

Proposed changes to the dangerous goods rules – amendment to CASR Part 92 – PP 1902OS

Overview

Amendments to: Part 92 of the Civil Aviation Safety Regulations

CASA is seeking feedback on changes to *Civil Aviation Safety Regulations (CASR) Part 92 – Consignment and carriage of dangerous goods by air*. We would like your comments on the detailed policy before it is drafted into regulations. The changes aim to improve and update the regulations, making them easier to understand and comply with.

This includes:

- changing provisions where interpretation has caused difficulties
- changing provisions which are difficult to implement or enforce
- correcting inconsistencies with other legislation
- changing provisions which are overly complex
- developing new policy in response to the Part 92 Post Implementation Review (PIR)
- aligning the regulations with recent amendments to International Civil Aviation Organization (ICAO) standards and recommended practices.

The changes include:

- a proposed new Subpart on the reporting of dangerous goods accidents, incidents and occurrences – giving certainty and clarity to operators and aligning with ICAO reporting requirements
- the addition of penalty units to allow for Aviation Infringement Notices (AINs) to be issued for certain offences – providing more proportionate penalty options
- an expansion of the dangerous goods training requirements for group F employees, the inclusion of a new group G employee and a provision for Dangerous Goods Instructors Under Supervision to deliver CASA approved training courses
- options for smaller commercial operators to conduct their own case-by-case risk assessments for certain dangerous goods without seeking CASA permission – removing red tape.

Background

CASR Part 92 came into effect on 1 January 2004. CASA conducted a PIR after the introduction of new legislation which concluded in early 2018.

This amendment aims to address:

- issues identified during the PIR
- issues identified by CASA's Dangerous Goods Inspectorate and the industry after the PIR concluded
- recent changes made to ICAO Annex 18 and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air.

CASA began consultation on these amendments with a Part 92 Technical Working Group (TWG)

Consultation - PP 1902OS - Proposed changes to the dangerous goods rules – amendment to CASR Part 92 – PP 1902OS

in March 2019. The TWG was made up of industry representatives appointed by CASA's independent industry body, the Aviation Safety Advisory Panel (ASAP). After reviewing the TWG report, on 20 June 2019 the ASAP supported the public consultation of the proposed policies and amendments.

Why we are consulting

As part of the development of aviation rules, CASA conducts public consultations to seek feedback on the appropriateness of the rules and to ensure that the rules will work in practice as they are intended.

How to complete this consultation

The Policy Proposal document is attached at the bottom of this page under 'Related'. It divides the proposed changes to CASR Part 92 into six groups, with a background, the problem and the key objectives.

You can comment on as many or as few of the changes as you like. In the event that you do not have enough time to complete your consultation in one go, the consultation will allow you to save your initial input, exit the consultation and return at a later date to complete your submission.

We have provided a downloadable Word copy and PDF of this consultation for ease of distribution and feedback within your organisation. The word document and PDF is not to be used as an emailed submission, unless there are extenuating circumstances and this form of submission has been agreed to by the consultation project lead.

Please note: CASA can no longer offer the option to upload files because of the potential risk of malware.

What happens next

CASA will register and review each submission received through this online response form. We will make all submissions publicly available here on the Consultation Hub unless you have requested that your submission remain confidential. We will also publish a summary of consultation which will summarise all the feedback we received.

Once we have considered public feedback, CASA proposes to further consult with the aviation community on the draft regulations. It is then proposed that the amendments will commence early in 2021.

Information about how we consult and how to make a confidential submission is available on the [CASA website](#).

To be notified of any future consultations, you can subscribe to our [consultation and rulemaking mailing list](#)

Page: Consultation Content

This consultation asks for your feedback on CASA's proposed amendment to *Part 92 of CASR - consignment and carriage of dangerous goods by air*.

The proposed changes are divided into categories in the table below. You will be provided with a list of the proposed changes within each category.

We will ask you for:

- **personal information**, such as your name, any organisation you represent, and your email address
- **your consent** to publish your submission
- **your responses** to the proposed changes in the regulations

General comments

The last page of this consultation is a *General comments* page, where you can provide freeform comments on the proposed changes.

Our [website](#) contains more information on making a submission and what we do with your feedback.

When you have completed the consultation, click the '**Finish**' button at the bottom right of this page.

