Instrument number CASA EX17/23

I, daniel bernard o’hagan, Manager, Legislative Drafting, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

**[Signed D. O’Hagan]**

Danny O’Hagan
Manager, Legislative Drafting

23 February 2023

CASA EX17/23 — Pre-deployment Drug and Alcohol Testing Exemption 2023

1 Name

 This instrument is *CASA EX17/23 — Pre-deployment Drug and Alcohol Testing Exemption 2023*.

2 Duration

 This instrument:

(a) commences on 1 March 2023; and

(b) is repealed at the end of 28 February 2025.

3 Definitions

*Note*   In this instrument, the following terms and expressions have the same meaning as they have in Part 99 of CASR: ***applicable SSAA***, ***confirmatory alcohol test***, ***confirmatory drug test***, ***DAMP organisation***, ***employee***, ***initial alcohol test***, ***initial drug test***, ***positive result*** and ***regular SSAA employee***.

 In this instrument:

***alcohol test*** means:

(a) an initial alcohol test; and

(b) if the result of the initial alcohol test was a positive result — a confirmatory alcohol test.

***drug test*** means:

(a) an initial drug test; and

(b) if the result of the initial drug test was a positive result — a confirmatory drug test.

4 Exemption

 (1) A DAMP organisation is exempt from compliance with paragraph 99.050(2)(a) of CASR for an employee who:

(a) will be working as a regular SSAA employee; and

(b) has, less than 90 days before the employee is required to begin performing or being available to perform an applicable SSAA for the DAMP organisation, taken a drug test and an alcohol test.

*Note*   Paragraph 99.050(2)(a) of CASR would otherwise require a DAMP organisation to drug and alcohol test a person after the person had first joined the organisation as a regular SSAA employee.

 (2) The exemption is subject to the conditions mentioned in section 5.

5 Conditions

 (1) The DAMP organisation must be satisfied on reasonable grounds that the drug test and the alcohol test of the employee:

(a) were conducted in accordance with the requirements mentioned in paragraph 99.050(1)(a) of CASR; and

(b) did not return a positive result for a confirmatory alcohol test or a confirmatory drug test.

 (2) The DAMP organisation must record details of the drug test and alcohol test in accordance with Subpart 99.B of CASR as if it conducted the tests for the purpose of paragraph 99.050(2)(a) of CASR.