



Ministry of **Transport**
TE MANATŪ WAKA

Maritime Transport Act 1994

Maritime Rules

PART 24A: CARRIAGE OF CARGOES – DANGEROUS GOODS

Pursuant to section(s) 36(1)(b), (j), (m), (u), (v), and (za)(v) of the Maritime Transport Act 1994, and having had regard to the criteria specified in section 39(2) of that Act, I, Gerry Brownlee, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This 8th day of April, 2014

By Hon GERRY BROWNLEE

Minister of Transport

Contents

Part objective	iii
Extent of consultation	iii
Entry into force	iii
General	
24A.1 Application	1
24A.2 Definitions	1
24A.3 Interpretation	6
Subpart A – Carriage of dangerous goods on a ship	
24A.21 General requirement	6
International voyages	
24A.22 Carriage of dangerous goods on a ship engaged on international voyages	6
Domestic voyages	
24A.23 Carriage of dangerous goods on a ship on domestic voyages	7
Subpart B – Safety management system and dangerous goods permit	
24A.41 Applicability of Subpart B	8
24A.42 Safety management system	8
24A.43 Dangerous goods permit	9
24A.44 Dangerous goods plan	9
Subpart C – General standards for carriage of dangerous goods in packaged form	
24A.61 Applicability of Subpart C	10
24A.62 General requirements and standards	10
Subpart D – Documentation and notifications	
24A.81 Applicability of subpart D	11
24A.82 Documentation – shippers, packers and carriers	11
24A.83 IMDG Documentation – operator and master	12
24A.84 Document retention	13
24A.85 Notification of intention to ship dangerous goods	13
24A.86 Notification of intention to arrive at a port	13
Subpart E– Hazard management and emergency response	
24A.101 Applicability of Subpart E	14
24A.102 Hazard management and emergency response procedures	14
24A.103 Design, construction, and equipment	14
Subpart F – Reporting occurrences involving dangerous goods	
24A.121 Applicability of Subpart F	14
24A.122 Occurrence involving dangerous goods in New Zealand port	15
24A.123 Occurrence involving dangerous goods at sea	15
24A.124 Occurrence involving marine pollutant	15
Subpart G – Training and competency	
24A.141 Applicability of Subpart G	15
24A.142 Training and competency in dangerous goods	15
24A.143 Competency – shore-based personnel	16
24A.144 Competency – seafarers	16
24A.145 Record keeping	16
24A.146 Inspection	16
Subpart H – Alternatives to certain IMDG Code standards for domestic voyages	
24A.161 Applicability of Subpart H	17
24A.162 Passengers carrying dangerous goods – any domestic voyage	17
24A.163 Dangerous goods freight vehicle placarding – any domestic voyage	17

Maritime Rules

24A.164	Dangerous goods freight – voyage within restricted limits (other than across Cook Strait)	17
---------	---	----

Subpart I – Alternative standards for passengers carrying dangerous goods that are not freight

24A.181	Applicability of Subpart I	17
24A.182	Operation procedures	17
24A.183	Passengers carrying dangerous goods	18
24A.184	Drivers carrying dangerous goods in drive on vehicle	18
24A.185	Packaging requirements and standards for drivers and passengers carrying dangerous goods	20

Subpart J – Alternative standards for placards on dangerous goods freight vehicles

24A.201	Applicability of Subpart J	20
24A.202	Operational procedures	20
24A.203	Placarding of dangerous goods freight vehicles	20
24A.204	Master ensures compliance	21

Subpart K – Alternative standards for carriage of dangerous goods freight on a ship on a domestic voyage within restricted limits other than across Cook Strait

24A.221	Applicability of Subpart K	21
24A.222	Operation procedures	21
24A.223	General requirements and standards	21
24A.224	Stowage and quantity limits for explosives on ships carrying passengers	22

Subpart L – Miscellaneous

24A.241	Transitional and savings provisions	23
24A.242	Consequential amendments	23
24A.243	Revocation	25

Schedule 1

Principles for safe carriage of dangerous goods on ships	26
--	----

Schedule 2

Dangerous goods permitted for passengers under subpart I	27
--	----

Schedule 3

Dangerous goods permitted for driver of drive on vehicle	29
--	----

Summary of Submissions	33
-------------------------------	-----------

Part objective

This purpose of Part 24A is to:

- Implement New Zealand's obligations under Chapter VII of the International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended, and
- Prescribe rules governing the carriage of dangerous goods by sea by certain commercial ships.

The authority for Part 24A is found in section 36(1)(b), (j), (m), (u), (v), and (za)(v) of the Maritime Transport Act 1994.

Maritime rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Extent of consultation

Maritime New Zealand engaged with and consulted the maritime sector in a number of stages during the development of these rules:

- participation in the Dangerous Goods Working Group, an ad hoc industry group convened by Maritime New Zealand over a number of years up to 2008, which reviewed the current Part 24A and provided the basis for the proposed changes;
- an initial round of public consultation on draft amendments to the rules between 10 February 2011 and 1 April 2011 in accordance with the requirements of section 446 of the Maritime Transport Act;
- a follow-up targeted consultation with a revised set of proposals in December 2012;
- further engagement with specific operators in the domestic commercial sector in 2013 to address outstanding concerns.

Nine submissions were received on the draft rules in 2011. A further nine submissions were received on the December 2012 proposals. There was broad support for simplified rules as reflected in 2011 draft. The matters raised during the two rounds of submissions and subsequent stakeholder engagement have been addressed in developing the final rules for the Minister's signature.

Entry into force

- (1) Rule 24A.43(1) enters into force on 1 December 2014.
- (2) Rule 24A.242(3)(e) and (f) enters into force on 1 December 2014.
- (3) The rest of this Part enters into force on 1 July 2014.

General

24A.1 Application

- (1) This Part prescribes rules governing the carriage of dangerous goods, except as provided in subrule (2), on—
 - (a) a New Zealand ship; or
 - (b) a foreign ship in New Zealand waters.
- (2) This Part does not apply to ships that are—
 - (a) pleasure craft; or
 - (b) fishing ships; or
 - (c) warships.
- (3) This Part applies, in relation to the carriage of dangerous goods on a ship referred to in subrule (1), to—
 - (a) the operator of the ship:
 - (b) the owner of the ship:
 - (c) the master of the ship:
 - (d) each shipper of the dangerous goods:
 - (e) each person engaged in—
 - (i) packing dangerous goods or consolidating cargo containing dangerous goods intended to be carried on the ship:
 - (ii) loading dangerous goods onto the ship:
 - (iii) stowing dangerous goods on the ship:
 - (iv) unloading dangerous goods from the ship:
 - (f) each manufacturer and each supplier of packaging provided for the purpose of containing the dangerous goods:
 - (g) each person who carries or intends to carry dangerous goods, or causes dangerous goods to be brought, onto the ship.

24A.2 Definitions

In this Part, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994:

agricultural use, in relation to the purpose for which dangerous goods are carried by a passenger, means that the goods will be used in the rearing of animals, or growing of food products or other products of the soil:

BCH Code means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the International Maritime Organization:

CTU (cargo transport unit) means a road transport tank or freight vehicle, a railway transport tank or freight wagon, a freight container or portable tank, or a multiple-element gas container:

carrier means any person who undertakes to carry goods by any means regardless of whether those goods are carried as freight or not:

Code for Existing Ships Carrying Liquefied Gases in Bulk means the Code for Existing Ships Carrying Liquefied Gases in Bulk adopted by the International Maritime Organization:

commercial purpose, in relation to the purpose for which dangerous goods are carried by a passenger, means the dangerous goods are used as part of a commercial operation but not as tools-of-trade or for agricultural use:

competent authority, in relation to the use of that term in the documents incorporated by reference in this Part, means relevant regulatory authority:

consignment means any package or load of goods that is, or is intended to be, transported by a carrier:

consignor means shipper:

consolidate means to pack cargo for one or more shippers into a freight container or vehicle or CTU:

consumer commodities means products that are packaged as dangerous goods in limited quantities and are in a form intended, or suitable, for retail sale for purposes of personal care or recreational or domestic use:

crew has the same meaning as in section 2 of the Act:

dangerous goods—

- (a) means—
 - (i) substances, materials, or articles, in packaged form or in bulk, that are listed in Part 3 of the IMDG Code; or
 - (ii) substances, materials, or articles, in packaged form or in bulk, that are assigned in Part 2 of the IMDG Code to one of the classes 1-9 according to the hazard they present; or
 - (iii) empty receptacles that have been used to contain dangerous goods referred to in subrule (a)(i) or (a)(ii) unless the receptacles contain no residue and are clean, dry, and gas free; but
- (b) does not include substances, materials, articles, or receptacles referred in subrule (a) that form part of the equipment or stores of a ship:

dangerous goods cargo function means the performance of any of the following activities:

- (a) carrying or causing to be carried, or accepting or offering for carriage, dangerous goods on a ship:
- (b) handling, loading, unloading, or stowing dangerous goods on a ship:
- (c) classifying, documenting, certifying, describing, packing, placarding, marking, labelling, or consolidating dangerous goods for carriage on a ship:
- (d) manufacturing or supplying packaging for the purpose of containing dangerous goods for carriage on a ship:

dangerous goods freight means freight that includes dangerous goods:

dangerous goods freight vehicle means a freight vehicle that is transporting dangerous goods freight:

dangerous goods in packaged form means those dangerous goods to which the IMDG Code applies that are not carried in bulk:

dangerous goods transport document means the document described as a dangerous goods transport document in Chapter 5.4 of the IMDG Code:

Director has the same meaning as in section 2 of the Act:

display, in relation to placards, marks, and other information on a dangerous goods freight vehicle, includes the content, form, shape, size, colour, and placement, of that placard, mark, or other information:

domestic purpose, in relation to the purpose for which dangerous goods are carried by a passenger, means that the goods are used in a dwelling house or other premises used

predominantly for residential purposes or the garden or grounds of such premises, excluding their use in relation to any business or occupation of the user:

domestic voyage means a voyage by ship that is not an international voyage:

drive-on vehicle means a motor vehicle that is not carrying freight and is driven onto and transported on a ship:

excepted purpose, in relation to the purpose for which dangerous goods are carried by a passenger, means—

- (a) for a domestic purpose or recreational purpose; or
- (b) as tools-of-trade; or
- (c) for agricultural use; or
- (d) for a commercial purpose:

fishing ship:

- (a) for a foreign ship, has the same meaning as in section 2 of the Act:
- (b) for any other ship, means a ship that is required to be registered under New Zealand fisheries legislation:

