

CIVIL AVIATION ACT 1988

Part III

Division 3C—Protection from administrative action for voluntary reporting

Subdivision A—Preliminary

30DL Definitions

In this Division:

accident means an occurrence that is associated with the operation or maintenance of an aircraft and that results in:

- (a) the death of, or serious injury to, a person; or
- (b) the destruction of, or serious damage to, an aircraft or other property (whether or not property on the aircraft).

prescribed person means the person prescribed under section 30DM.

reportable contravention means a contravention of the regulations, other than the following:

- (a) a contravention that is deliberate;
- (b) a contravention that is fraudulent;
- (c) a contravention that causes or contributes to an accident or to a serious incident (whether before or after the contravention is reported);
- (d) a contravention of a regulation that is prescribed for the purposes of this paragraph.

serious incident means an occurrence that is associated with the operation or maintenance of an aircraft where either or both of the following applies:

- (a) the occurrence gives rise to a danger of death or serious harm to a person;
- (b) the occurrence gives rise to a danger of serious damage to an aircraft or other property (whether or not property on the aircraft).

30DM Prescribed person

- (1) The regulations may prescribe a person for the purposes of this Division.
- (2) Without limitation, the person prescribed under subsection (1) may be:
 - (a) a statutory corporation; or
 - (b) any person from time to time holding, occupying or performing the duties of, a specified position or office (including a statutory office).
- (3) The prescribed person has the powers and functions conferred on the person by the regulations.

30DN Voluntary reporting scheme

- (1) The regulations may establish a scheme for the voluntary reporting of reportable contraventions to the prescribed person.

- (2) The regulations may prescribe:
 - (a) the purposes of the scheme; and
 - (b) the manner in which reports are to be made; and
 - (c) the use by the prescribed person of information contained in reports; and
 - (d) any other matters necessary or incidental to the establishment or operation of a scheme in accordance with subsection (1).
- (3) The regulations must not permit the prescribed person to disclose information about a reportable contravention that is personal information within the meaning of the *Privacy Act 1988* (except where the person who reported the contravention consents to the disclosure).

Subdivision B—Protection from administrative action

30DO Protection for reporting a reportable contravention

- (1) In exercising a power under this Act or the regulations to vary, suspend or cancel a civil aviation authorisation, CASA must disregard a reportable contravention if the holder of the authorisation proves to CASA, in accordance with section 30DP, that the holder reported the contravention to the prescribed person:
 - (a) within 10 days after the contravention; and
 - (b) before the holder was given the show cause notice for the proposed decision.
- (2) If:
 - (a) the holder of a civil aviation authorisation is given an infringement notice under the regulations; and
 - (b) the holder proves to CASA, in accordance with section 30DP, that the holder reported the contravention to the prescribed person:
 - (i) within 10 days after the contravention; and
 - (ii) before the holder was given the infringement notice;then:
 - (c) the holder is not required to pay the penalty specified in the infringement notice; and
 - (d) the notice is taken to be withdrawn.

30DP Proof of report

It is proof in accordance with this section if:

- (a) before CASA varies, suspends or cancels the authorisation; or
- (b) before the due date for payment of the penalty specified in the infringement notice;

the holder produces a receipt from the prescribed person that identifies:

- (c) the holder; and
- (d) the date the report was made to the person; and
- (e) the date and nature of the contravention.

30DQ Only protected once every 5 years

Section 30DO does not apply to a reportable contravention by the holder of a civil aviation authorisation if, in the 5 years ending on the date of the contravention:

- (a) CASA was required by that section to disregard another reportable contravention by the same holder; or
- (b) an infringement notice given to the same holder for another reportable contravention was taken under that section to be withdrawn.

30DR Use of information

- (1) None of the following is admissible in evidence in any criminal proceedings against the holder of a civil aviation authorisation:
 - (a) a report of a reportable contravention made by the holder to the prescribed person;
 - (b) a receipt given to CASA in accordance with section 30DP by the holder;
 - (c) any other evidence of the fact that a report of a reportable contravention was made by the holder to the prescribed person.
- (2) Subsection (1) only applies if the contravention is still a reportable contravention at the time when the criminal proceedings commence.