



Advisory Circular

AC 92-04(0)

MARCH 2010

APPLICATIONS FOR PERMISSION TO CARRY OR CONSIGN DANGEROUS GOODS UNDER SECTION 23 OF THE CIVIL AVIATION ACT 1988

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1. REFERENCES

- Civil Aviation Act 1988 section 9A – Performance of functions
- Civil Aviation Act 1988 section 23 – Dangerous Goods
- Civil Aviation Safety Regulations 1998 (CASR) Part 92 – Dangerous Goods
- ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air DOC 9284 AN/905 (ICAO TIs)
- Supplement to the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air DOC 9284 AN/905 (ICAO TIs SUPP)
- ICAO Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods DOC 9284 AN/928 (ICAO ERG)
- CAAP 89I-1(2) – Safety Distances for Explosive Laden Aircraft
- CAAP 262A-1(0) – Use of Compressed Oxygen: Carriage of Live Aquatic Animals in Air Transport
- CAAP 35-4 (0) – Design and Maintenance of Containers: Transportation of Live Aquatic Animals Using Oxygen
- IATA Dangerous Goods Regulations

Advisory Circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

Where an AC is referred to in a 'Note' below the regulation, the AC remains as guidance material. ACs should always be read in conjunction with the referenced regulations.

2. PURPOSE

2.1 This document provides guidance and information to persons requiring a Permission to carry or consign dangerous goods on board an aircraft **where such carriage is not normally and automatically allowed under Part 92 of the Civil Aviation Safety Regulations 1998 or the ICAO TIs** and where permission is therefore required under section 23 of the Civil Aviation Act 1988 or an exemption or approval is required under the ICAO TIs.

Note: This document will need to be read in conjunction with the ICAO TIs and/or the IATA DGRs, the Supplement to the ICAO TIs and, where relevant, CAAP 89I-1(2)

3. STATUS OF THIS ADVISORY CIRCULAR

3.1 This is the first Advisory Circular to be written on this subject.

4. ACRONYMS

ABN – Australian Business Number

AC – Advisory Circular

ACN – Australian Company Number

AMSA – Australian Maritime Safety Authority

ARN – Aviation Reference Number

ATS – Air Traffic Services

CAAP – Civil Aviation Advisory Publication

CAR – Civil Aviation Regulation

CASA – Civil Aviation Safety Authority

CASR – Civil Aviation Safety Regulations

DG – Dangerous Goods

DGR – Dangerous Goods Regulations

DOC – Document (ICAO)

ERG – Emergency Response Guide to Dangerous Goods Incidents

IATA – International Air Transport Association

ICAO – International Civil Aviation Organization

NEQ – Net Explosive Quantity

NOS – not otherwise specified

RFFS – Rescue and Fire Fighting Service

RPT – Regular Public Transport

SARTIME – Search and Rescue Time

SUPP – Supplement to the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air

TIs – Technical Instructions for the Safe Transport of Dangerous Goods by Air

UN – United Nations

5. DEFINITIONS

5.1 For the purposes of this document:

Dangerous Goods (DG) means (a) explosive substances; and (b) things:

- (i) Which by reason of their nature are liable to endanger the safety of an aircraft or persons on board an aircraft; or
- (ii) Which the Civil Aviation Safety Regulations 1998 declare to be dangerous goods.

Permission means an approval or exemption capable of being granted by CASA.

State in the international context, and throughout this document, means a country.

Australian State means a State or Territory of Australia.

UN Number means a reference to the United Nations numbering system for Dangerous Goods.

6. BACKGROUND

6.1 Section 23 of the *Civil Aviation Act 1988* (s.23) requires that DG be carried in accordance with Part 92 of the Civil Aviation Safety Regulations (CASR) 1998 — which in turn calls up the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air (TIs). The alternative, permitted by s.23, is that the DG be carried in accordance with a Permission issued by CASA.