Flag State Administration means the Government of the State under whose authority a ship is operating, or the Government of the State whose flag the ship is entitled to fly:

foreign ship has the same meaning as in section 2 of the Act:

freight means any cargo that is being transported where the transportation of that cargo is being performed for hire or reward or a payment or benefit:

freight container—

- (a) means an article of transport equipment that is—
 - (i) of permanent character and suitable for repeated use; and
 - (ii) designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading; and
 - (iii) designed to be secured or readily handled or both, having fittings for these purposes; and
 - (iv) except as provided in subrule (b)(ii), approved in accordance with the International Convention for Safe Containers, 1972; and
- (b) includes—
 - (i) a container that is carried on a chassis; or
 - (ii) a container approved under Part 24E; and
- (c) excludes—
 - (i) a vehicle; or
 - (ii) packaging:

freight vehicle means any of the following vehicles used to transport freight:

- (a) a vehicle, as defined in section 2 of the Land Transport Act 1998:
- (b) any road freight or tank vehicle or railway freight or tank wagon permanently attached to an under frame and wheels, or chassis and wheels, that is loaded and unloaded as a unit:
- (c) a trailer or semi-trailer:

Gas Carrier Code means the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the International Maritime Organization:

harbour has the same meaning as in section 2 of the Act:

harbourmaster has the same meaning as in section 2 of the Act:

high-level radioactive wastes means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stage, in a facility for reprocessing irradiated fuel, or solids into which such liquid wastes have been converted:

in bulk means substances, materials, or articles that are loaded directly into the cargo or other spaces of a ship without any intermediate form of containment:

in solid form means substances, materials, or articles, other than liquid or gas, consisting of a combination of particles, granules, or any larger pieces of substance, material, or article, that is generally uniform in composition:

INF cargo means packaged irradiated nuclear fuel, plutonium, or high-level radioactive wastes classified as Class 7 Radioactive Material under the IMDG Code and carried as cargo:

INF Code means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium, and High-Level Radioactive Wastes on Board Ships adopted by the International Maritime Organization:

IBC Code means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, adopted by the International Maritime Organization:

IGC Code means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the International Maritime Organization:

IMDG Code means the International Maritime Dangerous Goods Code adopted by the International Maritime Organization:

IMSBC Code means the International Maritime Solid Bulk Cargoes Code adopted by the International Maritime Organization:

international voyage means a voyage from a country to which SOLAS applies to a port outside such country, or conversely:

labelling means the identification by label or stencil to identify the primary or subsidiary risks of the dangerous goods:

Land Transport Rule means Land Transport Rule: Dangerous Goods 2005:

Length means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, whichever is the greater. In ships designed with a rake of keel the waterline on which this length is measured is to be parallel to the designed waterline:

limited quantities means the quantities specified in column 7a of the "Dangerous Goods List, special provisions and exceptions" in chapter 3.2 of the IMDG Code and as further specified in chapter 3.4 of the IMDG Code:

marine pollutant means a substance that is identified as a marine pollutant in the IMDG Code:

marking means the marking on an item with the proper shipping name of the contents, and the corresponding UN Number preceded by the letters "UN":

MARPOL has the same meaning as in section 225 of the Act:

master has the same meaning as in section 2 of the Act:

motor vehicle has the same meaning as in section 2 of the Land Transport Act 1998:

New Zealand ship has the same meaning as in section 2 of the Act:

New Zealand waters has the same meaning as in section 2 of the Act:

operator has the same meaning as in section 2 of the Act:

overpack means an enclosure, other than a CTU, used by a single shipper to contain one or more packages that comprises one unit for the convenience of handling and stowage during transport; and includes—

- (a) a number of packages placed or stacked on to a load board, such as a pallet, and secured by strapping, shrink-wrapping, stretch-wrapping, or other suitable means; or
- (b) a number of packages placed in a protective outer packaging such as a box or crate:

owner has the same meaning as in section 2 of the Act:

package means the complete product of the packing operation, consisting of packaging and its contents prepared for transport:

packaging means one or more receptacles and any other component or material necessary for the receptacle to perform its containment and other safety functions:

packer means a person who is responsible for preparing a package of, or consolidating, cargo that contains dangerous goods:

passenger has the same meaning as in section 2 of the Act:

performs, in relation to a person who performs a dangerous goods cargo function, includes a person who is responsible for that function regardless of whether that person does any act:

placarding means a label affixed to the exterior surfaces of a CTU, a unit load, or an overpack to provide warning that the contents of the unit are dangerous goods:

pleasure craft has the same meaning as in section 2 of the Act:

port has the same meaning as in section 2 of the Act:

proper shipping name, in respect of any dangerous good, means the name specified in column 2 of the Dangerous Goods List in Part 3 of the IMDG code:

recreational purpose, in relation to an excepted purpose, means that the goods are to be used for recreation or entertainment and the use is not related to any business or occupation of the user:

relevant regulatory authority has the meaning prescribed in rule 24A.3(1):

restricted limits has the same meaning as in Part 20 of the maritime rules:

safety management system, in relation to an operation of—

- (a) a New Zealand ship, means the management system of the operator evidenced by a maritime document issued under Part 5 of the Act that authorises the operation and is approved by the Director; and includes—
 - (i) a safety management system or safe ship management system defined in Part 21; and
 - (ii) a maritime transport operator safety system defined in Part 19; and
 - (iii) a specified limits operating plan under Part 20; and
 - (iv) a safe operational plan under Part 40A, Part 40D, Part 40F, Part 81, or Part 82; and
 - (v) a safety case under Part 40G; and
- (b) a foreign ship, means the management system of the operator required by Chapter 9 of SOLAS as approved by the Flag State Administration and acceptable to the Director for the purpose of this Part:

shipper means any person that presents, or in whose name or on whose behalf is presented, a consignment for transport by a carrier:

SOLAS means the International Convention for the Safety of Life at Sea 1974:

tools-of-trade, in relation to the purpose for which dangerous goods are carried by a passenger, means that the goods are used in carrying out a trade or profession:

UN number, in respect of any dangerous good, means the number specified in column 1 of the Dangerous Goods List of Part 3 of the IMDG Code:

Unit load means two or more packages that are—

- (a) placed or stacked on and secured by strapping, shrink-wrapping, or other suitable means to a load board, such as a pallet; or
- (b) placed in a protective outer enclosure, such as a pallet box; or
- (c) permanently secured together in a sling:

vehicle has the same meaning as in section 2 of the Land Transport Act 1998:

voyage has the same meaning as in section 2 of the Act:

warship has the same meaning as in section 2 of the Act.

24A.3 Interpretation

- (1) Relevant regulatory authority includes the term ‘competent authority’ or similar terms used in documents incorporated by reference in this Part and means, in relation to the carriage by sea of dangerous goods to, from, or within New Zealand and in relation to the context of its particular use within the incorporated document—
 - (a) the New Zealand authority having statutory control over, or obligation to control or regulate, a particular—
 - (i) class of dangerous goods; or
 - (ii) product or process related to dangerous goods transportation; or
 - (iii) aspect of the performance of a dangerous goods cargo function; or
 - (b) the Director, where there is no determinable authority under subrule (a).
- (2) A reference in this Part to a class of dangerous goods is a reference to a class as defined in Part 2 of the IMDG Code.

Subpart A – Carriage of dangerous goods on a ship

24A.21 General requirement

No person may perform a dangerous goods cargo function except in accordance with this Part.

International voyages

24A.22 Carriage of dangerous goods on a ship engaged on international voyages

No person may perform a dangerous goods cargo function in connection with the carriage of dangerous goods on international voyages unless the function is performed, as applicable, in accordance with—

- (a) Subpart B, *Safety management system and dangerous goods permit*; and
- (b) Subpart C, *General standards for carriage of dangerous goods in packaged form*; and
- (c) Subpart D, *Documentation and notifications*; and
- (d) Subpart E, *Hazard management and emergency response*; and
- (e) Subpart F, *Reporting occurrences involving dangerous goods*; and
- (f) Subpart G, *Training and competency*; and

Maritime Rules

- (g) the requirements and standards in the following codes:
 - (i) the IMDG Code:
 - (ii) the IMSBC Code:
 - (iii) the IBC Code or the BCH Code:
 - (iv) the IGC Code or the Gas Carrier Code or the Code for Existing Ships Carrying Liquefied Gases in Bulk:
 - (v) the INF Code.

Domestic voyages

24A.23 Carriage of dangerous goods on a ship on domestic voyages

- (1) The requirements and standards in the following codes apply to the carriage of dangerous goods on domestic voyages:
 - (a) the IMDG Code:
 - (b) the IMSBC Code:
 - (c) the IBC Code or the BCH Code:
 - (d) the IGC Code or the Gas Carrier Code or the Code for Existing Ships Carrying Liquefied Gases in Bulk:
 - (e) the INF Code.

Dangerous goods in packaged form

- (2) No person may perform a dangerous goods cargo function in connection with the carriage of dangerous goods in packaged form on domestic voyages unless the function is performed, as applicable, in accordance with—
 - (a) Subpart B, *Safety management system and dangerous goods permit*; and
 - (b) Subpart C, *General standards for carriage of dangerous goods in packaged form*; and
 - (c) Subpart D, *Documentation and notifications*; and
 - (d) Subpart E, *Hazard management and emergency response*; and
 - (e) Subpart F, *Reporting occurrences involving dangerous goods*; and
 - (f) Subpart G, *Training and competency*; and
 - (g) except as otherwise provided in Subpart H, the requirements and standards in the IMDG Code.

Dangerous goods in bulk that are liquid chemicals, liquefied gases, or in solid form

- (3) No person may perform a dangerous goods cargo function in connection with the carriage of dangerous goods in bulk that are liquid chemicals, liquefied gases, or in solid form, on domestic voyages unless the function is performed, as applicable, in accordance with—
 - (a) Subpart B, *Safety management system and dangerous goods permit*; and
 - (b) Subpart D, *Documentation and notifications*; and
 - (c) Subpart E, *Hazard management and emergency response*; and
 - (d) Subpart F, *Reporting occurrences involving dangerous goods*; and
 - (e) Subpart G, *Training and competency*; and
 - (f) the requirements and standards in the following codes:

- (i) the IMSBC Code;
- (ii) the IBC Code or the BCH Code;
- (iii) the IGC Code or the Gas Carrier Code or the Code for Existing Ships Carrying Liquefied Gases in Bulk.

Dangerous goods that are INF cargo

- (4) No person may perform a dangerous goods cargo function in connection with the carriage of dangerous goods that are INF cargo on domestic voyages unless the function is performed, as applicable, in accordance with—
 - (a) Subpart B, *Safety management system and dangerous goods permit*; and
 - (b) Subpart D, *Documentation and notifications*; and
 - (c) Subpart E, *Hazard management and emergency response*; and
 - (d) Subpart F, *Reporting occurrences involving dangerous goods*; and
 - (e) Subpart G, *Training and competency*; and
 - (f) the requirements and standards in the INF Code.

