

Civil Aviation Amendment Regulations 2003 (No. 8) 2003 No. 365

EXPLANATORY STATEMENT

Statutory Rules 2003 No. 365

Issued under the authority of the Minister for Transport and Regional Services

Civil Aviation Act 1988

Civil Aviation Amendment Regulations 2003 (No. 8)

Subsection 98(1) of the Civil Aviation Act 1988 (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act, and regulations in relation to safety of air navigation, being regulations with respect to any other matter with respect to which the Parliament has power to make laws.

Subsection 9(1) of the Act specifies, in part, that the Civil Aviation Safety Authority (CASA) has the function of conducting the safety regulation of civil air operations in Australian territory by means that include developing and promulgating appropriate, clear and concise aviation safety standards and issuing certificates, licences, registrations and permits.

The Regulations amend the *Civil Aviation Safety Regulations 1998* (CASR) by inserting a new Part 92, entitled "Consignment and carriage of dangerous goods by air", into those regulations. The Regulations also make consequential changes to the *Civil Aviation Regulations 1988* (CAR) to reflect the new Part 92.

CASR Part 92 is a completely revised regulation, developed as part of CASA's Regulatory Reform Programme, to provide a regulatory regime that covers the consignment and carriage of dangerous goods by air, including measures to prevent the consignment and carriage of undeclared dangerous goods, and the associated administrative and training requirements.

The key changes incorporated by the Regulations:

- reflect current International Civil Aviation Organization (ICAO) standards regarding requirements for training courses in regard to approvals, examinations, revalidation periods and the issue of certificates;
- introduce a training requirement for shippers of dangerous goods, an ICAO standard since 1997;
- enable training courses to be tailored to meet individual needs without requiring multiple approvals;
- remove anomalies from existing legislation whereby certain employees of Australian based foreign operators, and overseas based Australian operators, are compelled to undergo similar training under different regulatory regimes;
- move the responsibility for training of ground handling agent and security screening employees from the aircraft operators they support to the agencies that employ them;

- specify those operations that were not intended to be subject to training and/or dangerous goods manual requirements;
- reflect current ICAO standards regarding operations requiring dangerous goods manuals;
- provide for the validity period for training undertaken in accordance with the current regulations to remain;
- modify existing requirements for a statement of contents of cargo to require the statement be signed, and add a requirement that operators not accept cargo unless they have received a statement;
- transfer the obligation to provide dangerous goods information to passengers at airport terminals, and with their tickets, from the aircraft operators to those who operate the terminals or issue the tickets when the aircraft operators themselves do not operate the terminal or issue the tickets; and
- provide relief from full compliance with the regulations for those operations where such compliance would be impractical or adversely impact on the operation. These include law enforcement, emergency services, helicopter-slung loads and some private operations.

The Office of Regulation Review (ORR) has given an exception from the requirement to prepare a Regulation Impact Statement (RIS) as the Regulations are considered minor or machinery in nature, do not have a significant impact and are matters of clarification and a transposition of current practices.

Details of the Regulations are attached.

Regulations 1 to 4 and Schedule 1, dealing with the transitional provisions for Part 92, commence on gazettal.

Schedule 2, introducing new CASR Part 92 and Schedule 3, the consequential amendments to the CAR, commence on 1 January 2004 to coincide with the commencement of the aviation industry's dangerous goods training cycle, which is generally aligned to the commencement of the International Air Transport Association (IATA) Dangerous Goods Regulations.

Schedule 4, introducing new requirements for shipper training and information to passengers, commence six months after Schedule 3 on 1 July 2004, effectively providing a six month transitional period for the new requirements.

Schedule 5 repeals certain regulations from the CAR relating to training, which had been saved (at Schedule 3) to enable existing shipper training arrangements to remain pending the commencement of Schedule 4. Schedule 5 commences on 1 July 2004.