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2	Consent to publish submission (required)
3	New CASR regulatory approvals - Industry
4	New regulations – provisions related to CASA
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7	Enforcement
8	Miscellaneous or minor changes
8	General comments

Page 1: Personal information

First name

(required)

Last name

(required)

Email address

If you enter your email address you will automatically receive an acknowledgement email when you submit your response.

Email

Do your views officially represent those of an organisation?

(Required)

Please select only one item

Yes, I am authorised to submit feedback on behalf of an organisation

No, these are my personal views

If yes, please specify the name of your organisation.

Demographic

Which of the following best describes you?

Please select only one item

- Aircraft owner/operator
- Pilot
- Maintenance engineer
- Dangerous goods instructor
- Shipper/packer of dangerous goods
- Freight forwarder / agent
- Ground handling agent
- Customer service / Check-in agent
- Airport operator
- Cargo terminal operator
- Cabin crew
- Dangerous goods consultant
- State regulator of dangerous goods transported via other modes (e.g. road, rail or sea)
- Other persons involved in the transport of dangerous goods by air (e.g. manufacturer, package testing, defence personnel, etc.)

Please specify if you have selected "Other"

Post code

Page 2: Consent to publish your submission

In order to provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

- **your last name**, if the submission is made by you as an individual
- **the name of the organisation** on whose behalf the submission has been made
- **your responses and comments**

We **will not** include any other personal or demographic information in a published response.

Information about how we consult and how to make a confidential submission is available on the [CASA website](#).

Do you give permission for your response to be published?

(Required)

Please select only one item

- Yes - I give permission for my response/submission to be published.
- No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.
- I am a CASA officer.

Page 3: New CASR regulatory approvals – Industry

Proposed policy changes to regulatory approvals for industry in Part 92 of CASR are:

- 3.4 - Removing 'red tape' by allowing additional provisions for small commercial aircraft operators to carry dangerous goods within Australian territory (A1.5)
- 3.13 - Permit state/federal police, law enforcement agencies, close protection officers and valuable cargo escorts to carry ammunition in an aircraft (B2.12)
- 3.14 - Provide automatic State Approval for certain dangerous goods of the Operator (B2.13)
- 3.16 - Providing for the carriage of large quantities of fuel in other single packaging (e.g. jerricans and aluminium, or steel drums) on cargo aircraft and amend CASR 92.185 (B2.16)
- 3.18 - Providing for law enforcement officers to carry capsicum (OC) spray and electro-muscular incapacitating devices in checked-in baggage (B2.20)
- 3.28 - Permit carriage of ammunition in the cabin for a firearm in certain circumstances (C3.9)
- 3.37 - Reinstatement of CASR 92.080 – Exclusions from requirement about dangerous goods statement & amendment to include an exclusion for Australia Post (D5.6)

FACT BANK: [Background and key objectives for proposed new regulatory approvals for industry](#)

Please provide your comments below.

Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

Page 4: New regulations – provisions related to CASA

Proposed policy changes to CASA inspectorate provisions and requirements in Part 92 of CASR are:

- 3.5 - Providing authorised CASA officers (normally would be the CASA Dangerous Goods Inspectors), access to records held by DG training organisations for aviation safety compliance inspection and assurance activities (A1.6)
- 3.6 - Requiring packages, which have been opened for inspection (e.g. by officers from CASA, Dept. of Home Affairs and other applicable authorities etc.) to be returned to a proper condition for transport after inspection (B2.1)
- 3.20 - Providing for CASA to approve dangerous goods packaging for transport by aircraft (B2.24)

FACT BANK: [Background and key objectives to provisions related to CASA](#)

Please provide your comments below.

Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

Page 5: New regulations – Operators

Proposed new regulations for operators in Part 92 of CASR are:

- 3.2 - The introduction of a Regulation requiring the reporting of dangerous goods occurrences (A1.1, B2.3 & C3.4)
- 3.15 - Introduce a mandatory challenge of passengers about whether they have any dangerous goods in their baggage (B2.14)
- 3.43 - Dangerous Goods Information in Cargo Terminals (E6.2)

FACT BANK: Background and key objectives to proposed new regulatory approvals for industry

Please provide your comments below.

Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

Page 6: Training

Proposed policy changes to training in Part 92 of CASR are:

- 3.7 - A clarification that the failure to successfully complete dangerous goods recurrent training must result in suspension from performing that employee function (B2.6)
- 3.8 - Provide an additional period of grace for DG training (B2.7)
- 3.9 - Broadening the list of pilot operations for which dangerous goods training is not required (B2.8)
- 3.10 - Requiring that all dangerous goods training courses will be subject to CASA approval (B2.9)
- 3.11 - Training organisations should be compelled to maintain records for a minimum of 36 months and to surrender those records to CASA in the event that they cease business (B2.10)
- 3.12 - Clarifying "group F employee" and providing provisions for proposed "group G employees" (B2.11, D5.7 & D5.8)
- 3.23 - Exclude professional "DG instructors of approved courses" as being required to have undertaken a Group A or B course before instructing on a Group E course (C3.3)
- 3.29 - Training Records – retention of training certificate (C3.10)
- 3.30 - Provide relief from Group A DG training for sling load helicopter operations (C3.11)
- 3.35 - Reinstate CASR 92.155 – Exclusions from training requirements (D5.2)
- 3.38 - Dangerous Goods Instructor Under Supervision Approval (D5.9)
- 3.39 - Amendment of CASR 92.115 - Training—certain employees of screening authorities (D5.11)
- 3.40 - Amendment of CASR 92.135 - Requirements for training course (D5.12)

FACT BANK: [Background and key objectives to proposed training changes](#)

Please provide your comments below.

Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

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Page 7: Enforcement

Proposed policy changes to enforcement in Part 92 of CASR are:

- 3.3 - Regulations to provide for the issue of an Aviation Infringement Notice (AIN) for certain offences (A1.4)
- 3.17 - Create an offence for tampering with labels, markings or packages (B2.18)
- 3.19 - Considering it an offence to consign an item that has dangerous goods labelling and/or marking on it when it does not contain dangerous goods (B2.23)
- 3.27 - Additional defence for passengers if they have been given wrong information (C3.8, C3.12 & D5.4)
- 3.32 - Add subsection 23(2AA) to regulations 92.020, 92.025, 92.030 and 92.035 (C3.14)
- 3.44 - Create offence provisions for the ability to issue an AIN to passengers if they attempt to carry dangerous goods contrary to CASR 92.030 (E6.4)
- 3.45 - Create offence provisions for the ability to issue an AIN to a Shipper if they attempt to consign dangerous goods contrary to CASR 92.035 (E6.5)

FACT BANK: [Background and key objectives to proposed enforcement changes](#)

Please provide your comments below.

Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

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Page 8: Miscellaneous or minor changes

Proposed miscellaneous or minor policy changes to Part 92 of CASR are:

- 3.21 - CASR 92.170(1) – Remove the date “1 Jan 2004” and replace with “time to time” in the definition of Class B cargo compartments (C3.1)
- 3.22 - Broaden CASR 92.180 to include additional pyrotechnics (i.e. silver fountain flares) (C3.2)
- 3.24 - CASR 92.040 – Dangerous Goods Manuals – Restructure the regulation into a plain-English format (C3.5 & D5.5)
- 3.25 - Introduce definitions for “Consignment”, “Cargo aircraft” and “Passenger aircraft” to have the same meaning as the ICAO Annex 18 (C3.6)
- 3.26 - Screening Authorities – alignment of definitions and the amendment of 92.085 (C3.7)
- 3.31 - Repeal CAR 304 - Directions and instructions—section 23 of the Act (C3.13)
- 3.33 - Amend Note 2 to Definition of Technical Instructions to reflect compliance with the current edition of the IATA Dangerous Goods Regulations (C3.15)
- 3.34 - Minor amendments to CASR 92.170 - Cargo carried in main deck cargo compartments (D5.1)
- 3.36 - Minor Amendments to CASR 92.010 - Definitions for Part 92 (D5.3) 141
- 3.41 - Amendment of CASR 92.015 to adopt the wording for the definition of “dangerous goods” as per proposed amendment within ICAO State Letter AN 11/27-18/47 (D5.14)
- 3.42 - Amend CASR 92.195 to remove reference to Regular Public Transport (RPT) (E6.1)

FACT BANK: [Background and key objectives to proposed miscellaneous or minor policy changes](#)

Please provide your comments below.

Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

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Page 9: General comments

Do you have any additional comments about the proposed policy?

(Please note, this should not include points you have already raised)

Comments