Subpart B – Safety management system and dangerous goods permit

24A.41 Applicability of Subpart B

This subpart applies, in relation to the carriage of dangerous goods on a ship, to—

- (a) each operator of a ship that is required to operate under a safety management system; or
- (b) each owner of a ship that is not operated under a safety management system but that performs activities under this Part under a dangerous goods permit.

24A.42 Safety management system

- (1) The operator of a ship that operates or is required to operate under a safety management system must not carry dangerous goods unless its safety management system addresses the risks associated with the carriage of those dangerous goods to the satisfaction of the Director.
- (2) In carrying out the requirements in subrule (1) the operator must—
 - (a) identify and assess the risks associated with the carriage of those dangerous goods; and
 - (b) develop the safety management system to ensure compliance with the applicable requirements and standards in this Part and applicable maritime rules and marine protection rules; and
 - (c) give consideration to—
 - (i) any guidance provided by the Director; and
 - (ii) the principles in Schedule 1; and
 - (iii) the size, type, and configuration of the ship concerned and the area of operation; and
 - (iv) whether passengers are to be carried and, if so, how many; and
 - (v) the class and quantities of dangerous goods to be carried; and
 - (vi) whether dangerous goods may be carried in vehicles on the ship; and

Maritime Rules

- (vii) the purpose for which the dangerous goods are being carried, including whether they are carried as freight, or by passengers as personal luggage or in their vehicles or both; and
- (d) ensure the safety management system includes—
 - (i) policies and procedures that manage those risks and specifically cover the circumstances and scope of the carriage of those dangerous goods on the ship; and
 - (ii) any other measures necessary to mitigate those risks.
- (3) For the avoidance of doubt the carriage of dangerous goods on a ship is an activity within the meaning of the term “scope of activities” referred to in rule 19.42(2).

24A.43 Dangerous goods permit

- (1) The owner of a ship that does not operate under a safety management system must not carry dangerous goods on the ship unless—
 - (a) the owner holds a dangerous goods permit issued by the Director under this Part; and
 - (b) the owner complies with the conditions of the dangerous goods permit.
- (2) An applicant for a dangerous goods permit must make an application to the Director that includes a dangerous goods plan.
- (3) Every application must be made under section 35 of the Act, in a form required by the Director, with a payment of the appropriate application fee prescribed by the regulations made under the Act.
- (4) The Director must issue a dangerous goods permit if the Director is satisfied that—
 - (a) the owner has addressed the requirements in rule 24A.44; and
 - (b) it is not contrary to the interests of maritime safety or the marine environment to issue the permit, taking into account the risks associated with the carriage of dangerous goods on the ship for the type of operation to be conducted under the permit.
- (5) It is a condition of every dangerous goods permit that—
 - (a) the owner complies with the policies and procedures in the dangerous goods plan; and
 - (b) the operation is conducted within the scope of and in accordance with the dangerous goods plan.
- (6) The Director may impose any conditions that the Director considers appropriate and must specify the period for which the permit applies but in any case no more than a period of 10 years.
- (7) For the avoidance of doubt, a permit issued under rule 24A.43 is a maritime document.

24A.44 Dangerous goods plan

In preparing a dangerous goods plan the owner must—

- (a) identify and assess the risks associated with the carriage of those dangerous goods; and
- (b) develop the plan to ensure compliance with the requirements and standards in this Part and applicable maritime rules and marine protection rules; and
- (c) give consideration to—
 - (i) any guidance provided by the Director; and
 - (ii) the principles in Schedule 1; and

- (iii) the size, type, and configuration of the ship concerned and the area of operation; and
 - (iv) whether passengers are carried and, if so, how many; and
 - (v) the class and quantities of dangerous goods carried; and
 - (vi) whether dangerous goods may be carried in vehicles on the ship; and
 - (vii) the purpose for which the dangerous goods are being carried, including whether they are carried as freight, or by passengers as personal luggage or in their vehicles or both; and
- (d) ensure the plan includes—
- (i) policies and procedures that manage those risks and specifically cover the circumstances and scope of the carriage of those dangerous goods on the ship; and
 - (ii) any other measures necessary to mitigate those risks.

Subpart C – General standards for carriage of dangerous goods in packaged form

24A.61 Applicability of Subpart C

- (1) This subpart applies to each person who performs a dangerous goods cargo function where the dangerous goods are in packaged form.
- (2) The requirements and standards in this subpart apply except as otherwise provided in Subpart H.

24A.62 General requirements and standards

- (1) Any person who offers dangerous goods for carriage in, or causes or permits any dangerous goods to be loaded onto, a ship must ensure that those dangerous goods are—
 - (a) correctly identified and classified in accordance with Part 2 of the IMDG Code; and
 - (b) appropriately packaged for the ordinary risks of handling and transport by sea, having regard to the nature and properties of the goods, in accordance with Parts 4 and 6 of the IMDG Code; and
 - (c) marked and labelled in accordance with Part 5 of the IMDG Code.
- (2) No person may cause or permit any dangerous goods intended to be carried on a ship to be packed in any container, freight vehicle, or other form of secondary containment, unless the container, freight vehicle, or other form of secondary containment is—
 - (a) packed in accordance with Part 7 of the IMDG Code; and
 - (b) marked, labelled, and placarded in accordance with Part 5 of the IMDG Code.
- (3) Each manufacturer and supplier of packaging provided for the purpose of containing dangerous goods for carriage on a ship must ensure that each item of packaging is constructed and approved in accordance with Part 6 of the IMDG Code.
- (4) The operator and master of a ship carrying dangerous goods must ensure that those goods are stowed, segregated, and secured on board the ship—
 - (a) in accordance with Part 7 of the IMDG Code; and
 - (b) in accordance with the ship's approved cargo securing manual where required by Part 24B.
- (5) No person may cause or permit any dangerous goods to be loaded onto a ship if—

- (a) the package or receptacle is damaged sufficiently to—
 - (i) permit leakage and spillage; or
 - (ii) be of reduced effectiveness in preventing leakage or spillage; or
- (b) there is evidence of leakage or spillage of the contents.

Subpart D – Documentation and notifications

24A.81 Applicability of Subpart D

This subpart—

- (a) applies to operators, masters, shippers, packers, and carriers; but
- (b) does not apply to dangerous goods carried by passengers in accordance with Subpart I.

24A.82 Documentation - shippers, packers, and carriers

- (1) The shipper of a consignment of dangerous goods that is to be transported by ship must—
 - (a) accurately and fully complete a dangerous goods transport document in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) sign the dangerous goods transport document; and
 - (c) provide a copy of the dangerous goods transport document to the carrier before the consignment is loaded for transport by that carrier; and
 - (d) provide any additional information and documentation required to transport the dangerous goods, as applicable;¹ and
 - (e) if the consignment is packed or loaded into any CTU before its delivery to a carrier, provide to the carrier, attached to the dangerous goods transport document, a copy of the container packing certificate or vehicle packing certificate, required under subrule (2).
- (2) For each consignment of dangerous goods that is packed, loaded, or consolidated into any CTU for carriage on a ship, the packer must—
 - (a) accurately and fully complete and sign a container packing certificate or vehicle packing certificate, as appropriate, in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) not pack the consignment into a CTU unless the packer has received—
 - (i) the dangerous goods transport documentation for that consignment that has been completed by the shipper; and
 - (ii) any container packing certificate or vehicle packing certificate relevant to that consignment that has been completed by the previous packer; and
 - (iii) any additional information and documentation required to transport the dangerous goods, as applicable;² and
 - (c) provide the certificates and documentation referred in subrules (2)(a) and (b) to the subsequent shipper or carrier, as appropriate.

¹ Information and documentation that are required by the IMDG Code for those particular goods including special certificates or other documents such as weathering certificates, and any relevant exemption certificates issued by the competent authority in relation to the carriage of those goods.

² Refer footnote 1

- (3) The shipper or carrier of a consignment of dangerous goods that is to be transported on a ship who presents the consignment to the operator of the ship, must provide to the operator, before the consignment is loaded on the ship—
 - (a) the dangerous goods transport document completed by the shipper; and
 - (b) any applicable container packing certificate completed by the packer; and
 - (c) any applicable vehicle packing certificate completed by the packer; and
 - (d) any additional information and documentation required to transport the dangerous goods, as applicable.

24A.83 IMDG Documentation - operator and master

- (1) The operator and the master of a ship must not accept any consignment of dangerous goods freight for carriage on the ship unless they receive—
 - (a) a dangerous goods transport document completed and signed by the shipper in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) any applicable container packing certificate completed and signed by the packer in accordance with Chapter 5.4 of the IMDG Code; and
 - (c) any applicable vehicle packing certificate completed and signed by the packer in accordance with Chapter 5.4 of the IMDG Code; and
 - (d) any additional information and documentation required to transport the dangerous goods, as applicable.
- (2) Except as otherwise provided in subrule (3), the operator and the master of a ship who accept dangerous goods for carriage on the ship must—
 - (a) before commencing the voyage—
 - (i) complete a special list, manifest, or stowage plan in accordance with Chapter 5.4 of the IMDG Code; and
 - (ii) ensure emergency response information is immediately available to the master, relevant to the dangerous goods that will be carried during the voyage, in accordance with Chapter 5.4 of the IMDG Code; and
 - (iii) ensure there is a copy of the special list, manifest, or stowage plan held by the operator or the operator's representative at an onshore location; and
 - (b) during the voyage, keep a copy of the special list, manifest, or stowage plan on board the ship; and
 - (c) make the special list, manifest, or stowage plan available on request to—
 - (i) any harbourmaster; and
 - (ii) any person appointed by the local or state authority of the port or offshore terminal of a state other than New Zealand; and
 - (iii) any constable; and
 - (iv) the Director; and
 - (v) in the case of an emergency, any officer of the New Zealand Fire Service or any officer of the New Zealand Defence Force.
- (3) Subrule (2) does not apply to dangerous goods carried on board a ship on a domestic voyage within restricted limits other than across Cook Strait if the operator of the ship is operating under a safety management system or a dangerous goods plan that—
 - (a) meets the requirements and standards of Subpart B; and
 - (b) includes procedures for notification, documentation, stowage, segregation, and availability of emergency response information, of the dangerous goods on the ship.

24A.84 Document retention

- (1) Where dangerous goods are carried on a ship on an international voyage, or on a domestic voyage beyond restricted limits, or across Cook Strait, the following documents must, if they are required to be completed under this Part, be retained for a period of at least three months by the signatory of the document and any subsequent shipper and carrier involved with the transport of the dangerous goods on the ship, and by the operator and the master of the ship:
 - (a) dangerous goods transport document;
 - (b) container packing certificate, as applicable;
 - (c) vehicle packing certificate, as applicable;
 - (d) any additional information and documentation required to transport the dangerous goods, as applicable.
- (2) The operator and the master of a ship on which dangerous goods were carried on a voyage must, if a special list, manifest, or stowage plan is required to be completed under rule 24A.83(2), retain the special list, manifest, or stowage plan applicable to that voyage for a period of at least three months.