ATTACHMENT

Civil Aviation Amendment Regulations 2003 (No. 8)

DETAILS OF THE AMENDING REGULATIONS

Regulation 1 - Name of Regulations

Regulation 1 names the amending regulations as the *Civil Aviation Amendment Regulations 2003 (No. 8)*.

Regulation 2 - Commencement

Regulation 2 provides that (1) Regulations 1, 2, 3 and 4 and Schedule 1 commence on gazettal; (2) Schedules 2 and 3 commence on 1 January 2004; and (3) Schedules 4 and 5 commence on 1 July 2004.

Regulation 3 - Amendment of *Civil Aviation Safety Regulations 1998*

Regulation 3 provides that Schedules 1, 2 and 4 amend the *Civil Aviation Safety Regulations 1998* (CASR).

Regulation 4 - Amendment of *Civil Aviation Regulations 1988*

Regulation 4 provides that Schedules 3 and 5 amend the *Civil Aviation Regulations 1988*.

Schedule 1 - Amendments of the *Civil Aviation Safety Regulations 1998* commencing on gazettal

Item 1 Subpart 202.EC

Item 1 inserts the transitional provisions for Part 92 in Subpart 202.EC.

Subpart 202.EC Transitional provisions for Part 92 (Consignment and carriage of dangerous goods by air)

New regulation 202.440 - Approval of certain training courses and instructors

This regulation provides that the Civil Aviation Safety Authority (CASA) may approve dangerous goods training courses, and instructors for those courses, where the Governor-General has made regulations that will amend the CASR to require the courses and instructors be approved, where those regulations have been notified in the *Gazette* but have not come into force. This regulation enables CASA to have relevant approvals in place when Schedule 2 takes effect.

Schedule 2 - Amendments of the *Civil Aviation Safety Regulations 1998* commencing on 1 January 2004

Item 1 - After Part 91

Item 1 inserts the new Part 92, entitled 'Consignment and carriage of dangerous goods by air' in numerical sequence to follow Part 91 and inserts the table of contents for Part 92.

Part 92 Consignment and carriage of dangerous goods by air

Subpart 92.A General

New regulation 92.005 - Applicability

This regulation provides that Part 92 applies to the operation of all Australian aircraft and to all foreign aircraft (other than state aircraft) operating in Australian territory. This regulation also states that Part 92 sets out, for section 23 of the *Civil Aviation Act 1988* (the Act), the conditions under which an aircraft may carry dangerous goods and a person may carry dangerous goods, or consign dangerous goods for carriage, on an aircraft. For section 23A of the Act, Part 92 sets out the requirements for the statement to be made by a person who consigns for carriage any cargo on an aircraft. For section 23B of the Act, Part 92 sets out the training requirements to be undertaken by persons involved in handling cargo carried or consigned for carriage on an aircraft.

New regulation 92.010 - Definitions for Part

This regulation introduces a number of definitions specifically for Part 92, including the existing meaning of 'dangerous goods accident', and 'ground handling agent', and new definitions for 'accept', 'shipper of dangerous goods' and 'Technical Instructions'. The 'Technical Instructions' is the document entitled *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, issued by the International Civil Aviation Organization.

New regulation 92.015 - What are dangerous goods?

This regulation provides that for the purposes of subparagraph (b) (ii) of the definition of ***dangerous goods*** in subsection 23(3) of the Act, the things specified in the Dangerous Goods List contained in the Technical Instructions, issued by the International Civil Aviation Organization, are declared to be dangerous goods.

Subpart 92.B Conditions for carriage etc of dangerous goods

New regulation 92.020 - Compliance with Technical Instructions generally

This regulation sets out requirements for the carriage and consignment for carriage of dangerous goods on board an aircraft. It provides that dangerous goods may only be carried or consigned for carriage in circumstances specified in the Technical Instructions. The regulation prohibits dangerous goods being carried or consigned for carriage on a passenger aircraft or a cargo aircraft or both if under the Technical Instructions such goods are not allowed to be carried on those aircraft.