6.2 Any person may apply to CASA for a Permission to carry on board an aircraft, or consign for carriage on board an aircraft, dangerous goods that would otherwise not be permitted for carriage or consignment under the ICAO TIs for the Safe Transport of DG by Air.

6.3 Permission may be granted in relation to:

- The consignment and carriage of DG that would otherwise be forbidden from transport by air;
- The consignment and carriage of DG in a package containing quantities that would otherwise not be permitted;
- The package does not meet the packaging standards prescribed by the ICAO TIs;
- The package/goods are being carried in the aircraft in an arrangement that is contrary to the ICAO TIs; or
- A combination of the above.

6.4 Detailed requirements and procedures for the carriage of DG by air are contained in the ICAO TIs (sales and purchasing information for this document is available at www.icao.int). It is accepted that in the Australian aviation industry the IATA DG Regulations ('IATA DGR') is used as a document that specifies requirements which are equivalent to, or higher than, the ICAO TIs.

6.5 State Approval in accordance with the ICAO TIs

6.5.1 A number of provisions within the ICAO TIs require the approval of the State of Origin and/or the State of the Operator for the carriage of certain DG. Typical examples are those of Special provisions A1, A2, A109 and various packing instructions (i.e. 200, 965) etc.

6.5.2 Unless States have notified a variation to ICAO, approvals from States other than the State of Origin/Operator are not required.

6.6 State Exemption from the ICAO TIs

6.6.1 The ICAO TIs provide for the relevant Competent Authority, in cases of extreme urgency or when other forms of transport are inappropriate or full compliance with the prescribed requirements is contrary to the public interest, to grant State exemption from the provisions, provided that in such cases every effort is made to achieve an overall level of safety in transport which is equivalent to the level of safety provided by the ICAO document.

6.6.2 Examples of exemptions from the TIs are: over-sized or overweight packages, non-UN specification packaging; different UN Specification packaging to that identified in the Packing Instructions for those DG; and DG that are forbidden unless exempt.

6.6.3 For international flights, exemption is required from the States of transit, overflight and destination of a consignment as well as approval from CASA. In the case of a foreign aircraft, approval is also required from the State of the operator.

Note: The following paragraphs refer to listings that are "Forbidden unless Exempt" and "Forbidden under any Circumstance"; how to determine these entries in the ICAO TIs and the commonly used industry reference document and the reference document that the Regulator uses as a guide to assess applications to carry items which are "Forbidden unless Exempt".

6.6.4 Unless otherwise provided for, permission may be granted to permit the carriage or consignment of DG, which are identified in Columns 9, 10, 11 and 12 of the ICAO TIs 'List of DG' and listed as being FORBIDDEN. The corresponding items will be found in the IATA DGR in columns I, J, K and L **and** with the proper shipping name in bold and an assigned UN Number.

6.6.5 Articles or substances not listed but having properties corresponding to those in the list of DG may be granted approval if the conditions in paragraph 6.4 above can be satisfied.

6.6.6 To determine conditions for carriage of items in the List of DG identified as FORBIDDEN the document titled 'Supplement - ICAO TIs' is used as a reference, in many cases it will not be possible to meet the requirements for an application without the use of the technical information contained in the 'Supplement'.

6.7 Forbidden under any Circumstance: There are some products that due to their properties will not be permitted for air transport under any circumstances. These items will be listed in the ICAO TIs as ‘Forbidden’ in columns 2 and 3. In the IATA DGRs, these items will **not** have a bolded proper shipping name or UN number.

7. RESPONSIBILITY FOR OBTAINING PERMISSION

7.1 Responsibility for obtaining a Permission may rest with the shipper or the operator or both, depending on the nature of the DG.

7.2 In all cases involving the carriage of explosives and other articles or substances for which special handling, segregation or aircraft operating procedures are prescribed as a condition of a Permission, both the shipper and operator are responsible for obtaining Permissions. In those cases the Permission will contain a condition that carriage is conditional upon the shipper and the operator both being granted a Permission.