24A.85 Notification of intention to ship dangerous goods

- (1) The shipper responsible for a consignment of dangerous goods to be transported on a ship must, before the consignment is loaded on the ship, provide the ship's operator, within the notice period determined by the operator, with—
 - (a) notification of the shipper's intention to transport the consignment; and
 - (b) an accurate description of the contents of the consignment; and
 - (c) any other information requested by the operator in relation to that consignment.
- (2) If the consignment is dangerous goods freight, the notification must include—
 - (a) all dangerous goods transport documents relevant to that consignment; and
 - (b) all container packing certificates and vehicle packing certificates relevant to that consignment.

24A.86 Notification of intention to arrive at a port

- (1) Except as otherwise provide in subrule (2), the master of a ship that is carrying dangerous goods and is arriving at a New Zealand port must ensure that notice of the arrival of the ship is given to the harbourmaster, or a person nominated by the harbourmaster, of the port of arrival.
- (2) The master is not required to comply with subrule (1) if the harbourmaster of the port of arrival elects not to receive notice of the ship's arrival.
- (3) The master must ensure the notice is given, unless and to the extent otherwise advised by the harbourmaster—
 - (a) if the ship is on a domestic voyage—
 - (i) as soon as practicable; and
 - (ii) before the vessel enters the port; or
 - (b) if the ship is on an international voyage, at least 48 hours before arrival at the port.

Subpart E – Hazard management and emergency response

24A.101 Applicability of Subpart E

This subpart applies to each owner and operator of a ship that carries dangerous goods.

24A.102 Hazard management and emergency response procedures

The operator of a ship that carries dangerous goods must ensure that—

- (a) procedures for managing hazards associated with dangerous goods are—
 - (i) adopted; and
 - (ii) maintained and carried on the ship in a readily accessible place at all times; and
 - (iii) able to be implemented; and
- (b) procedures on emergency response and medical first aid relevant to an occurrence involving those dangerous goods are—
 - (i) adopted in accordance with guidance issued by the Director; and
 - (ii) maintained and carried on the ship in a readily accessible place at all times; and
 - (iii) able to be implemented; and
- (c) its crew members are familiarised with the procedures referred to in subrules (a) and (b).

24A.103 Design, construction, and equipment

- (1) The owner and the operator of any ship that carries dangerous goods must ensure that³—
 - (a) the ship and its equipment are in all respects fit for their intended service; and
 - (b) fire protection systems are provided to protect the ship from any potential fire hazards associated with those dangerous goods; and
 - (c) dangerous goods are kept a clear and safe distance from potential ignition sources; and
 - (d) appropriate and sufficient personnel protective equipment is provided for the hazards associated with the dangerous goods.
- (2) In meeting the requirements of subrule (1), the owner and operator must take into account the identification and assessment of risks associated with the carriage of dangerous goods, as required by Subpart B.

Subpart F – Reporting occurrences involving dangerous goods

24A.121 Applicability of Subpart F

This subpart—

- (a) applies to masters and owners of ships that carry dangerous goods; and
- (b) relates to the reporting of each occurrence of leakage or spillage involving dangerous goods.

³Certain ships that carry dangerous goods are required under Part 46 to have a document of compliance issued in accordance with SOLAS Chapter II-2, Regulation 19

24A.122 Occurrence involving dangerous goods in New Zealand port

Where an occurrence takes place involving any actual or probable leakage or spillage of dangerous goods on or from a ship that is in a New Zealand port or at a New Zealand offshore terminal, the master must ensure that the harbourmaster, where there is a harbourmaster, and the Director are notified as soon as possible of the leakage or spillage.

24A.123 Occurrence involving dangerous goods at sea

- (1) Where an occurrence takes place involving any actual or probable loss or spillage of dangerous goods into the sea from a New Zealand ship beyond New Zealand waters, the master must report the particulars to the appropriate authority of the nearest State as soon as possible and to the fullest possible extent.
- (2) In the event of a ship being abandoned while carrying dangerous goods, or in the event of a report from such a ship being incomplete or unobtainable, the operator must make or complete the report and forward it to the Director as soon as possible and to the fullest possible extent.

24A.124 Occurrence involving marine pollutant

- (1) Where the dangerous goods referred to in rules 24A.122 and 24A.123 are marine pollutants the master or the operator (as applicable) must ensure that in giving notice of, or reporting an occurrence under rules 24A.122 and 24A.123, the words “harmful substance” appear in the reports and notices provided under those rules.
- (2) Where the dangerous goods are marine pollutants the requirements in rules 24A.122 and 24A.123 do not apply if the notifications and reports are submitted in accordance with Part 150.

Subpart G – Training and competency

24A.141 Applicability of Subpart G

This subpart applies to any person who is involved in documentation, handling, segregation, packing, stowing, loading, or unloading of dangerous goods freight that is carried, or is intended to be carried, on a ship.

24A.142 Training and competency in dangerous goods

- (1) No person may perform a dangerous goods cargo function relating to the documentation, handling, segregation, packing, stowing, loading, or unloading of dangerous goods freight that is intended to be or is carried on, or is loaded onto or unloaded from, a ship unless the person is competent to perform that function under rules 24A.143 and 24A.144, as applicable.
- (2) A person or organisation that engages a person to perform a function referred to in subrule (1) must ensure that, before the person undertakes the function unsupervised, adequate training is provided to enable the person to carry out that function safely and competently.
- (3) The training must—
 - (a) take into account the general principles in Schedule 1; and
 - (b) include—
 - (i) general awareness and familiarisation with dangerous goods transport provisions; and

- (ii) training specific to the person's duties and activities in relation to the transport of dangerous goods;⁴ and
- (iii) safety training commensurate with the risk of exposure and the functions performed; and
- (iv) refresher training.

24A.143 Competency - shore-based personnel

- (1) Where the dangerous goods freight is intended to be carried on a ship on a domestic voyage within restricted limits other than across Cook Strait, each person who is shore-based must meet the requirements of—
 - (a) section 9 of the Land Transport Rule; or
 - (b) Chapter 1.3 of the IMDG Code.
- (2) Where the dangerous goods freight is intended to be carried on a ship on an international voyage, or on a domestic voyage beyond restricted limits, or across Cook Strait, each person who is shore-based must meet the requirements of Chapter 1.3 of the IMDG Code.

24A.144 Competency - seafarers

Where the dangerous goods freight is intended to be or is carried on, or is loaded onto or unloaded from, a ship, each seafarer must fulfil those competencies referred in rule 24A.142(1) in accordance with the ship operator's safety management system or owner's dangerous goods plan.⁵

24A.145 Record keeping

Each person or organisation referred in rule 24A.142(2) must ensure that:

- (a) records of training are kept and made available, upon request, to—
 - (i) the person being trained; and
 - (ii) the Director; and
- (b) training records are maintained and kept for a minimum period of 1 year after a person ceases to be engaged by that person or organisation.

24A.146 Inspection

- (1) For the purposes of assessing training under rule 24A.142 the Director may, from time to time, require a person or organisation to provide the Director with such documents, records, and information as the Director requires.
- (2) A document referred to in subrule (1) includes any information recorded or stored by means of a computer or any other device and any material subsequently derived from information so recorded or stored.

⁴ For seafarers, the applicable safety management system or dangerous goods plan should specify the training to be provided. These standards are not prescribed in this rule, only the broad requirements.

⁵ This is not limited to area of operation (for example within restricted limits or beyond). Ships 45 metres and over in length operating beyond restricted limits will be crewed by seafarers with STCW certificates (refer Part 32) and specific dangerous goods training forms part of the STCW competencies for deck officers. Crew on tankers are required to hold STCW tanker endorsements specific to the type of tanker – oil, chemical or gas carriers.

Subpart H – Alternatives to certain IMDG Code standards for domestic voyages

24A.161 Applicability of Subpart H

This subpart—

- (a) applies to any person who performs a dangerous goods cargo function; and
- (b) provides alternative requirements and standards to the IMDG Code for carriage of dangerous goods in packaged form on a ship on a domestic voyage, as provided for in rule 24A.23(2)(g).

24A.162 Passengers carrying dangerous goods – any domestic voyage

A person may perform a dangerous goods cargo function involving the carriage by a passenger of dangerous goods on board a ship on a domestic voyage without meeting the applicable requirements and standards in the IMDG Code provided—

- (a) the dangerous goods are not carried by the passenger as freight; and
- (b) the dangerous goods are for an excepted purpose; and
- (c) the person complies with Subpart I.

24A.163 Dangerous goods freight vehicle placarding – any domestic voyage

A person may perform a dangerous goods cargo function involving the carriage of dangerous goods freight in a dangerous goods freight vehicle on board a ship on a domestic voyage without meeting the applicable requirements and standards in the IMDG Code for placarding the freight vehicle, provided the person complies with Subpart J.

24A.164 Dangerous goods freight – voyage within restricted limits (other than across Cook Strait)

A person may perform a dangerous goods cargo function involving the carriage of dangerous goods freight on board a ship on a domestic voyage within restricted limits, other than across Cook Strait, without meeting the applicable requirements and standards in the IMDG Code for stowage, segregation, packaging, packing, labelling, or marking provided the person complies with Subpart K.

Subpart I – Alternative standards for passengers carrying dangerous goods that are not freight

24A.181 Applicability of Subpart I

This subpart—

- (a) applies to those persons who perform a dangerous goods cargo function to whom rule 24A.162 applies; and
- (b) provides alternative requirements and standards to the IMDG Code for carriage of dangerous goods on a ship on a domestic voyage.

24A.182 Operation procedures

The operator and the master of a ship may comply with the alternative requirements and standards prescribed in this subpart instead of related requirements and standards in the IMDG Code for passengers carrying dangerous goods on board the ship, provided—

- (a) the operator has established policies and procedures in its safety management system under Subpart B relevant to the conduct of the operation under this subpart; and

- (b) the master ensures the policies and procedures referred in subrule (a) are complied with.

