



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX86/23

I, DANIEL BERNARD O'HAGAN, Manager, Legislative Drafting, Legal, International & Regulatory Affairs Division, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed D.B. O'Hagan]

Danny O'Hagan
Manager, Legislative Drafting
Legal, International & Regulatory Affairs Division

22 August 2023

CASA EX86/23 — DAMP Requirements for Maintenance Organisations Outside Australian Territory Exemption 2023

1 Name

This instrument is *CASA EX86/23 — DAMP Requirements for Maintenance Organisations Outside Australian Territory Exemption 2023*.

2 Duration

This instrument:

- (a) commences on 1 September 2023; and
- (b) is repealed at the end of 31 August 2026.

3 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: **CAR**, **CASR** and **Part 145 organisation**.

In this instrument:

applicable SSAA has the meaning given by regulation 99.010 of CASR.

DAMP or **drug and alcohol management plan** has the meaning given by regulation 99.010 of CASR.

DAMP organisation has the meaning given by regulation 99.010 of CASR.

SSAA has the meaning given by regulation 99.010 of CASR.

SSAA employee, in relation to a DAMP organisation, has the meaning given by regulation 99.010 of CASR.

4 Exemption

- (1) This section applies to a DAMP organisation in relation to the maintenance of Australian aircraft or aeronautical products outside Australian territory, if:
 - (a) the organisation is:
 - (i) the holder of a certificate of approval, within the meaning of subregulation 2(1) of CAR; or
 - (ii) a Part 145 organisation; and
 - (b) the organisation has not developed and implemented a DAMP that covers the performance of an applicable SSAA outside Australian territory.
- (2) The DAMP organisation is exempt from compliance with regulations 99.030, 99.035 and 99.040 of CASR in relation to its SSAA employees who perform or are available to perform an applicable SSAA.
- (3) The exemption is subject to the conditions mentioned in section 5.

5 Conditions

- (1) The DAMP organisation must implement measures to ensure that a person performing the applicable SSAA is not affected by alcohol.
 - (2) The DAMP organisation must implement measures to ensure that a person performing the applicable SSAA is not affected by a testable drug unless the testable drug is in the form of medication that:
 - (a) the person is taking under the direction and supervision of a medical practitioner registered to practice medicine in the place where the person is performing the applicable SSAA; and
 - (b) is of a kind that does not affect the person's performance of SSAA in a way that could affect the safety of air navigation.
 - (3) The DAMP organisation must notify CASA in writing of the measures it has implemented within 28 days of implementing the measures.
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