7.3 Responsibility for obtaining approvals/exemptions from other States rests with the Shipper/Operator/Consignor. A Permission issued by CASA does not confer any rights on the operator, shipper or consignor over those of any other State; it will merely permit the carriage of exempted/approved DG in Australian Territory and on Australian Aircraft.

7.4 Where time is short, initial contact should be made with the States of Origin, Destination and the Operator to determine whether there are insurmountable issues.

8. APPLICATION FOR A PERMISSION

8.1 Who may apply?

8.1.1 Any person may apply for a Permission.

8.2 How to apply

8.2.1 All requests for Permissions must be in writing and may be submitted by mail, facsimile or e-mail.

8.2.2 The application should include:

- The applicant’s name, address and contact details. Include ARN, ABN, ACN or other details of the legal entity.
- The nature of the extreme urgency or why other forms of transport are inappropriate or why full compliance with the prescribed requirements is contrary to the public interest.
- Full details of the DG including Proper Shipping Name, UN number, Class, Division, Subsidiary risk, Material Safety Data Sheet (if available), full supporting technical information where appropriate.
- Packing method proposed.
- Quantity per package and total quantity of shipment. [For explosives - Total Gross Quantity and Net Explosive Quantity].
- Any special handling requirements.
- Any special emergency response information.

- Details of the aircraft - include type, model and registration.
- The kind of operation [RPT (scheduled) – Passenger/Cargo, Charter (unscheduled) – Passenger/Cargo, etc].
- Details of the procedure designed to ensure the safety of air navigation by demonstrating an equivalent level of safety.
- The date on which the Permission is required to commence.
- The required duration of the Permission.
- Departure aerodrome, destination aerodrome and routing, including all aerodromes to be used en-route.

8.2.3 A sample application form can be found at Appendix A.

8.3 When to apply

8.3.1 Unless otherwise agreed by CASA, an application should be received at least 10 business days prior to when the Permission is required.

8.4 Where to apply

8.4.1 Before applying for a Permission, the Shipper/Consignor should seek an appropriate aviation operator who has the ability and preparedness to carry the DG. A list of General Aviation operators that are prepared to carry DG is maintained at casa.gov.au/dg/operators/. Operators of larger aircraft are also able to carry larger quantities of DG; however, where the applicant is unable to package the DG to an equivalent level of safety to that of passenger-aircraft packed DG, then consideration will only be given to the aircraft operating in a ‘cargo-only’ capacity for the flight.

8.4.2 The application by the Shipper/Consignor for permission to consign the DG should be made in conjunction with the aircraft operators’ application to carry the DG.

8.4.3 The application must be made to the CASA office responsible for the Air Operator Certificate of the aircraft operator.

8.4.4 The application can be submitted by mail, facsimile or e-mail. A list of CASA offices and contact details may be found on the CASA Website at: casa.gov.au. To expedite assessment of the application, a copy of the application may be submitted to dg@casa.gov.au.

9. CASA CONSIDERATION OF APPLICATION

9.1 In considering an application, CASA regards safety of air navigation as the paramount consideration (s.9A of the *Civil Aviation Act*). CASA also considers the safety of other persons and looks to the operator to ensure that risks to ground handlers and emergency responders have been and will be considered. Additional notification measures, above additional remarks on a routine flight plan, may include advance notification to the departure and destination airports RFFS and AMSA’s 406 Beacon Additional Trip Details <http://beacons.amsa.gov.au/>. CASA may ask the applicant to:

- Provide further information;
- Provide a copy of specific documents;

- Undertake a test or tests of competence to demonstrate an equivalent level of safety for the air transport of the goods;
- Come to a CASA office to be interviewed;
- Consider and/or implement measures to reduce risks to third persons; or
- Carry out a demonstration.

9.2 Special Provisions A1, A2 and A109 of the ICAO TIs will also be considered and applied as appropriate.

Note: Where there is a difference in wording between the ICAO TIs and the IATA DGRs, then CASA will consider and apply the wording as it appears in the ICAO TIs.