24A.183 Passengers carrying dangerous goods

- (1) Rule 24A.183 does not apply to dangerous goods that are stowed in or on a drive-on vehicle.
- (2) A passenger may carry, or cause to be carried, dangerous goods on board a ship on a domestic voyage if the dangerous goods—
 - (a) are permitted by the operator and the master of the ship to be carried by the passenger; and
 - (b) are carried in a quantity within the limits permitted by the operator and the master of the ship; and
 - (c) are packed in packaging in accordance with rule 24A.185; and
 - (d) are clearly identified on their packaging with their class and legible substance identification of the contents and hazards they represent; and
 - (e) are notified to the master, or a person appointed by the master, before embarkation; and
 - (f) are handed to the master or a person appointed by the master, when requested.
- (3) The operator and the master of a ship who permit dangerous goods to be carried by a passenger on the ship in accordance with this subpart must ensure—
 - (a) the dangerous goods—
 - (i) are only permitted dangerous goods that are listed in Schedule 2; and
 - (ii) do not exceed the maximum quantities specified in Schedule 2; and
 - (iii) are packed in packaging in accordance with rule 24A.185 and identified in accordance with subrule (2)(d); and
 - (b) each passenger is provided reasonable notice, before embarkation, of—
 - (i) the dangerous goods the passenger may and may not carry or cause to be carried on board; and
 - (ii) the maximum quantities of dangerous goods permitted to be carried on board; and
 - (iii) the packaging, marking, and identification requirements under rule 24A.185 and subrule (2)(d); and
 - (iv) the requirement to notify to the master, or a person appointed by the master, any dangerous goods carried by the passenger under subrule (2)(e); and
 - (v) the requirement, in subrule (2)(f), that each passenger must relinquish any dangerous goods to the master or the person appointed by the master if requested; and
 - (c) the dangerous goods are stowed and segregated in accordance with the operator's safety management system.

24A.184 Drivers carrying dangerous goods in drive-on vehicle

- (1) The driver of a drive-on vehicle⁶ may carry dangerous goods in or on the vehicle on board a ship on a domestic voyage if—

⁶ A drive-on vehicle is a motor vehicle which, by definition, includes a trailer. Where a trailer is attached to a vehicle both the vehicle and the trailer are one vehicle for the purpose of this Subpart. Note also that the dangerous goods in a drive-on vehicle are the driver's responsibility.

Maritime Rules

- (a) the dangerous goods—
 - (i) are permitted by the operator and the master of the ship to be carried by the passenger in or on the vehicle; and
 - (ii) are carried in a quantity within the limits permitted by the operator and the master of the ship; and
 - (iii) are packed in packaging in accordance with rule 24A.185; and
 - (iv) are clearly identified on their packaging with their class and legible substance identification of the contents and hazards they represent; and
 - (v) remain in or on the vehicle for the duration of the voyage; and
 - (vi) do not present a hazard to any person or property, or to the environment; and
 - (vii) are stowed and segregated in or on the vehicle such that they do not react dangerously together; and
 - (viii) are secured in or on the vehicle; and
 - (b) the driver provides the description and quantity of the dangerous goods to the operator or the master upon request; and
 - (c) where the dangerous goods are for use as tools-of-trade or for a commercial purpose or for agricultural use,—
 - (i) the driver, before embarkation, notifies the master or operator of the description and quantity of dangerous goods that will be carried; and
 - (ii) the driver carries emergency response information regarding the dangerous goods being carried in or on the vehicle and provides this information to the master or operator if requested by the master or operator to do so.
- (2) The master of a ship who permits dangerous goods to be carried in or on a drive-on vehicle on the ship in accordance with this subpart must ensure—
- (a) the dangerous goods—
 - (i) are only permitted dangerous goods that are listed in Schedule 3; and
 - (ii) do not exceed the maximum quantities specified in Schedule 3; and
 - (iii) are packed in packaging in accordance with rule 24A.185 and identified in accordance with subrule (1)(a)(iv); and
 - (b) each driver of a drive-on vehicle is provided reasonable notice, before embarkation, of—
 - (i) the dangerous goods the driver may or may not carry or cause to be carried in or on the vehicle; and
 - (ii) the maximum quantities of dangerous goods permitted to be carried in or on the vehicle; and
 - (iii) the packaging, marking, and identification requirements under rule 24A.185 and subrule (1)(a)(iv); and
 - (iv) the requirement to notify to the master, or a person appointed by the master, of any dangerous goods carried in or on the vehicle by the driver under—
 - (A) subrule (1)(b):
 - (B) subrule (1)(c), as applicable.

24A.185 Packaging requirements and standards for drivers and passengers carrying dangerous goods

The packaging for dangerous goods under rules 24A.183 and 24A.184 must be appropriate for the nature and quantity of the dangerous goods and be in good condition, undamaged, and not leaking such that:

- (a) if the packaging comes into contact with the dangerous goods, it will not contaminate or react with the dangerous goods;
- (b) the packaging is sufficiently robust to remain intact, and continue to contain the dangerous goods safely and without leaking, for normal conditions of loading, transport, and unloading, allowing for reasonably foreseeable changes in temperature, humidity, or pressure.

Subpart J – Alternative standards for placards on dangerous goods freight vehicles

24A.201 Applicability of Subpart J

This subpart—

- (a) applies to those persons who perform a dangerous goods cargo function to whom rule 24A.163 applies; and
- (b) provides alternative requirements and standards to the IMDG Code for the display of placards, marks, and other information on a dangerous goods freight vehicle on board a ship on a domestic voyage.

24A.202 Operational procedures

The operator and the master of a ship may comply with the alternative requirements and standards prescribed in rule 24A.203 instead of the related requirements and standards in the IMDG Code for placards, marks, and other information on a dangerous goods freight vehicle, provided—

- (a) the operator has established policies and procedures in its safety management system or dangerous goods plan under Subpart B relevant to the conduct of the operation under the requirements and standards in rule 24A.203; and
- (b) the master ensures those policies and procedures are complied with.

24A.203 Placarding of dangerous goods freight vehicles

Voyages beyond restricted limits or across Cook Strait – placard placement

- (1) The placement of placards, marks, and other information on a dangerous goods freight vehicle, on board a ship on a domestic voyage beyond restricted limits or across Cook Strait, may be in accordance with the Land Transport Rule instead of the placement requirements and standards in the IMDG Code, provided—
 - (a) the operator and the master of the ship on which the dangerous goods freight vehicle is carried permits the placards, marks, and other information to be placed on the vehicle in accordance with the Land Transport Rule; and
 - (b) the carrier who operates the dangerous goods freight vehicle ensures that placards, marks, and other information are placed on the vehicle in accordance with the Land Transport Rule.⁷

⁷ Subrule (1) only deals with the placement of placards, not the placards required to be displayed. Use of mixed class placards is not permitted under the IMDG Code and placards for each class of dangerous goods carried, and where appropriate, division of that class, are required under the Code to be displayed. Also, marine pollutant marks will need to comply with the IMDG Code.

Voyages within restricted limits other than across Cook Strait – placard display

- (2) The display of placards, marks, and other information on a dangerous goods freight vehicle on board a ship on a domestic voyage within restricted limits, other than across Cook Strait, may be in accordance with the Land Transport Rule instead of the display requirements and standards in the IMDG Code, provided—
- (a) the operator and the master of the ship on which the dangerous goods freight vehicle is carried permits the placards, marks, and other information to be displayed in accordance with the Land Transport Rule; and
 - (b) the carrier who operates the dangerous goods freight vehicle ensures that the placards, marks, and other information on the vehicle are displayed in accordance with the Land Transport Rule.

24A.204 Master ensures compliance

The master of a ship that is carrying dangerous goods freight vehicles who permits the placarding requirements and standards for those freight vehicles to be determined under rule 24A.202, must ensure that each dangerous goods freight vehicle carried on the ship displays placards in accordance with rule 24A.203.

Subpart K – Alternative standards for carriage of dangerous goods freight on a ship on a domestic voyage within restricted limits other than across Cook Strait

24A.221 Applicability of Subpart K

This subpart—

- (a) applies to those persons who perform a dangerous goods cargo function to whom rule 24A.164 applies; and
- (b) provides alternative requirements and standards to the IMDG Code for carriage of dangerous goods freight on a ship on a domestic voyage within restricted limits, other than across Cook Strait, for a ship operated under—
 - (i) a safety management system; or
 - (ii) a dangerous goods plan.

24A.222 Operation procedures

The owner, operator, and the master of a ship may comply with the alternative requirements and standards prescribed in this subpart instead of the related requirements and standards in the IMDG Code for segregation, stowage, packaging, packing, labelling, and marking of dangerous goods freight, provided—

- (a) the owner or operator has established policies and procedures in its safety management system or dangerous goods plan under Subpart B relevant to the conduct of the operation under this subpart; and
- (b) the master ensures the policies and procedures referred in subrule (a) are complied with.

24A.223 General requirements and standards

- (1) A person may perform a dangerous goods cargo function involving the carriage of dangerous goods freight on board a ship on a domestic voyage within restricted limits, other than across Cook Strait, without meeting the applicable requirements and standards in the IMDG Code for stowage, segregation, packaging, packing, labelling, or marking provided—

- (a) the owner, operator, and master of the ship on which the dangerous goods freight is to be carried permits the dangerous goods freight to be carried in accordance with this subpart; and
 - (b) if the person offers dangerous goods for carriage in, or causes or permits any dangerous goods to be loaded onto, the ship, that person ensures that those dangerous goods are—
 - (i) correctly identified and classified in accordance with sections 1 and 2 of the Land Transport Rule; and
 - (ii) packaged in accordance with section 3 of the Land Transport Rule; and
 - (iii) marked and labelled in accordance with section 4 of the Land Transport Rule; and
 - (c) if the person causes or permits any dangerous goods to be packed in any container, freight vehicle, or other form of secondary containment, intended to be carried on the ship, that person ensures the container, freight vehicle, or other form of secondary containment is packed and segregated in accordance with section 6 of the Land Transport Rule; and
 - (d) if the person is a manufacturer or supplier of packaging provided for the purpose of containing dangerous goods for carriage on the ship, that person ensures that each item of packaging is constructed and approved in accordance with the standards in section 3 of the Land Transport Rule.
- (2) The operator, owner, and master of a ship carrying dangerous goods must ensure that those goods are stowed, segregated, and secured on board the ship in accordance with the ship's safety management system or dangerous goods plan as applicable.

24A.224 Stowage and quantity limits for explosives on ships carrying passengers

- (1) The operator and master of a ship that is carrying passengers must ensure that dangerous goods of Class 1 are not carried on the ship unless—
 - (a) the operator has established policies and procedures in its safety management system for the carriage of dangerous goods of Class 1; and
 - (b) those goods are—
 - (i) permitted under subrule (2), (3), or (4); and
 - (ii) stowed in accordance with subrule (5).
- (2) The master of a ship that is carrying passengers may permit dangerous goods in Class 1.4 compatibility group S to be carried on the ship without limit.
- (3) The master of a ship that is carrying passengers may allow goods in compatibility groups C, D, and E, and articles in compatibility group G, to be carried on the ship, if their total net explosive mass on the ship does not exceed 10kg and they are transported in closed CTUs on deck or under deck.
- (4) The master of a ship that is carrying passengers may allow articles in compatibility group B to be carried on the ship, if their total net explosive mass on the ship does not exceed 10kg and those dangerous goods are transported in closed CTUs on deck.
- (5) The master must ensure that the dangerous goods of Class 1.4 compatibility group S are stowed—
 - (a) a clear and safe distance from living quarters, life-saving appliances, and areas with public access; and
 - (b) a clear and safe distance from potential ignition sources.

