



Australian Government

Civil Aviation Safety Authority

Instrument number CASA 17/21

I, WARREN CRAIG MARTIN, Executive Manager, Regulatory Oversight, 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

Executive Manager, Regulatory Oversight

29 March 2021

CASA 17/21 — Dangerous Goods (Law Enforcement Devices on Commercial Flights) Permission 2021

1 Name

This instrument is *CASA 17/21 — Dangerous Goods (Law Enforcement Devices on Commercial Flights) Permission 2021*.

2 Duration

This instrument:

- (a) commences on 1 April 2021; and
- (b) is repealed at the end of 31 December 2022.

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: *AOC*, *Australian territory*, *CASA*, *checked baggage* and *registered*. The terms *dangerous goods accident*, *dangerous goods incident* and *Technical Instructions* have the meaning given by regulation 92.010 of CASR. The term *UN*, followed by a 4-digit number, has the meaning given by 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 meaning given by section 23 of the *Civil Aviation Act 1988* (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).