New regulation 92.025 - Compliance with Technical Instructions - operators

This regulation provides that it is a condition of the carriage of dangerous goods on an aircraft that an aircraft operator complies with the requirements of the Technical Instructions relevant to the carriage by an operator of dangerous goods. These requirements relate to matters such as the quantity of dangerous goods that may be carried, the loading of the goods, the separation of the goods from passengers and other cargo, the acceptance procedures for the goods and the giving of information to emergency services.

New regulation 92.030 - Compliance with the Technical Instructions - passengers and crew

This regulation provides that passengers and crew may carry dangerous goods on board an aircraft, on their person, or in checked or carry-on baggage, only in accordance with the

provisions of the Technical Instructions. The regulation sets out the relevant provisions of the Technical Instructions in a Note to the regulation. Subregulation 92.020 (3) provides that a person does not contravene the regulation if the person carries the goods in reliance on a statement made by the operator or his employee to the effect that the carriage is permissible or does not contravene the Technical Instructions, and if it is reasonable for the person to rely on that statement.

New regulation 92.035 - Compliance with the Technical Instructions - persons who consign dangerous goods

This regulation makes it a condition of the consignment for carriage of dangerous goods that the consignor complies with the requirements of the Technical Instructions in relation to matters such as the classification of the goods, the quantity of goods that may be carried in one consignment, the packaging of the goods, the marking of the goods and the labelling of the goods.

New regulation 92.040 - Commercial Australian aircraft operators - conditions for carriage of dangerous goods - dangerous goods manual

This regulation imposes a condition on the carriage of dangerous goods on an aircraft by a commercial Australian aircraft operator. Under the conditions a commercial operator may carry dangerous goods only if the operator has a dangerous goods manual in accordance with regulation 92.045 and otherwise complies with regulation 92.055.

However, a commercial operator does not have to comply with the conditions to the extent that the dangerous goods are required to be carried on the aircraft by a law in force in Australia or are for use or sale on the aircraft during a flight.

New regulation 92.045 - Dangerous goods manual - Australian aircraft operators

This regulation sets out what must be contained in an Australian operator's dangerous goods manual. The manual must set out the procedures and instructions for the handling of dangerous goods on the operator's aircraft or must specify where those procedures can be found. The operator must have, and must use, an amendment system to keep all copies of the manual up to date.

New regulation 92.050 - Commercial foreign aircraft operators - conditions to which carriage of dangerous goods is subject

This regulation imposes a condition on the carriage of dangerous goods on an aircraft by a commercial foreign aircraft operator. Under the condition, a commercial foreign aircraft operator may only carry dangerous goods on the operator's aircraft if the operator has a dangerous goods manual, which meets the requirements of the Technical Instructions. However, if there is a law in the Contracting State in which the aircraft is registered which sets out requirements for a dangerous goods manual then that law prevails. The operator must also comply with regulation 92.055.

New regulation 92.055 - Dangerous goods manual - requirements applicable to all operators

This regulation provides that a copy of an operator's dangerous goods manual must be made available in a readily accessible place to each employee who has duties relating to dangerous goods. An operator must also take all reasonable steps to ensure that dangerous goods are handled in accordance with the requirements of the manual.

The operator must also take all reasonable steps to ensure that employees performing their duties for the first time are aware of the content of the relevant parts of the dangerous goods manual relating to their duties.

In the case of foreign operators, they are required to ensure that each of their employees in Australia have ready access to their dangerous goods manual.

New regulation 92.060 - Directions relating to dangerous goods manuals

The regulation provides that CASA may issue to an operator that is required to have a dangerous goods manual, a written direction regarding the content, distribution or revision of the manual, An operator must comply with the direction.

This regulation prescribes a maximum penalty of 10 penalty units for non-compliance with the CASA direction.

New regulation 92.065 - Commercial operators - reporting of dangerous goods incidents

This regulation provides that it is a condition of the carriage of dangerous goods on an aircraft by a commercial operator that the operator report the occurrence of a dangerous goods incident to CASA within two working days of the incident occurring.

New regulation 92.070 - Dangerous goods statement (Act s 23A)

This regulation gives effect to the requirement of section 23A of the Act for the making of regulations in relation to statement of contents of cargo. The regulation provides that the statement of contents of cargo must either declare that the cargo does not contain dangerous goods or must specify the contents of the cargo. The statement must be in writing and must be signed.

The regulation specifies a number of circumstances where compliance with the statement requirement may not be necessary. These may include where an exclusion has been granted by CASA or where the baggage is checked baggage, which will be carried on the same aircraft as the person who checked it in.

The regulation specifies that the operator must not permit cargo to be placed on an aircraft unless the regulation does not apply to the cargo, or the operator has been given a statement for the cargo.

New regulation 92.075 - Dangerous goods statement in reliance on statement already made

This regulation applies in circumstances where a person has given Australia Post or a freight forwarder a dangerous goods statement in relation to cargo and Australia Post or the freight forwarder hands the cargo to an operator for carriage. It permits Australia Post or the freight forwarder to issue a dangerous goods statement relying on the information in the statement Australia Post or the freight forwarder received.

This regulation also applies in circumstances where an aircraft operator hands cargo to another operator for carriage on an aircraft operated by the second operator. It permits the first operator to give a dangerous goods statement to the second operator relying on the dangerous goods statement that has been given to the first operator.

New regulation 92.080 - Exclusions from requirement about dangerous goods statement

This regulation provides that CASA, after taking into account relevant safety considerations, may by notice in writing exclude certain persons or classes of persons from complying with the requirement to provide a dangerous goods statement. CASA is provided with the power to issue any such exclusion subject to any necessary safety conditions. If CASA refuses to grant an exclusion from the requirement to provide a dangerous goods statement, CASA must as soon as practicable inform the person in writing of its decision and reasons for the decision.

Subpart 92.C - Training

New regulation 92.085 - Definitions for Subpart 92.C

This regulation defines terms applicable to this Subpart of the Regulations. Under the definitions a person is deemed to be an employee of an operator or other relevant employer if the person, although not actually employed by the operator or employer, performs certain services (e.g. handling cargo consigned for air transport) for the operator or employer. The regulation also classifies employees into groups by means of duties and responsibilities. The groups are numbered A to E.

New regulation 92.090 - Extended meaning of *every 2 years* for this Subpart

This regulation defines the term "*every 2 years*" for the purposes of this Subpart. It provides examples of how 2 years for the purposes of the regulation is calculated.

New regulation 92.095 - Training - certain employees of Australian aircraft operators

The regulation provides that group A, B, C, D and E employees of Australian aircraft operators and group C or D employees of Australian operators outside Australia must undertake training in accordance with regulation 92.110 before first performing the relevant duties. After the initial training, training must be undertaken at intervals of 2 years.

The training requirement does not apply to employees engaged in private operations, agricultural operations, search and rescue operations, balloon operations, joy flight operations or flying training operators. Nor do the training obligations apply to persons who have been granted an exclusion in accordance with regulation 92.155.

The regulation prescribes a maximum penalty of 30 penalty units.

An offence against this regulation is an offence of strict liability.

New regulation 92.100 - Training - certain employees of Australian ground handling agents

This regulation provides that Australian ground handling agents who are not excluded under regulation 92.155 must ensure that each of their group A, B, C, or E employees undertakes relevant training before the employee first performs the relevant duties. This training must be undertaken every two years while the employee is engaged in those duties.

The regulation prescribes a maximum penalty of 30 penalty units.

An offence against this regulation is an offence of strict liability.

New regulation 92.105 - Training - certain employees of Australian freight forwarders

This regulation provides that Australian freight forwarders who are not excluded under regulation 92.155 must ensure that each of their group A, B, C or E employees undertakes relevant training before the employee first performs the relevant duties. This training must be undertaken every two years while the employee is engaged in those duties.

The regulation prescribes a maximum penalty of 30 penalty units.

An offence against this regulation is an offence of strict liability.

New regulation 92.110 - Required standard of training for regulations 92.095, 92.100 and 92.105

This regulation provides that employees to whom regulation 92.095, 92.100 or 92.105 applies must undertake a training course that meets the relevant requirements of regulation 92.135. Additionally, the training course for group A, B, C or D employees must be approved by CASA.

New regulation 92.115 - Training - certain employees of screening authorities

This regulation provides that employees of screening authorities who handle, or supervise persons who handle checked baggage or carry-on baggage, must undertake appropriate training meeting the requirements of regulation 92.135 before the employee first performs the duties and subsequently every two years.

The regulation prescribes a maximum penalty of 30 penalty units.

An offence against this regulation is an offence of strict liability.

New regulation 92.125 - Training - certain employees of non-Australian operators

This regulation provides that a non Australian aircraft operator who employs a group A, B, C, D, or E employee in Australia must ensure that before the employees perform their first duties they must undertake relevant training. The training and its frequency must comply with the law of the country where the operator's aircraft are registered, or if there is no such law, with the Technical Instructions. If the aircraft is registered in more than one country then the requirements of the Technical Instructions prevail. The operator must keep up-to-date records of all training.

The regulation prescribes a maximum penalty of 30 penalty units.

An offence against this regulation is an offence of strict liability.

New regulation 92.130 - Training Australian operators' employees outside Australia

This regulation requires that an Australian operator who employs group A, B or E employees outside Australia must ensure that such employees undertake training in accordance with the law of the country in which the employee performs his or her duties or, if there is no such law, in accordance with the requirements of the Technical Instructions.

This subregulation prescribes a maximum penalty of 30 penalty units.

Subregulation (3) requires that operators must ensure records about the training are kept in accordance with the law in force in the place where the employees perform duties or the technical Instructions, as necessary.

This subregulation prescribes a maximum penalty of 30 penalty units.

Subregulation (4) requires that the operator must ensure the training is evaluated at least every second year, and that the evaluation process is included in the operator's audit program.

This subregulation prescribes a maximum penalty of 10 penalty units.

Subregulations (5) requires an operator must ensure that where a deemed employee's services are provided under a contract, that the contract provides for the necessary resources, competence, procedures and management system to ensure the service to the operator is a safe one.

This subregulation prescribes a maximum penalty of 10 penalty units.

An offence against subregulations (2), (3), (4) or (5) is an offence of strict liability.

New regulation 92.135 - Requirements for training course

This regulation provides that where a training course requires CASA approval, the course must include a subject in item 20 of Table 135-1 and any other subjects from that table that are relevant to the employee's duties and responsibilities.

If a training course does not require CASA approval the course must contain a subject in item 12 of Table 135-2 and any other subjects from that table that are relevant to the employee's duties and responsibilities.

Every training course must provide for a test of an employees knowledge of relevant subjects, and must provide a certificate for the successful completion of a course.

Table 92.135-1 Syllabus for training courses requiring approval

This table sets out the syllabus items for courses requiring CASA approval.

Table 92.135-2 Syllabus for training courses not requiring approval

This table sets out the syllabus items for courses not requiring the approval of CASA.

New regulation 92.140 - Who may conduct training

This regulation provides who may conduct training courses.

Subregulation 92.140(2) provides that a person must not give, or offer to give, instruction in a training course requiring CASA approval if the course is not approved.

Subregulation 92.140(3) provides that a person must not give instruction in a training course requiring CASA approval unless that person has been approved by CASA to give that instruction.

Subregulation 92.140(4) provides that if an approved training course is conducted by distance education methods, a person must not prepare material for or supervise that course unless they have been approved by CASA for that purpose.

Paragraph 92.140(5)(a) provides that, unless granted an exclusion under regulation 92.155, a person must not instruct on a training course not requiring CASA approval unless the person has within the previous two years undertaken a CASA approved course for group A or B employees.

Paragraphs 92.140(5)(b) and (c) provide that a person must not prepare material for or supervise such a course conducted by distance means, unless the person has within the previous two years undertaken a CASA approved course for group A or B employees.

For paragraph 92.140(5)(a), strict liability applies to the circumstances that a training course was required under this Part in relation to instructing on a training course not requiring CASA approval.

Strict liability applies to the circumstances that a training course is required to be approved under this Part.

Subregulations 92.140(2), 92.140(3) and 92.140(4) each prescribe a maximum penalty of 10 penalty units.

Subregulation 92.140(5) prescribes a maximum penalty of five penalty units.

New regulation 92.145 - Records about training - Australian operators etc

This regulation requires that training records of employees are to be maintained by an Australian aircraft operator, freight forwarder, ground handling agent or screening authority. The record must be up-to-date and must contain the name of every employee who has undertaken dangerous goods training, the organisation providing the training and the date of the training. A copy of any certificate issued to participants in the training course must also be kept and a copy of such certificates must be provided to CASA if CASA requests a copy.

The regulation provides that an employer needs to keep records for deemed employees only if the deemed employee is self-employed or employed by an employer that is not required to keep records under this regulation.

This regulation prescribes a maximum penalty of 30 penalty units.

New regulation 92.150 - Transitional - training undertaken before commencement of this Subpart

This regulation provides transitional arrangements for training undertaken before the commencement of this Part. Under the transitional arrangements training relevant to their duties undertaken by employees under the previous *Civil Aviation Regulations 1988* relevant to those employees, is taken to be training undertaken under this Subpart for a period of 2 or 3 years. This transitional regulation ceases to have effect on 31 December 2006.

New regulation 92.155 - Exclusion from training requirements

This regulation provides that CASA may exclude a person or class of persons from the obligation to comply with any requirements of regulations 92.095, 92.100, 92.105, 92.115, 92.125, 92.130 and 92.140 that apply to the person. The regulation specifies that CASA must take into account any relevant considerations relating to the safe carriage of dangerous goods before excluding a person, and that the person must comply with any conditions relating to safety specified by CASA in an instrument of exclusion. If CASA decides not to exclude a person under the regulation CASA must notify the person in writing of the decision and include a statement of the reasons for the decision.

Subpart 92.D - Limitations on application of Subparts 92.B and 92.C

New regulation 92.160 - Aircraft operated by law enforcement authorities

This regulation provides relief from compliance with specified regulations in Subpart 92.B for aircraft operated by law enforcement authorities where the aircraft is an Australian aircraft and operated in Australian territory solely for law enforcement purposes. The regulation does not, however, permit such an operator to carry goods that are forbidden to be carried by air under any circumstances under the Technical Instructions. The regulation lists those authorities that are law enforcement authorities for the purposes of the regulation; specifies the nature and conditions for carriage of the goods and specifies that only persons essential to the operation are to be on the aircraft when the dangerous goods are on board the aircraft.

New regulation 92.165 - Helicopter-slung loads

This regulation provides relief from compliance with specified regulations in Subpart 92.B for Australian aircraft that are helicopters and operating in Australian territory and carry dangerous goods in slung loads. The regulation specifies the nature and conditions for carriage of the goods.

New regulation 92.170 - Cargo carried in main deck cargo compartments

This regulation provides relief from compliance with specified regulations in Subpart 92.B for the carriage of dangerous goods in the main deck cargo compartments of certain aircraft that do not have cargo compartments that meet certain ICAO classification standards. The regulation specifies the dangerous goods to which the regulation applies and the conditions under which they may be carried.

New regulation 92.175 - Goods carried by private operators

This regulation provides relief from full compliance with Subparts 92.B and 92.C for dangerous goods carried by an operator engaged in private (non-commercial) operations. The regulation specifies the type of aircraft to which the regulation applies and specifies the type of goods and the conditions under which they may be carried.

New regulation 92.180 - Goods carried for parachute operations

The regulation provides relief from compliance with specified regulations in Subpart 92.B to parachutists, and the operator from whose aircraft they intend to jump, who carry certain dangerous goods for use during the parachute descent. The regulation specifies the dangerous goods that may be carried and the conditions that apply to their carriage.

New regulation 92.185 - Carriage of fuel in large containers

This regulation provides relief from compliance with specified regulations in Subpart 92.B so that cargo aircraft in Australian territory may carry petrol or aviation fuel in containers of greater capacity than otherwise would be allowed. The regulation specifies the conditions relevant to carriage of fuel in large containers.

New regulation 92.190 - Goods for use in emergency services

This regulation provides relief from compliance with specified regulations in Subpart 92.B for the carriage of particular dangerous goods by certain aircraft engaged in emergency services. The

regulation limits the type of aircraft involved, specifies the types of goods permitted and the circumstances and conditions under which they may be carried.

New regulation 92.195 - Carriage of ammunition by air security officers

This regulation provides relief from compliance with specified regulations in Subpart 92.B for ammunition issued by the Australian Protective Service to, and carried by, an *air security officer* when the officer is on duty in an aircraft engaged in regular public transport operations. The regulation includes a definition of an 'air security officer'.

Item 2 - After regulation 202.440

Item 2 inserts a Note after regulation 202.440 in Subpart 202.EC regarding the location of the transitional provisions for Part 92. This note advises that the transitional provisions for Part 92 are located in regulation 92.150, and gives the content of 92.150.

Item 3 - Dictionary, Part 1

Item 3 amends the Dictionary Part 1 by introducing, in the appropriate alphabetical order, the meaning for the terms 'cargo', 'carry-on baggage' and 'checked baggage'.

Schedule 3 - Amendments of *Civil Aviation Regulations 1988* commencing on 1 January 2004

Item 1 - Regulations 262A to 262P

Item 1 repeals regulations 262A to 262P dealing with the carriage of dangerous goods, the contents and requirements of which are now contained in the new CASR Part 92.

Item 2 - Regulations 262R and 262S

Item 2 repeals regulations 262R and 262S dealing with dangerous goods training, the contents and requirements of which are now contained in the new CASR Part 92.

Item 3 - Regulation 262U

Item 3 repeals regulation 262U dealing with exemptions from dangerous goods training, the contents and requirements of which are now contained in the new CASR Part 92.

Item 4 - Schedule 4, Parts 1 to 4

Item 4 omits Parts 1 to 4 of Schedule 4 dealing with training in relation to dangerous goods, the contents and requirements of which are now contained in the new CASR Part 92.

Schedule 4 - Amendments of the *Civil Aviation Safety Regulations 1998* commencing on 1 July 2004

Item 1 - Regulation 92.085

Item 1 makes an editorial change by replacing 'In this Subpart:' and inserts a new subregulation '(1) In this Subpart:'. This is necessary as a result of the addition of a new subregulation (2) into regulation 92.085 by Item 4.

Item 2 - Regulation 92.085, definition of *deemed employee*, paragraph (e)

This item amends regulation 92.085 by amending existing paragraph (e) and by inserting a new paragraph (f) which extends the definition of **deemed employee** to include those employees of a shipper whose duties include packing dangerous goods or supervising someone whose duties include packing such goods in the course of being consigned for carriage on an aircraft.

Item 3 - Regulation 92.085, after definition of *group E employee*

Item 3 inserts a definition for *group F employee* being an employee of a shipper of goods whose duties include packing dangerous goods, or supervising the packing of such goods for consignment by air transport.