Subpart L – Miscellaneous

24A.241 Transitional and savings provisions

Any training commenced but not completed under Appendix 2.1 of Part 24A that was in force immediately before this Part entered into force is deemed to comply with the equivalent requirements and standards set out in Subpart G.

24A.242 Consequential amendments

- (1) Amend Maritime Rule 24D.2 by deleting footnote 2 from paragraph (b) of the definition for **offshore container**.
- (2) Amend Maritime Rule 24E.2 by deleting footnote 2 from paragraph (b) of the definition for **offshore container**.
- (3) Amend Part 46 as follows:
 - (a) insert a new definition before the definition of Director as follows:

“dangerous goods has the same meaning as in Part 24A.”:
 - (b) insert the following rule after rule 46.10:

“46.10A Surveys of ships carrying dangerous goods in packaged form

The owner of a ship described in rule 46.3(1) that carries dangerous goods in packaged form and was built on or after 1 September 1984 must ensure that, in addition to the surveys required by rules 46.6 to 46.11 inclusive, a surveyor completes a survey to verify compliance with the additional safety measures required under Chapter II-2 of SOLAS for ships carrying dangerous goods.”:
 - (c) insert the following subrule after subrule 46.13(7)(d):

“(7A) The Director, or an authorised person, must issue a maritime document called a Document of Compliance to a SOLAS ship, in accordance with section 41 of the Act, if—

 - (a) verification that the ship complies with the additional safety measures required under Chapter II-2 of SOLAS for ships carrying dangerous goods is determined in accordance with rule 46.10A; and
 - (b) the owner of the ship has made an application in accordance with section 35 of the Act.

(7B) The Document of Compliance referred to in subrule (7A) must be in the form prescribed under Chapter II-2 of SOLAS and must not be issued for a period beyond the expiry date of—

 - (a) for a passenger ship, the existing Passenger Ship Safety Certificate; and
 - (b) for a non-passenger ship, the existing Cargo Ship Safety Certificate.“
 - (d) replace the full-stop with “; and” at the end of subrule 46.13(15)(g):
 - (e) insert the following subrule after subrule 46.13(15)(g):

“(h) in the case of a ship built on or after 1 September 1984 that is carrying dangerous goods, a valid Document of Compliance in accordance with Chapter II-2 of SOLAS.”:
 - (f) insert the following subrule after subrule 46.14(6):

“(7) The owner of a ship to which this section applies that is not a SOLAS ship built on or after 1 September 1984 that is carrying dangerous goods must not operate that ship unless it is in possession of a valid New Zealand Document of Compliance.
 - (g) insert the following subrules after subrule 46.14(7):

- “(8) The Director, or an authorised person, must issue a maritime document called a New Zealand Document of Compliance to a ship to which this section applies, that is not a SOLAS ship, in accordance with section 41 of the Act, if—
- (a) verification that the ship complies with the additional safety measures required under Chapter II-2 of SOLAS for ships carrying dangerous goods is determined in accordance with rule 46.10A; and
 - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (9) The New Zealand Document of Compliance referred to in subrule (8) must not be issued for a period beyond the expiry date of the New Zealand Ship Safety Certificate for that ship referred to in subrule (2).”:
- (h) insert the following subrule after subrule 46.27(1)(a)(iii)(cc):
- “(dd) for a ship built on or after 1 September 1984 that is carrying dangerous goods, a valid Document of Compliance issued in accordance with Chapter II-2 of SOLAS; and”.
- (4) Amend Maritime Rule 50.10 by deleting subrule (1) and replacing it with:
- “(1) Rule 50.10 applies to any ship that carries dangerous goods as defined in Part 24A, except a ship carrying dangerous goods only in limited quantities as defined in, and in compliance with the requirements of, Chapter 3.4 of the International Maritime Dangerous Goods Code.”
- (5) Amend Marine Protection Rule 150.2 definitions as follows:
- (a) amend the definition of harmful substance as follows:
 - (i) change paragraph (b) to paragraph (c):
 - (ii) insert a new paragraph (b) as follows:
 - “(b) any substance that meets the criteria in the Appendix of Annex III of MARPOL; and”:
 - (b) insert two new definitions before the definition of ‘Master’, as follows:
 - (i) “**marine pollutant** means a substance identified as a marine pollutant in the IMDG Code:”:
 - (ii) “**MARPOL** has the same meaning as section 225 of the Act.”:
- (6) Amend Marine Protection Rule 150.5 by replacing it with:
- “150.5 Occurrences involving harmful substances**
- (1) Where an occurrence takes place involving any actual or probable leakage or spillage of a harmful substance on or from a ship that is in a New Zealand port or at a New Zealand offshore terminal, the master must ensure that the harbourmaster, where there is a harbourmaster, and the Director are notified as soon as possible of the leakage or spillage.
 - (2) Where an occurrence takes place involving any actual or probable loss or spillage of a harmful substance into the sea from a New Zealand ship beyond New Zealand waters, the master must report the particulars to the appropriate authority of the nearest State as soon as possible and to the fullest possible extent.
 - (3) In the event of a ship being abandoned while carrying a harmful substance, or in the event of a report from such a ship being incomplete or unobtainable, the operator must make or complete the report and forward it to the Director as soon as possible and to the fullest possible extent.

Maritime Rules

- (4) The master or the operator, as applicable, must ensure that the words “harmful substance” appear in the reports and notices provided under subrules (1), (2), and (3).
- (5) Except where compliance with this subrule impairs the safety of the ship or persons on board, the owner and the master of any ship to which subrule (1) or (2) applies must ensure that—
 - (a) appropriate measures based on the physical, chemical, and biological properties of harmful substances are taken to regulate the washing of leakage or spillage of those harmful substances overboard; and
 - (b) if the vessel is in any port, the Harbourmaster is consulted before washing any leakage or spillage of harmful substances overboard.
- (6) If the harmful substance is a marine pollutant the requirements in subrules (1), (2), (3), and (4) do not apply provided the notifications and reports are submitted in accordance with Subpart F of Part 24A.”

24A.243 Revocation

Part 24A of the maritime rules in force before the commencement of this Part is revoked.

Schedule 1 – Principles for safe carriage of dangerous goods on ships⁸

The following principles underlie the standards in this Part:

1. Dangerous goods must be correctly identified and classified for transport, so that the hazards are clearly understood and can be properly managed:
2. Dangerous goods must be suitably packaged and secured to withstand the rigours of transport by sea:
3. Dangerous goods must be correctly labelled and marked to allow correct identification and stowage:
4. Dangerous goods must be stowed on the ship in such a way as to minimise the risks to crew and passengers from accidental release, taking into account the fact that any dangerous goods incident can rapidly escalate and persons on a ship cannot easily escape from the area as they can on land:
5. Measures should be taken to minimise the risk of ignition (for flammables and explosives), exposure (for toxic, corrosive or infectious or radioactive substances) and marine pollution (for environmentally hazardous substances):
6. For high hazard dangerous goods, such as explosives, petrol and LPG, the numbers of people on the ship should be minimised:
7. Incompatible dangerous goods must be adequately segregated to minimise the potential for them to interact:
8. Empty containers that have previously held dangerous goods should be treated as dangerous goods unless they have been cleaned and are gas free:
9. Sufficient information on the dangerous goods being carried must be available, both on board the ship and on shore, to allow effective and prompt response to any accidental release or incident involving the dangerous goods:
10. There must be procedures and equipment to respond to any emergency involving dangerous goods:
11. Crew must have training in the hazards of dangerous goods generally and in particular hazards of transport by sea, commensurate with the types and quantities of dangerous goods carried:
12. All persons involved in the transport of dangerous goods by sea (whether they are at sea or shore-based) must be trained and competent with respect to their particular responsibilities in the transport chain in relation to those dangerous goods.

⁸ Schedule 1 is cross-referenced in rules 24A.42(2)(c)(ii) and 24A.44(c)(ii) of Subpart B and rule 24A.142(3)(a) of Subpart G

Schedule 2 – Dangerous goods permitted for passengers under Subpart I⁹

Class or division	Description	Packing group (PG)	Maximum quantity (per person)
1.4S	UN 0012, UN 0014, UN 0044, UN 0055 Small arms cartridges and components	N/A	2 kg gross weight
2.1	Flammable Gases	N/A	1 x 25 litre water capacity cylinder (or up to 25 litres total in multiple cylinders)
2.2	Scuba dive tanks	N/A	50 litres water capacity (4 dive tanks)
3	Flammable Liquids	PG I	1 litre
	Flammable Liquids	PG II or PG III	5 litres
4.1	Flammable solids (except self-reacting substances or solid desensitised explosives)	PG II or PG III	1 kg (packaged in original manufacturer's packaging)
6.1	Toxic Substances	PG III	1 kg or 1 litre (packaged in original manufacturer's packaging)
9	Diesel with a flash point over 60°C classified as UN 3082	PG III	10 litres

Notes

Class 1.4S

UN 0012 – CARTRIDGES FOR WEAPONS, INERT PROJECTILE, or CARTRIDGES, SMALL ARMS

UN 0014 - CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK

UN 0044 – PRIMERS, CAP TYPE

UN 0055 – CASES, CARTRIDGE, EMPTY, WITH PRIMER

Class 2.1

A 25-litre water capacity cylinder is equivalent to a 9 kg capacity cylinder.

⁹ Schedule 2 is cross-referenced in rules 24A.183(3)(a)(i) and 24A.183(3)(a)(ii) of Subpart I

Class 3 substances (PG II or PG III only)

A foot passenger may carry the following dangerous goods of Class 3, packing groups II and III, up to a combined maximum of 5 litres:

- a) UN 1203 - MOTOR SPIRIT or GASOLINE or PETROL (PG II):
- b) UN 1202 - GAS OIL or DIESEL FUEL or HEATING OIL, LIGHT (PG III) - diesel with a flash point of 60°C or less:
- c) UN 1223 – KEROSENE (PG III):
- d) UN 1263 – PAINT or PAINT RELATED MATERIAL (PG II and PG III only):
- e) UN 1268 PETROLEUM PRODUCTS N.O.S. or PETROLEUM DISTILLATES N.O.S. (PG II and PG III only) - camping fuel, Fuelite, Pegasol:
- f) UN 3066 - PAINT or PAINT RELATED MATERIAL (PG II and PG III):
- g) UN 3469 – PAINT, FLAMMABLE, CORROSIVE or PAINT RELATED MATERIAL, FLAMMABLE, CORROSIVE (PG II and PG III only):
- h) UN 3470 – PAINT, CORROSIVE, FLAMMABLE or PAINT RELATED MATERIAL, CORROSIVE, FLAMMABLE (PG II and PG III only):
- i) UN 3295 HYDROCARBON LIQUIDS N.O.S. (PG II and PG III only).

Class 9 substances

Diesel with a flash point over 60°C is classified as UN 3082 – ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. (PG III).

