



MINISTRY of TRANSPORT
TE MANATU WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 36 of the Maritime Transport Act 1994

I, MAURICE DONALD WILLIAMSON, Minister of Transport,

HEREBY MAKE the following maritime rules.

SIGNED AT Wellington

This *10* day of *December* 1997

by **MAURICE DONALD WILLIAMSON**

Minister of Transport

Maritime Rules

Part 24A

CARRIAGE OF CARGOES - DANGEROUS GOODS

Maritime Transport Act 1994

Maritime Rules

PART 24A

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Maritime Rules

PART 24A

CARRIAGE OF CARGOES – DANGEROUS GOODS

Part Objective, Extent of Consultation and Commencement

Objective

Part 24A sets out the responsibilities of seafarers, ship owners, shippers, consolidators and packers in respect of dangerous goods to be carried by sea.

Section 1 of Part 24A prescribes the carriage of dangerous goods requirements of Chapter VII of the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74). These cover the carriage of dangerous goods in packaged form or in solid form in bulk where carriage is to be in accordance with the packaging and stowage requirements of the International Maritime Dangerous Goods Code (IMDG Code). Section 1 also prescribes the requirements for ships carrying dangerous liquid chemicals in bulk and liquefied gases in bulk. This section applies to any commercial ship which is a New Zealand ship or a foreign ship in New Zealand waters.

Section 2 of Part 24A has been reserved for provisions which will apply to passengers who bring on board a ship dangerous goods which are intended for their personal use.

Requirements for the reporting and handling of incidents involving dangerous goods are given in section 3 of Part 24A. These include the international reporting provisions of SOLAS 74 relating to loss of dangerous goods packages at sea, leakage or spillage at New Zealand ports, and a requirement for plans for dealing with dangerous goods incidents in New Zealand ports. The reporting provisions apply to any commercial ship which is a New Zealand ship or a foreign ship in New Zealand waters.

This Part replaces –

- Section 173 of the Maritime Transport Act 1994; and
- The Shipping (Dangerous Goods) Rules 1979.

Extent of Consultation

On 6 September 1997 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 24A. A notice was also published in the *New Zealand Gazette* on 4 September 1997. The Authority then made its Invitation to Comment, draft Part 24A and draft Advisory Circular available to the public with 257 copies being sent to interested parties. Comments on the Part were requested to be made by 31 October 1997.

Eighteen submissions were received on Part 24A. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

Commencement

Part 24A as amended was referred to and signed by the Minister of Transport.

Part 24A comes into force on 1 February 1998.

Maritime Rules – Part 24A

CARRIAGE OF CARGOES – DANGEROUS GOODS

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General

24A.1 Entry into force

Part 24A comes into force on 1 February 1998.

24A.2 Definitions

In Part 24A:

“Bulk Chemical Code” or **“BCH Code”** mean the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the International Maritime Organization by Assembly Resolution A.212(VII), as amended by that organisation from time to time:

“Cargo” includes mail and passengers’ baggage:

“Chemical tanker” means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code:

“Coastal limits” means the limits set out in Appendix 2 of Part 20:

“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 Assembly Resolution A.329(IX), as amended by that organisation from time to time:

“Consolidator” means a person who packs or supervises packing of cargo for various shippers into a container or vehicle for transport by sea:

“Container” or **“freight container”** means an article of transport equipment that is –

- (a) of permanent character and accordingly strong enough to be suitable for repeated use; and
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading; and
- (c) designed to be secured or readily handled or both, having fittings for these purposes.

The term “container” or “freight container” does not include a vehicle or packaging; but does include a container that is carried on a chassis:

“**Crew**” means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port):

“**Constructed**” in respect of a ship means a stage of construction where –

- (a) the keel of the ship is laid; or
- (b) construction identifiable with the specific ship has begun; or
- (c) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less:

“**Dangerous goods**” means –

- (a) any substance, in packaged form or in solid form in bulk, listed and classified according to its hazards in the IMDG Code; and
- (b) any harmful substance; and
- (c) empty receptacles that have been used for substances specified in paragraph (a), unless the receptacles have been cleaned, subsequently dried, and, where appropriate, gas freed –

but does not include goods forming part of the equipment or stores of the ship in which they are carried:

“**Dangerous goods document**” means a certificate for a consignment of dangerous goods containing the information required by Volume 1, Sections 9.3, 9.5, 9.6 and 9.7 of the IMDG Code:

“**Dangerous goods list or manifest**” means –

- (a) a special list or manifest setting out the dangerous goods on board and their location on board; or
- (b) a detailed stowage plan that identifies by class, and sets out the location of, all dangerous goods on board:

“**Director**” means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

“**Enclosed limits**” has the same meaning as in Part 20:

“Foreign ship” means any ship that is not a New Zealand ship:

“Gas carrier” means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the *International Gas Carrier Code*:

“Gas Carrier Code” means the *Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* adopted by the International Maritime Organization Assembly Resolution A.328(IX), as amended by that organisation from time to time:

“Harbourmaster”, in relation to a port, means any person appointed as a Harbourmaster of that port under the Harbours Act 1950 or the Local Government Act 1974 and, where no such person has been appointed, means the regional council within whose region the port facility is located and includes any person authorised by the Harbourmaster to perform the functions of a Harbourmaster required under this Part:

