LEA officer to perform their duties.
- (2) An LEA officer must:
 - (a) not carry, or consign for carriage, permitted dangerous goods on a flight of a relevant Australian aircraft unless the officer has first received written approval from the operator of the aircraft; and
 - (b) package and prepare permitted dangerous goods, and present them to the operator's check-in staff, in accordance with the LEA procedures of the LEA officer's law enforcement agency; and
 - (c) not carry, or consign for carriage, more than 1 aerosol container for a flight.

6 Conditions — operator and pilot of relevant Australian aircraft

- (1) The operator and pilot in command of a relevant Australian aircraft must ensure that permitted dangerous goods are not carried in the cabin of the aircraft.
- (2) An operator of a relevant Australian aircraft must not carry, or consign for carriage, permitted dangerous goods of an LEA officer unless the law enforcement agency of the officer has provided the operator with the agency's LEA procedures.
- (3) An operator of a relevant Australian aircraft must:
 - (a) ensure that the LEA procedures of a law enforcement agency include measures that have effect to place LEA officers on notice of the obligation mentioned in paragraph 7 (3) (a); and
 - (b) provide CASA with a copy of the LEA procedures of a law enforcement agency within 5 business days of receiving a written request from CASA for the operator to provide a copy of the procedures; and
 - (c) give CASA written notice at least 14 days before of any proposed amendment to its procedures that affects the carriage of permitted dangerous goods.

Note The conditions in this instrument apply in addition to a person's obligations under the Act and Part 92 of CASR, including regulation 92.055 of CASR.

7 General conditions

- (1) An LEA officer, and each accountable person for a relevant Australian aircraft, must not carry, or consign for carriage, permitted dangerous goods in aerosol form unless:
 - (a) the goods are carried in a container that does not exceed 105 ml in capacity; and
 - (b) the valve of the container is protected by a cap or other suitable means to prevent the inadvertent release of the contents; and
 - (c) the goods are packaged so that they are protected from damage that could cause inadvertent release of the goods, and so that the goods are contained within the checked baggage in the event of inadvertent release; and

- (d) any package checked in for carriage in the hold of the aircraft contains only 1 container of goods.

Note For paragraph (a), a maximum volume of 105 ml covers a container with a capacity of 3.4 US fluid ounces and a container with a capacity of 3.4 imperial fluid ounces.

- (2) An LEA officer, and each accountable person for a relevant Australian aircraft, must not carry, or consign for carriage, a permitted dangerous good in the form of an electroshock weapon unless it is packaged so as to prevent accidental deployment of any barb-tipped electrode during the flight, including by being inserted in:
 - (a) the holster issued for wearing on a belt, or with protective plastic clips installed; or
 - (b) a protective padded case, to prevent accidental deployment of the barb-tipped electrodes during transport.
 - (3) In the event of any dangerous goods accident or dangerous goods incident involving the carriage of permitted dangerous goods under this permission:
 - (a) if the LEA officer becomes aware of the accident or incident — the officer must immediately report it to the operator; and
 - (b) when an accountable person becomes aware of the accident or incident — the person must ensure that it is immediately reported to CASA.
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