Toiletries and cosmetics

Foot passengers can also carry toiletries and cosmetics for personal use.

Schedule 3 – Dangerous goods permitted for driver of drive-on vehicle¹⁰

Class or division ¹¹	Class or division name or product	Packing group (PG)	Maximum quantity* (per motor vehicle and any trailer)
1.4S	Any 1.4S including UN 0012, UN 0014, UN 0044, UN 0055 small arms cartridges and components	N/A	50 kg gross weight combined (including packaging) carried as Small Packages of Explosives in accordance with clause 2.5 of the Land Transport Rule
1.3G	Distress flares UN 0092 and UN 0195	N/A	
1.4G	Hand flares UN 0191, smoke flares UN 0197, and signal cartridges UN 0312	N/A	
2.1	Flammable gases	N/A	50 litres water capacity subject to maximum cylinder size 25 litres
2.2	Non-flammable, non-toxic gases (other than Scuba dive tanks see below))	N/A	90 litres water capacity
3	Flammable liquids	PG I	5 litres
	Flammable liquids	PG II or PG III	100 litres
4.1	Flammable solids (except self-reacting substances or solid desensitised explosives)	PG II or PG III	5 kg
4.3	Substances which, in contact with water, emit flammable gases (Packaged as Dangerous Goods in Limited Quantities or Consumer Commodities only)	PG II or PG III	1 kg or 1 litre
5.1	Oxidizing substances	PG II or PG III	5 kg (solids, powders, etc); or 5 litres (liquids)
5.2	Organic peroxides Type B (Packaged as Dangerous Goods in Limited Quantities or Consumer Commodities only)	N/A	5 kg (solids, powders, etc); or 5 litres (liquids)
	Organic peroxides Type C, D, E or F (as hardener for an organic resin or packaged as Dangerous Goods in Limited Quantities or Consumer Commodities)	N/A	10 kg (solids, powders, etc); or 10 litres (liquids)
6.1	Toxic substances	PG III	5 kg (solids, powders, etc); or 5 litres (liquids)

¹⁰ Schedule 3 is cross-referenced in rules 24A.184(2)(a)(i) and 24A.184(2)(a)(ii) of Subpart I.

¹¹ In a number of cases, certain classes or packing groups permitted for land transport are not included in this schedule as it is considered that in view of the risks, carriage by sea in drive-on vehicles should be prohibited.

Part 24A: Carriage of Cargoes – Dangerous Goods

Class or division¹¹	Class or division name or product	Packing group (PG)	Maximum quantity* (per motor vehicle and any trailer)
6.2	Portable toilet effluent, septic tank wastes and sewage screening sludge	N/A	100 litres or one portable toilet
8	Corrosive substances	PG II or PG III	5 kg (solids, powders, etc); or 5 litres (liquids)
	UN 2794 BATTERIES, WET, FILLED WITH ACID electric storage	N/A	250 litres (measured by the volume of the battery case)
	UN 2795 BATTERIES, WET, FILLED WITH ALKALI electric storage		
	UN 2800 BATTERIES, WET, NON-SPILLABLE electric storage		
UN 3028, BATTERIES, DRY, CONTAINING POTASSIUM HYDROXIDE SOLID electric storage	N/A	250 kg	
9	Miscellaneous dangerous substances and articles (except those listed below)	PG II or PG III	5 kg (solids, powders, etc); or 5 litres (liquids)
Mixed loads	<p>The maximum quantity for a mixed load of the above dangerous goods is an aggregate amount of 250, determined by the actual quantity of dangerous goods carried, measured in:</p> <ul style="list-style-type: none"> • kilograms (including the weight of the packaging) for solids and powders: • litres for liquids: • litres water capacity of the cylinder or container for gases. <p>The maximum quantity for a mixed load is exceeded if the quantity for any class or division in the load exceeds the limit specified for that class or division. Where the limits are exceeded the dangerous goods must be carried as freight.</p>		

Maritime Rules

In addition to the above maximum quantity for mixed loads, the following quantities of the dangerous goods below may be carried:

Class or division	Class or division name or product	Packing group (PG)	Maximum quantity* (per motor vehicle and any trailer)
2.2	Scuba dive tanks	N/A	200 litres water capacity
4.1	UN 1327 HAY, STRAW or BHUSA	N/A	No limit, but must be secured within a closed vehicle, or the load must be completely covered to prevent random ignition.
9	Diesel with a flash point over 60°C classified as UN 3082	PG III	500 litres

Notes

Class 1.4S

UN 0012 – CARTRIDGES FOR WEAPONS, INERT PROJECTILE, or CARTRIDGES, SMALL ARMS

UN 0014 - CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK

UN 0044 – PRIMERS, CAP TYPE

UN 0055 – CASES, CARTRIDGE, EMPTY, WITH PRIMER

Class 2.1

A 25-litre water capacity cylinder is equivalent to a 9 kg capacity cylinder.

Class 3 substances (PG II or PG III only)

A vehicle passenger may carry the following dangerous goods of Class 3, packing groups II and III, up to a combined maximum of 100 litres per vehicle:

- a) UN 1203 - MOTOR SPIRIT or GASOLINE or PETROL (PG II):
- b) UN 1202 - GAS OIL or DIESEL FUEL or HEATING OIL, LIGHT (PG III) - diesel with a flash point of 60°C or less:
- c) UN 1223 – KEROSENE (PG III):
- d) UN 1263 – PAINT or PAINT RELATED MATERIAL (PG II and PG III only):
- e) UN 1268 PETROLEUM PRODUCTS N.O.S. or PETROLEUM DISTILLATES N.O.S. (PG II and PG III only) - camping fuel, Fuelite, Pegasol:
- f) UN 3066 - PAINT or PAINT RELATED MATERIAL (PG II and PG III):
- g) UN 3469 – PAINT, FLAMMABLE, CORROSIVE or PAINT RELATED MATERIAL, FLAMMABLE, CORROSIVE (PG II and PG III only):
- h) UN 3470 – PAINT, CORROSIVE, FLAMMABLE or PAINT RELATED MATERIAL, CORROSIVE, FLAMMABLE (PG II and PG III only):
- i) UN 3295 HYDROCARBON LIQUIDS N.O.S. (PG II and PG III only).

Class 9 substances

Diesel with a flash point over 60°C is classified as UN 3082 – ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. (PG III).

Toiletries and cosmetics

Passengers can also carry toiletries and cosmetics for personal use in their vehicles.

Summary of Submissions

Involvement by industry in developing the proposals

The Dangerous Goods Working Group (DGWG), an ad hoc industry group convened by MNZ, reviewed the current Part 24A over a number of years between 2001 and 2008, and worked on various aspects of its application, including:

- the development of dangerous goods documentation for multimodal transport
- dangerous goods limits for foot passengers and passenger vehicles
- the practical management of dangerous goods on ships within the Safe Ship Management (SSM) regime
- training requirements for all people in the dangerous goods transport chain.

The DGWG's findings helped inform the current proposals.

2011 Consultation on initial proposals

An initial round of consultation on proposed changes to Part 24A occurred between 10 February 2011 and 1 April 2011, which proposed:

- the continued application of the IMDG Code in full for all ships on international voyages
- some relaxation of the full IMDG Code requirements for ships on domestic voyages (as the SOLAS Convention in effect allows), including removal of obligations on pleasure craft
- a new regime to regulate dangerous goods carried on domestic voyages as passenger luggage or in passenger vehicles.

Submissions were received from the following sector groups and interests:

- Cook Strait ferry operators - Interislander and Strait Shipping Ltd
- Smaller ferry operators – Sealink Travel group (operator of Waiheke Island and Great Barrier Island RoRo ferry services)
- New Zealand Fire Service
- Road Transport Forum
- Dangerous Goods consultants – Chemie Tech Ltd and Waterfront Training and Consultancy Services (South Pacific) Ltd
- Safe Ship Management (SSM) companies – Maritime Management Services
- Freight forwarders and logistics sector – Kuehne-Nagel Ltd

There was broad support for a simplified rule. Matters raised in the submissions included the following:

- Lack of clarity in the draft rule as regards responsibilities of parties in the transport chain;
- Support for the adoption of Land Transport standards for freight vehicles carrying dangerous goods across Cook Strait with a view to a common standard across the national transport network;
- Comments and recommended changes to the permissible classes and quantities of non-freight dangerous goods that may be carried on board by foot passengers or drivers of passenger vehicles;
- Support for lifting restrictions on passenger numbers when carrying bulk fuel and LPG in road tankers on smaller domestic Roll-on Roll-off passenger ferries (the IMDG Code limits them to 25 passengers in this situation);
- Uncertainty about training requirements in the draft rule and the costs of becoming an MNZ-approved provider of dangerous goods training.
- Comments about the lack of monitoring and enforcement of dangerous goods standards by MNZ (past and present) and the risks that presents both internationally and domestically.

A more detailed summary of the submissions is included in Appendix 1.

Further consultation

In December 2012, following the feedback from the submitters above, discussions with some of the key stakeholders and further policy analysis, MNZ consulted the sector again with a revised set of proposals. These proposals also addressed concerns raised by technical experts regarding the robustness of some of the alternative standards that had been proposed in the draft rules, and that provisions previously agreed by the dangerous goods working group (DGWG) had been subsequently discarded.

As a result of the analysis, MNZ determined that IMDG standards rather than land transport standards should be retained for Cook Strait, possibly with concessions on vehicle placarding. It was considered that the adoption of land transport standards for freight carried across Cook Strait could not be justified on safety grounds. It was also determined that restrictions on passenger numbers for smaller ships carrying bulk fuel should not be relaxed as previously proposed, and any deviations dealt with through the rules exemption process. Provisions for dangerous goods carried by passengers and in passenger vehicles should be retained, subject to modification. These changes were reflected in the proposals. A revised draft rule was not prepared at this time.

Submissions on the proposals were received from the following sector groups and interests:

- Greater Wellington Regional Council
- Smaller ferry operators – Sealink Travel group (operator of Waiheke Island and Great Barrier Island RoRo ferry services)
- New Zealand Fire Service
- Road Transport Forum
- Dangerous Goods consultants – Haz Know Ltd and SAND Ltd
- Training institutions – NZ Maritime School
- Transport operators – Z Energy (fuel tankers)
- Shipping agents – Shipping NZ
- Cook Strait ferry operators - Interislander and Strait Shipping Ltd

While some submitters supported the proposals, there were concerns from the smaller vehicle ferry operators (in particular Sealink Travel) that the proposals were unworkable for them and reversed what had been previously agreed. The Road Transport Forum also disagreed with MNZ's position on the use of land transport standards for freight carried across Cook Strait.

A more detailed summary of the submissions is included in Appendix 2.

Representatives from MNZ and the Ministry of Transport subsequently met with Sealink, Fullers Bay of Islands and SSM company Maritime Management Services in April 2013 to discuss their concerns. The operators explained the constraints on their respective operations and the potential commercial impacts of the proposals, in particular restrictions on carriage of passengers, and the difficulties of achieving the necessary segregation of dangerous goods on their vessels. They also did not favour the use of the rules exemption process as the primary mechanism for allowing deviations from the proposed standards.

As a result of this discussion, MNZ has revisited the specific proposals related to domestic voyages in restricted limits, affecting these and other small vessel operators. It has also taken account of the future MOSS regime being introduced in mid-2014, which is intended to significantly enhance the effectiveness of operators' SMSs and will put a greater focus on operator responsibility for managing hazards including dangerous goods. The revised proposals in the final draft rules provide more flexibility for operators to manage the risks from the carriage of dangerous goods through their SMSs while still maintaining some prescriptive standards.

MNZ also subsequently met with the Road Transport Forum to discuss their concerns. MNZ contends that the perceived benefits from adoption of land transport standards for freight across Cook Strait are outweighed by safety considerations (the safety of both seafarers and the public). In the event of a serious incident on the Cook Strait trade related to dangerous goods, MNZ believes that the

Maritime Rules

suggested relaxation of the IMDG standards would not stand up to wider scrutiny. However, in consultation with the Cook Strait ferry operators, MNZ proposed to relax the placarding requirements for freight vehicles as this is not considered to present a significant risk. This mostly affects line-haul trucks.

Apart from vehicle placarding, both Cook Strait operators already enforce the IMDG standards for freight, and their major freight customers, who account for the bulk of the freight carried across Cook Strait comply with those standards, apparently without great difficulty. Interislander's introduction in 2012 of its "Passport" electronic dangerous goods freight booking system, based on the IMDG Code, has significantly streamlined and improved the robustness of the process for screening and managing dangerous goods freight for both operator and customer. Interislander was a finalist for an international award for this system in late 2012.

Key issues and final proposals

A tabular summary of the main issues raised during all stages of consultation and the actions taken to address the submitters' concerns is presented in Appendix 3.

Appendix 1: 2011 consultation

- Cook Strait ferry operators, supported by the Road Transport Forum, consider that the Land Transport Rule: Dangerous Goods requirements for placarding (signage) and for stowage and segregation of dangerous goods within freight vehicles or containers should apply across Cook Strait, instead of the full IMDG standard.
- Cook Strait ferry operators supported the approach of schedules of permissible classes and quantities of dangerous goods for foot passengers and drive-on passengers but suggested some adjustments to the schedules and noted the practical difficulty of any requirement for declaration of dangerous goods in passenger vehicles.
- The NZ Fire Service did not consider that placarding of dangerous goods freight vehicles to IMDG (as opposed to Land Transport) standards would provide any significant benefit, nor would declaration of dangerous goods in passenger vehicles.
- Sealink broadly supported the draft rule – particularly the proposal to allow in excess of 25 passengers on dangerous goods sailings in restricted areas subject to mitigating provisions (although Maritime NZ no longer supports this relaxation of IMDG standards). Sealink also supported the proposed schedules of permissible classes and quantities for foot passengers and drive-on passengers, but suggested some adjustments to the quantities and classes.
- Chemie-Tech Ltd broadly supported the draft rule, but commented on a number of technical aspects, including the need for greater clarity of individual responsibilities, and MNZ's proposed role in approving dangerous goods training for those involved at different parts of the transport chain. They also supported the application of Land Transport standards for Cook Strait as noted above.
- Waterfront Training and Consultancy Services (South Pacific) Ltd commented on the lack of clarity in relation to responsibilities, expressed concerns at the cost of registering as an approved trainer, and noted the lack of enforcement of the rules by Maritime NZ in the past. They also did not support reduced requirements for placarding of vehicles and containers.
- Maritime Management Services proposed some adjustments to schedules of permissible dangerous goods classes and quantities. They also sought clarity in relation to individual responsibilities in relation to dangerous goods training, and suggested changes to the requirements for segregation on board smaller domestic vessels when carrying fuel in tankers.
- Keuhne-Nagel sought clarification on the application of training requirements.

Appendix 2: 2012 consultation

- Greater Wellington Regional Council supported removal of the requirement for masters to notify harbourmasters of all dangerous goods cargo movements, noting that notification requirements are already dealt with in bylaws.
- HazKnow Ltd's submission related primarily to carriage of dangerous goods across Cook Strait, both as freight and passenger luggage. They commented that some relaxation of IMDG standards should be permitted on Cook Strait, allowing land transport standards to apply. They suggested that applying the IMDG Code on domestic voyages may cause confusion. They noted that segregation devices on vehicles which are widely used on land but not permitted for carriage by sea have never caused a problem.
- HazKnow supported the adoption of land transport placarding for freight vehicles on Cook Strait but agreed that mixed class placards should not be permitted. They noted that the ship's stowage plan is the primary reference for locating dangerous goods cargo in an emergency
- HazKnow noted that better training of shore-based shippers and loaders and greater monitoring by MNZ would improve compliance on Cook Strait. They also noted that dangerous goods training should include demonstration of competency as well as formal courses. They commented that information on dangerous goods should be posted at terminals to educate passengers on the hazards and the rule requirements.
- SAND Ltd supported the use of IMDG standards for carriage of dangerous goods freight on Cook Strait including placarding and that land transport mixed class placards should not be permitted. They also supported the use of the rules exemption process for assessing alternatives to the standards specified in the rules.
- SAND noted that reduced standards for carriage of dangerous goods on ships operating within restricted limits should be based on clearly applied principles - the risk to persons, the vessel and the environment, taking into account substances carried, quantities, stowage and securing. They recommended that arrangements on these ships should be subject to certification by MNZ rather than left to the operator's safety management system.
- The New Zealand Road Transport Forum (NZRTF) raised concerns about the application of the IMDG Code on Cook Strait and that additional training for drivers and others to ensure compliance would be a big cost to the industry and reduce productivity. They also commented that the IMDG Code is not free or readily available, unlike the land transport standard.
- Sealink Travel Group expressed concern at the application of the IMDG Code to ships operating within restricted limits, noting that this is not appropriate or practical, and many ships would not be capable of complying. They also expressed concern at the cost of having to seek exemptions from the rules.
- Sealink supported the previous proposals permitting the carriage of more than 25 passengers when carrying fuel in road tankers, and suggested the rules should allow them to establish suitable segregation standards specific to their ships. They also indicated that the proposed rules would increase the cost of carriage of dangerous goods and could make some services economically unviable.
- Strait Shipping supported the requirement for placarding only the front and the rear of truck and trailer combinations on Cook Strait services, as opposed to full IMDG placarding, but did not support mixed class placards, which land transport standards permit.
- Interislander expressed concern that with the proposed allowances for dangerous goods carried by passengers, the requirements for carrying those goods as freight would be more stringent than if they were carried as passenger luggage.
- Interislander also noted that there will be costs associated with complying with new rules in respect of dangerous goods carried by passengers in their luggage or in their vehicles. This would include changes to the website, check-in procedures, and educational and advisory material, as well as costs of additional training and staff. These costs were not quantified.
- The New Zealand Fire Service (NZFS) noted that they may need to obtain exemptions in respect of the carriage of BA cylinders for fire fighting across Cook Strait. They also requested that where

a ship operator's emergency plans define a specific role for the NZFS, then consultation with the NZFS should be mandatory.

- Shipping New Zealand commented that training requirements for shore-based personnel processing or handling dangerous goods need to be addressed in the rule.
- Z Energy did not consider that there were any substantive changes proposed that would affect the transport of fuels in tankers across Cook Strait or to Waiheke Island.
- The NZ Maritime School noted that if other agencies such as NZ Customs and the Ministry for Primary Industries were likely to be assisting MNZ with compliance and enforcement activities in respect of dangerous goods, they would need appropriate training and the School could assist in this.
- Verbal feedback was also received from Waterfront Training and Consultancy Ltd and also from Chemie-Tech Ltd.

Appendix 3: Summary of main issues raised and actions taken

Issue	Explanation and actions proposed
Lack of clarity in the rule as regards responsibilities of parties in the transport chain	The safe carriage of dangerous goods by sea relies on all parties throughout the transport chain to carry out their functions and duties safely and to the required standards. Following consultation the rule has been modified to make these obligations clearer and so remove any doubt as to where the responsibilities lie.
Proposed standards for freight vehicles carrying dangerous goods across Cook Strait	Some submitters had proposed the adoption of land transport standards for freight vehicles carrying dangerous goods across Cook Strait, with a view to achieving a common standard across the national transport sector. Standards for carriage by sea are more stringent than that for land, which reflect the different risks associated with each mode. Maritime New Zealand determined that the relaxation of standards for Cook Strait voyages could not be justified on safety grounds, but has made some concessions in relation to the placarding of freight vehicles.
Proposed standards for dangerous goods carried by passengers on all domestic voyages and potential costs associated with implementing them, particularly on Cook Strait services	Schedules in the rule prescribing permitted dangerous goods and maximum quantities able to be carried by passengers were adjusted in response to comments received. The obligations of both passengers and ship operators in respect of dangerous goods have been made clearer. Operators have been given greater flexibility to manage the risks from dangerous goods carried by passengers through their safety management systems.
Restrictions on passenger numbers when carrying bulk fuel and LPG in road tankers on smaller domestic vehicle and passenger ferries	The IMDG Code limits the number of passengers that can be carried on a vessel when certain classes of dangerous goods are carried. For smaller vessels this is limited to around 25 passengers when goods such as petrol and LPG are aboard. This requirement has been relaxed for vessels operating within restricted limits. Operators will be required to establish safe working limits for passenger numbers and cargo carried within their safety management systems based on an assessment of the risks. Maritime New Zealand will vet operator safety plans under the new MOSS regime.
Uncertainty about training requirements in the rule and the costs of becoming an Maritime New Zealand-approved provider of dangerous goods training	The IMDG Code does not specifically require maritime administrations (such as Maritime New Zealand) to approve training for shore-based personnel. Training course approvals will fall under the domain of the New Zealand Qualifications Authority with Maritime New Zealand only setting the competency standards. This is the same approach that has been adopted for the proposed new Seafarer Certification regime (SeaCert) in Maritime Rules Part 35. This will avoid unnecessary duplication and costs for training providers and supports existing training programmes for dangerous goods which commonly cover more than one transport mode.

Issue	Explanation and actions proposed
Concerns about the lack of monitoring and enforcement of dangerous goods standards by Maritime New Zealand and the risks that presents both internationally and domestically	The adoption of more appropriate standards for the domestic commercial sector in the proposed rule, together with the introduction of the new MOSS regime will support more effective monitoring and enforcement of standards for carriage of dangerous goods by Maritime New Zealand. Improved capability in Maritime New Zealand's intelligence gathering and analysis will also support a more targeted and efficient approach to ensuring compliance.