9.3 Considerable research and investigation is often required before CASA can make a determination (refer subparagraph 8.3.1).

9.4 In processing each application, CASA will consider all the information provided as well as anything in its records concerning the applicant. If there is anything adverse to the applicant in its records, CASA will inform the applicant in writing that it intends to take this information into account and will invite the applicant to make a written submission about the matter. If the applicant responds with a written submission within a prescribed period, then CASA will take this into consideration.

9.5 If the applicant previously held a Permission that was revoked, CASA will take the reasons for the revocation into account as well as the evidence that the applicant submits about his/her capacity to carry out the functions necessary to gain approval.

9.6 In considering applications, public safety will be taken into account as well as the practical availability of alternative methods of transportation unless a level of safety equivalent to that provided by the ICAO TIs can be clearly achieved through packaging and handling procedures.

9.7 Packing methods and quantity limitations to be used should, where possible, be as shown in the supplementary DG list (Table S-3-1) and may be limited by Special Provisions A1, A2 or A109 of the ICAO TIs. However, the exclusion of articles or substances from that list or the absence of complete information does not preclude the issue of an approval. In cases where insufficient information is provided in the Supplement, all available data to decide whether an approval is appropriate should be used to determine the conditions that should be prescribed.

9.8 In this regard, the advice of recognised experts in the class of DG being considered should be sought to ensure that all factors are included in the investigation and consideration process. For example, where explosives are involved, advice should be sought from the respective Australian State Department of Mines or equivalent competent authorities on packing methods, quantity limitations and handling precautions.

9.9 When a level of safety equivalent to that provided by the ICAO TIs is not achievable through packaging and handling procedures and the granting of an approval is justified under the conditions specified at paragraph 6.4, aircraft operating procedures that may be necessary to ensure public safety shall be prescribed. These may include an embargo on the use of certain aerodromes and runways, limitations on take-off and landing direction, definition of route to be flown, etc.

9.10 A Permission will not be issued to an Operator who does not have a DG Manual as part of its Operations Manual suite under CAR 215. Similarly, those operators whose Operations Manual states that their company does not carry DG will not be issued a Permission.

10. CARRIAGE OF PASSENGERS

10.1 Passengers and crew members other than operating crew must not be carried on an aircraft carrying DG under the conditions of an exemption Permission unless those conditions provide for a level of safety equivalent to that provided by the ICAO TIs.

10.2 A person required to accompany a consignment of DG to ensure the safety of those goods in flight or to provide advice to the pilot-in-command in the event of an emergency shall be deemed to be an operating crew member.

11. EXPLOSIVES

11.1 In all cases involving the carriage of explosives when the Permission does not achieve a level of safety equivalent to that provided by the ICAO TIs, requirements for loading, handling, stowage, segregation and other procedures appropriate to the type of explosives carried shall be specified in order to reduce, as far as is possible, the likelihood and effects of an accidental detonation. These requirements may include the carriage of a person, additional to the minimum operating crew otherwise required for the flight, who has sufficient knowledge of the characteristics of the explosives being carried to enable that person to advise the pilot in command on suitable action to be taken in any circumstances affecting the safety of the explosives. When circumstances are such that the carriage of an additional person is not practical, the pilot in command shall obtain, before flight, necessary details of the explosives to facilitate appropriate action that may be necessary.

11.2 The operator shall be advised that he is responsible for the safety of the explosives whether or not the owner of the explosives or an employee or agent of the owner is onboard the aircraft.

11.3 When the conditions of an approval do not achieve a level of safety provided by the ICAO TIs, the operator of an aircraft carrying explosives shall notify the persons in charge of the departure aerodrome, the destination aerodrome and any transit and alternate aerodromes of details of the explosives and the proposed flight before the explosives are delivered to the departure aerodrome. The flight shall be operated under a SARTIME flight notification to ATS. These requirements will be specified as a condition of the Permission approval.