“Harmful substance” means –

- (a) any substance in packaged form for the time being identified as a marine pollutant in the IMDG Code; and
- (b) any empty packaging that has been used previously for the carriage of a substance specified in paragraph (a), unless adequate precautions have been taken to ensure that the packaging contains no residue that is harmful to the marine environment –

but does not include ship’s stores and equipment:

“In bulk” means carried in the cargo or other spaces of a ship without any intermediate form of containment or packaging:

“Inshore limits” has the same meaning as in Part 20:

“Intermediate Bulk Container” or **“IBC”** mean any rigid, semi-rigid or flexible portable packaging, other than those specified in Annex 1 to the IMDG Code, that –

- (a) has a capacity of:
 - (i) not more than 3.0 cubic metres (3000 litres) for solids and liquids of packaging group II and III; or

- (ii) not more than 1.5 cubic metres for solids of packaging group I when packed in flexible, rigid plastics, composite, fibreboard or wooden IBCs; or
 - (iii) not more than 3.0 cubic metres for solids of packaging group I when packed in metal IBCs; and
- (b) is designed for mechanical handling; and
 - (c) is resistant to the stresses produced in handling and transport, as determined by the applicable tests specified in Volume 1 of the IMDG Code –

but does not include any portable tank:

“International Bulk Chemical Code” or **“IBC Code”** means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environmental Protection Committee of the International Maritime Organization by Resolution MEPC.19(22), as amended by that organisation from time to time:

“International Gas Carrier Code” or **“IGC Code”** mean the *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* adopted by the Maritime Safety Committee of the International Maritime Organization by Resolution MSC.5(48), as amended by that organisation from time to time:

“International Maritime Dangerous Goods Code” or **“IMDG Code”** mean the *International Maritime Dangerous Goods Code* published by the International Maritime Organization, as amended by that organisation from time to time:

“Labelling” means to durably identify with distinctive label(s) or stencil(s) of the label(s) to make clear the dangerous properties of the goods:

“Leakage and spillage” includes –

- (a) any leakage and spillage of dry contents; and
- (b) emission of radiation at levels that are either directly or indirectly injurious to human health:

“Marking” means to durably mark an item with the proper shipping name of the contents, and, when assigned, the corresponding United Nations UN Number preceded by the letters “UN”:

“Master” means any person (except a pilot) having command or charge of any ship:

“New Zealand Defence Force” has the same meaning as the term “Defence Force” in section 2(1) of the Defence Act 1990:

“New Zealand jurisdiction” means –

- (a) the internal waters of New Zealand:
- (b) the territorial sea of New Zealand:
- (c) the exclusive economic zone of New Zealand:
- (d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

“New Zealand ship” means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under the Act but is required or entitled to be registered under the Act:

“New Zealand waters” means –

- (a) the territorial sea of New Zealand; and
- (b) the internal waters of New Zealand; and
- (c) all rivers and other inland waters of New Zealand:

“Non-passenger ship” means any ship that is not a passenger ship or a fishing ship:

“Offshore installation” or **“installation”** includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline:

“Offshore limits” means the area not more than 200 miles from the coast of the North Island or the South Island or Stewart Island or any of the islands in the Chatham Island group;

and includes the area enclosed by the 12 mile New Zealand territorial limit around the Auckland Island group;

and inside the following two lines commencing at the position 27° 49'S, 177° 34'W;

the line bearing 204° to the New Zealand 200 mile limit

the line bearing 180° for 100 miles then 201° to the New Zealand 200 mile limit:

“Offshore terminal” means any place in the sea where cargo is loaded or unloaded:

“Owner”, –

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:
- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

“Package” and **“packages”** are the complete product of the packing operation, consisting of the packaging and its contents prepared for transport:

“Packaged form” in relation to harmful substances means the forms of containment specified for harmful substances in the IMDG Code:

“Packagings” are receptacles and any other components or materials necessary for the receptacle to perform its containment function:

“Part” means a group of rules made under the Maritime Transport Act 1994:

“Passenger” means any person carried on a ship, other than –

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship:
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled:
- (c) a child under the age of 1 year:

“Passenger ship” means a ship that carries more than 12 passengers on a voyage beyond restricted limits, or any passengers on a voyage within restricted limits:

“Personal use” means not for the purpose of hire or reward:

“Placarding” means affixing an enlarged label (a placard) to the exterior surfaces of a cargo transport unit, unit load, or overpack to provide warning that the contents of the unit are dangerous goods and present risks, unless the labels or marks affixed to the packages are clearly visible from the exterior of the unit:

“Pleasure craft” means a ship that is used exclusively for the owner’s pleasure or as the owner’s residence, and is not offered or used for hire or reward; but does not include –

- (a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business:
- (b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or for the carriage of passengers or cargo for hire or reward:
- (c) a ship that is operated or provided by any club, incorporated society, trust, or business:

“Port” includes place and harbour:

“Portable tank” means a tank having a capacity of more than 450 litres whose shell is fitted with items of service equipment and structural equipment

necessary for the transport of dangerous substances whose vapour pressure is not more than 3 bar (absolute) at a temperature of 50°C. It is a tank that has stabilising members external to the shell and is not permanently secured on board the ship. Its contents should not be loaded or discharged while the tank remains on board. It should be capable of being loaded and discharged without the need of removal of its structural equipment and be capable of being lifted on and off the ship when loaded:

“Proper Shipping Name” in respect of any dangerous good, means –

- (a) the same as ‘correct technical name’ as required by Chapter VII Part A Regulation 4.1 of SOLAS; and
- (b) the name distinguished in the General Index, