



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX43/22

I, RUSSELL PETER DYER, Acting Executive Manager, Regulatory Oversight, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed R. Dyer]

Russell Dyer

Acting Executive Manager, Regulatory Oversight

9 June 2022

CASA EX43/22 — DAMP Organisations (Collecting and Screening of Oral Fluid and Urine Body Samples Outside Capital City Areas) Exemption 2022

1 Name

This instrument is *CASA EX43/22 — DAMP Organisations (Collecting and Screening of Oral Fluid and Urine Body Samples Outside Capital City Areas) Exemption 2022*.

2 Duration

This instrument:

- (a) commences on 1 July 2022; and
- (b) is repealed at the end of 31 July 2024.

3 Definitions

In this instrument:

ASGS means the Australian Statistical Geography Standard – Main Structure and Greater Capital City Statistical Areas, published by the Australian Bureau of Statistics, as it exists from time to time.

capable person means a person who, before collecting oral fluid or urine body samples or conducting on-site screening of urine body samples:

- (a) affirms in writing to CASA that the person:
 - (i) has successfully completed training in the collecting or screening previously mentioned, as the case requires (the **training**); and
 - (ii) has demonstrable competency in such collecting or screening; and
- (b) includes in the affirmation:
 - (i) the name, address and qualifications of the person who gave the training; and
 - (ii) a description of the training.

collecting agency means an organisation assuming professional, organisational, educational and administrative responsibility for collection, on-site screening, storage and despatch of urine or oral body samples.

collection means on-site collection, storage, handling and, if necessary, despatch, of oral fluid or urine body samples.

course of instruction means a course of instruction, in compliance with the oral fluid standard or the urine standard, that:

- (a) is for specimen collection, on-site screening (urine only), handling, storage and despatch of specimens; and
- (b) results in the issue of a statement of attainment for the course in accordance with the Australian Quality Training Framework or the New Zealand Qualifications Authority.

DAMP-like program has the meaning given by instrument *CASA EX112/21 — Implementation of DAMPs (Provision of Safety-Sensitive Aviation Activities by Non-DAMP Organisations) Instrument 2021*.

doctor means a person:

- (a) who is registered as a medical practitioner with the Medical Board of Australia; and
- (b) who has medical duties at a hospital, general practice or pathology practice; and
- (c) whose medical duties at a place mentioned in paragraph (b) include the collection, storage, handling and despatch of biological specimens; and
- (d) who has successfully completed a course of instruction in the oral fluid standard or the urine standard, as the case requires.

Greater Capital City Statistical Area means the geographical area of the following places as depicted by the ASGS:

- (a) Australian Capital Territory;
- (b) Greater Adelaide;
- (c) Greater Brisbane;
- (d) Greater Darwin;
- (e) Greater Hobart;
- (f) Greater Melbourne;
- (g) Greater Perth;
- (h) Greater Sydney.

non-DAMP organisation has the meaning given by instrument *CASA EX112/21 — Implementation of DAMPs (Provision of Safety-Sensitive Aviation Activities by Non-DAMP Organisations) Instrument 2021*.

nurse means a person:

- (a) who is registered as a nurse with the Nursing and Midwifery Board of Australia; and
- (b) who has nursing duties at a hospital, general practice or pathology practice; and
- (c) whose nursing duties at a place mentioned in paragraph (b) include the collection, storage, handling and despatch of biological specimens; and

- (d) who has successfully completed a course of instruction in the oral fluid standard or the urine standard, as the case requires.

on-site means the place at which an oral fluid or urine body sample is collected.

oral fluid standard means the standard AS/NZS 4760, *Procedures for specimen collection and the detection and quantification of drugs in oral fluid*, as the standard exists from time to time.

Note AS/NZS 4760 is a “relevant Standard” within the meaning of that term in subregulation 99.010 (1) of CASR. A previous version of the standard was titled AS 4760 *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid* and, as at commencement of this instrument, that is how the standard is referred to in paragraph 99.010 (1) (c) of CASR.

screening means testing of a body sample to exclude the presence of testable drugs.

trained collector means a person who has successfully completed a course of instruction in the oral fluid standard or the urine standard, as the case requires.

training, for a capable person, means training by a person who is:

- (a) a doctor or a nurse; or
- (b) a trained collector under the oral fluid standard or the urine standard, as the case requires; or
- (c) another person who has successfully completed formal training, acceptable to CASA, in the collection, on-site screening, storage, handling and despatch of biological specimens.

Note Formal training acceptable to CASA includes training given by a university, an institute of technology, a technical and further education college or a similar State or Territory institution as part of an accredited training course.

urine standard means the Standards Australia standard AS/NZS 4308, *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*, as the standard exists from time to time.

Note AS/NZS 4308 is a “relevant Standard” within the meaning of that term in subregulation 99.010 (1) of CASR.

4 Application

This instrument applies in relation to the collection and screening of a body sample for the purpose of screening, if the collection of the body sample occurs outside the Greater Capital City Statistical Area:

- (a) under the drug and alcohol management plan (**DAMP**) of a DAMP organisation; or
- (b) under a DAMP-like program of a non-DAMP organisation.

5 Exemption — oral fluid or urine sample collection and screening for drugs

- (1) To the extent mentioned in section 6, a DAMP organisation is exempt from the requirement to have a DAMP that includes an alcohol and drug testing program that meets the requirements mentioned in subparagraphs 99.050 (1) (a) (ii) and (iii) of CASR in relation to:
 - (a) the collection of body samples for the purpose of screening; and
 - (b) screening.

Note Subparagraphs 99.050 (1) (a) (ii) and (iii) impose requirements for oral fluid testing and urine testing to be in accordance with their respective “relevant Standards”, as defined in subregulation 99.010 (1) of CASR.

- (2) To the extent mentioned in section 6, a non-DAMP organisation is exempt from the requirement to have a DAMP-like program that includes an alcohol and drug testing program that meets the requirements mentioned in subparagraphs 99.050 (1) (a) (ii) and (iii) of CASR in relation to:
 - (a) the collection of body samples for the purpose of screening; and
 - (b) screening.
- (3) The exemptions in subsections (1) and (2) are subject to the conditions mentioned in section 7.

6 Extent of exemption — collecting agency and course of instruction

For subsections 5 (1) and (2), the exemption is limited to allow the DAMP organisation or non-DAMP organisation (as the case may be) to use a trained collector, doctor, nurse or capable person to perform the role or tasks of a collecting agency in accordance with the requirements for the role or tasks expressly or impliedly specified in the oral fluid standard or the urine standard, as the case requires.

7 Conditions

- (1) A capable person may perform the role or tasks mentioned in section 6 only if a trained collector, a doctor or a nurse is not reasonably available to perform the role or tasks because of the remoteness of the location at which the role or tasks are performed.
 - (2) A trained collector, a doctor, a nurse or a capable person is not permitted to conduct on-site screening of an oral fluid body sample.
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