Instrument number CASA 84/20

I, WARREN CRAIG MARTIN, Executive Manager, Regulatory Oversight, a delegate of CASA, having taken into account relevant considerations relating to the safe carriage of dangerous goods on an aircraft, make this instrument under section 23 of the *Civil Aviation Act 1988*.

**[Signed C. Martin]**

Craig Martin
Executive Manager, Regulatory Oversight

22 December 2020

CASA 84/20 — Dangerous Goods (Explosive Trace Detection Equipment on Commercial Flights) Permission 2020

1 Name

 This instrument is *CASA 84/20 — Dangerous Goods (Explosive Trace Detection Equipment on Commercial Flights) Permission 2020*.

2 Duration

 This instrument:

(a) commences on the day after it is registered; and

(b) is repealed at the end of 31 December 2023.

**3 Repeal of instrument CASA 50/20**

 Instrument *CASA 50/20 — Dangerous Goods (Explosive Trace Detection Equipment on Commercial Flights) Permission 2020* is repealed.

4 Definitions

*Note*   In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: ***AOC***, ***Australian territory***, ***checked baggage*** and ***registered***.

 In this instrument:

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

***adverse reaction*** means any of the following:

(a) release of hazardous chemical fumes;

(b) dangerous evolution of heat;

(c) an explosive, toxic or otherwise dangerous reaction.

***compatible***, in relation to a material and dangerous goods, means the material and dangerous goods will not react with each other to cause an adverse reaction.

***dangerous goods*** has the meaning given by subsection 23 (3) of the Act.

***dangerous goods accident*** has the meaning given by subregulation 92.010 (1) of CASR.

***dangerous goods incident*** has the meaning given by subregulation 92.010 (1) of CASR.

***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.

***liquid full***, in relation to a device, means filled so that ullage is not present in the device.

***permeation device*** means a capsulecontaining a chemical compound in a 2‑phase equilibrium between its gas phase and its liquid, or solid, phase.

***permitted dangerous goods*** means explosive trace detection equipment that is classified as “UN 2911 Radioactive material, excepted package – articles” and contains a permeation device.

***radioactive material warning label*** means a labelthat is the same as Figure 5 – 33 in the Technical Instructions, as it exists at the time this instrument commences.

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

***Technical Instructions*** has the meaning given by subregulation 92.010 (1) of CASR.

***UN***, followed by a 4-digit number, has the meaning given by regulation 92.170 of CASR.

5 Permissions

 (1) For paragraphs 23 (2) (b) and (2A) (b) of the Act, an LEA officer is permitted to carry permitted dangerous goods as checked baggage on board a relevant Australian aircraft for a flight within Australian territory.

 (2) For paragraphs 23 (1) (b), (2) (b) and (2A) (b) of the Act, the accountable person for a relevant Australian aircraft is permitted to carry permitted dangerous goods, which have been checked in under subsection (1), in the cabin of the relevant Australian aircraft for a flight within Australian territory.

 (3) The permission in subsection (1) is subject to the conditions stated for an LEA officer in sections 6 and 8.

 (4) The permission in subsection (2) is subject to the following conditions:

(a) for an operator — the conditions stated in sections 7 and 8;

*Note*   The conditions in section 8 apply to an operator as an accountable person.

(b) for the pilot in command of a relevant Australian aircraft — the conditions stated in section 8;

*Note*   The conditions in section 8 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 8.

*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).

6 Conditions — LEA officer

 (1) An LEA officer must not carry permitted dangerous goods as checked baggage unless:

(a) the officer is travelling for the purpose of official duties; and

(b) the permitted dangerous goods are necessary for the LEA officer to perform the officer’s official duties.

 (2) An LEA officer must:

(a) not carry permitted dangerous goods as checked baggage 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 LEA procedures.

7 Conditions — operator of relevant Australian aircraft

 (1) An operator of a relevant Australian aircraft must not carry permitted dangerous goods as the checked baggage of an LEA officer unless the operator has conducted a risk assessment in relation to the proposed carriage of the permitted dangerous goods.

 (2) An operator of a relevant Australian aircraft must not carry permitted dangerous goods as the checked baggage of an LEA officer unless the law enforcement agency of the LEA officer has provided the operator with the LEA procedures.

 (3) An operator of a relevant aircraft must provide CASA with a copy of any risk assessment conducted under subsection (1) within 5 business days of receiving a written request from CASA to provide a copy of the risk assessment.

 (4) An operator of a relevant Australian aircraft must:

(a) ensure that the LEA procedures include measures that have effect to place LEA officers on notice of the obligation mentioned in paragraph 8 (2) (a); and

(b) provide CASA with a copy of the LEA procedures 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 at least 14 days’ written notice 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.

8 General conditions

 (1) An LEA officer, and each accountable person for a relevant Australian aircraft, must not carry permitted dangerous goods as checked baggage unless:

(a) an internal surface of the package containing the permitted dangerous goods displays a radioactive material warning label that is easily visible after opening the package; and

(b) each permeation device is constructed of a material that is compatible with the permitted dangerous goods it contains; and

(c) the total contents of permitted dangerous goods in each permeation device does not exceed 8 mL and each device is not liquid full at 55°C; and

(d) the inner packaging for each permeation device is contained in a secondary packaging constructed of:

 (i) metal; or

 (ii) plastic that has a minimum thickness of 1.5 mm; and

(e) the secondary packaging for each permeation device is hermetically sealed, and securely packed in strong packaging; and

(f) the secondary packaging for each permeation device is capable of withstanding, without breakage or leakage of any inner packaging and without significant reduction in effectiveness:

 (i) each of the following free drops of the package from a height of 1.8 m onto a rigid, non-resilient, flat and horizontal surface:

(A) 1 drop flat on the bottom of the package;

(B) 1 drop flat on the top of the package;

(C) 1 drop flat on the long side of the package;

(D) 1 drop flat on the short side of the package; and

 (ii) a force, equivalent to the total weight of a stack of identical packages (where the package includes a test sample of the permeation device) stacked to a height of 3 m applied to the top surface of the package for a duration of 24 hours; and

(g) the gross mass of the completed package as checked baggage does not exceed 23 kg.

 (2) In the event of a dangerous goods accident or dangerous goods incident involving the carriage of permitted dangerous goods under this instrument:

(a) if the LEA officer becomes aware of the accident or incident — the officer must immediately report it in writing to the aircraft’s operator; and

(b) when an accountable person becomes aware of the accident or incident — the person must ensure that it is immediately reported in writing to CASA.