11.4 Operators should be reminded that the issue of an approval for Permission for the carriage of explosives does not absolve them from compliance with any law of the Commonwealth or of a State or Territory relating to the custody, storage, handling or carriage of explosives, or with any requirements or limitations imposed by the person in charge of any aerodrome associated with the operation.

11.5 Compliance with CAAP 89I-1(2) – Safety Distances for Explosive Laden Aircraft – may be a condition of a Permission or may be applied to create a condition on a Permission.

11.6 All aerodrome operators at ports of Origin, Destination, Transit and those being held as Alternates will need to be contacted to ensure that they can accept and facilitate loading, unloading, refuelling and technical support of the aircraft. When planning which aerodromes to use, consideration should be given to those that are not a high-passenger volume or Capital City Primary airport.

12. NOTIFICATION

12.1 CASA will notify the applicant in writing of its decision whether or not to issue a Permission.

13. CONDITIONS OF THE PERMISSION

13.1 All conditions imposed by CASA will be in writing set out in the Permission. A Permission will start at the time stated in the Permission or from the day that the Permission is issued. The Permission will also contain an expiry date or circumstances in which the Permission will expire. This may be after a number of hours of operation or a calendar time or after some specific event.

13.2 The maximum duration of a Permission is limited to 2 years. If an expiry date is specified, the Permission ceases at the end of the specified day.

13.3 CASA may impose special conditions on the Permission necessary to ensure that the safety of air navigation is maintained. Such conditions may involve an alternative means of compliance so that air safety is not compromised. The applicant and other persons exercising the benefits of the Permission must comply with these special conditions. Failure to comply with the conditions would constitute a breach of s.23 of the *Civil Aviation Act 1988* and the possible invocation of the penalty or criminal enforcement regime.

13.4 It is a condition for all Permissions issued, that a copy be carried by the applicant/owner/operator in the appropriate logs, manual, or other documentation. This should occur for the approved period of the Permission.

13.5 Whilst a Permission may specify that certain goods may be carried, all other requirements of the ICAO TIs will still apply.

14. REVOCATION OF A PERMISSION

14.1 CASA may at any time revoke a Permission in the interests of the safety of air navigation. This may occur as a result of the applicant not complying with the conditions of the Permission, or special circumstances arising and CASA becoming aware that continuation of the Permission may threaten air safety. If CASA decides to revoke a Permission, it must be in writing and must state the reasons for the revocation.

15. RENEWAL OF A PERMISSION

15.1 A person may apply for the renewal of a Permission that is currently or has previously been held. A renewal may be given on the information provided in the original application but where the quantities, types, or packaging of DG changes, or the aircraft type or aircraft operator is changed, then a new application and associated technical data is required. The applicant should be aware that a renewal application does not automatically entitle them to the granting of a further Permission in the same or similar terms. Each application will be assessed on its merits at the time of the application.

APPENDIX A

APPLICATION FORM –

**APPLICATION FOR PERMISSION TO CARRY, AND/OR CONSIGN FOR CARRIAGE,
DANGEROUS GOODS ON AN AIRCRAFT**



Application for Permission to Carry, and/or Consign for Carriage, Dangerous Goods on an Aircraft

Please read Advisory Circular [AC 92-04\(0\)](#) before completing this form.

PART A – THE DANGEROUS GOODS

Proper Shipping Name include technical name for n.o.s entries	UN Number	Hazard Class / Division (subsidiary classes in brackets)	Packing Group	NEQ (Class 1) or TI (Class 7)	Packing Instruction Used (if applicable)	Quantity per Package and Number of Packages

How does the proposed shipment not comply with the ICAO Technical Instructions (or IATA Dangerous Goods Regulations), or for which Special Provision, is approval/exemption being sought? Give full details.

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Is UN approved packaging material being used – is it applicable to these dangerous goods? What additional or remedial packing/modification is proposed to achieve an equivalent level of safety?

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Why are other modes of transport impractical? Why is it essential that the article/substance be carried by air? How is carriage in the public interest?

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Are there any special handling requirements or special emergency response information? Attach a copy if necessary.

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