Item 4 - Regulation 92.085

Item 4 amends Regulation 92.085 by adding a subregulation (2) to define what constitutes "packing" dangerous goods in relation to deemed employees and group F employees.

Item 5 - Subregulation 92.115 (4), note 1

Item 5 makes an editorial amendment by deleting reference to 'Note 1', to read 'Note' because Note 2, which references the reservation of regulation 92.120, has now been deleted at Item 6 below.

Item 6 - Subregulation 92.115 (4), note 2

Item 6 makes an editorial amendment by deleting Note 2, because Note 2, which relates to the reservation of regulation 92.120, is no longer required with the introduction of new regulation 92.120 at Item 7 below.

Item 7 - After regulation 92.115

Item 5 inserts new regulation 92.120, entitled 'Training - certain employees of shippers of dangerous goods'.

The new regulation provides that a person who ships dangerous goods, other than a person who does so for his or her private, non-commercial purposes, must, unless excluded under regulation 92.155, ensure that each of his or her group F employees undertakes an appropriate training course before the employee first performs his or her duties and every 2 years thereafter while the employee continues to have those duties.

This regulation prescribes a maximum penalty of 30 penalty units.

An offence under this regulation is an offence of strict liability.

Item 8 - After paragraph 92.145 (1) (b)

Item 8 adds a new paragraph (c) to subregulation 92.145 (1). This new paragraph extends the scope of regulation 92.145 to include a person who ships dangerous goods.

Item 9 - After subregulation 92.150 (6)

Item 9 adds a new subregulation (7) to regulation 92.150. This new subregulation relates to group F employees who have undertaken a training course on or after 1 July 2002 under the relevant provisions of the *Civil Aviation Regulations 1988*. The training is taken to be training for

the purposes of Subpart 92.C of the CASR for a period of 2 years from the date the training was undertaken.

Item 10 - Subregulation 92.155 (1)

Item 10 adds regulation 92.120 to the list of the regulations from which CASA may grant an exclusion.

Item 11 - After Subpart 92.D

Item 11 inserts a new Subpart 92.E sequentially after Subpart 92.D, as follows:

Subpart 92.E - Information to passengers

New regulation 92.200 - Information in passenger terminals

This regulation provides that the owner or operator of an airport terminal must provide information to passengers about the carriage of dangerous goods. The information must, at a minimum consist of notices prominently displayed at each place at the airport where tickets are issued, passengers checked in and at baggage collection areas.

This regulation prescribes a maximum penalty of 10 penalty units.

New regulation 92.205 - Information with tickets

This regulation provides that a person, other than an aircraft operator, who issues a passenger ticket, must ensure that the person to whom the ticket is issued, is given information about the dangerous goods that must not be transported on an aircraft.

This regulation prescribes a maximum penalty of 10 penalty units.

Item 12 - Regulation 202.440, note

Item 12 amends the Note after the transitional regulation 202.440, previously inserted at Item 2 of Schedule 2, (this note advises that the transitional provisions for Part 92 are located in regulation 92.150, and gives the content of 92.150) by addressing the Group F employee training requirements inserted at Item 3 of Schedule 4 above (Item 3 inserts a definition for *group F employee* being an employee of a shipper of goods whose duties include packing dangerous goods, or supervising the packing of such goods for consignment by air transport).

Schedule 5 - Amendments of the *Civil Aviation Regulations 1988* commencing on 1 July 2004

Item 1 - Part 15

Item 1 repeals 'Part 15 - Dangerous goods' of the CAR, the contents of which are now contained in CASR Part 92 - Consignment and carriage of dangerous goods by air.

Item 2 - Schedule 4

Item 2 repeals 'Schedule 4 - Training in relation to dangerous goods' of the CAR dealing with the training course syllabus for employees of regular shippers of dangerous goods, the contents and requirements of which are now contained in CASR Part 92.

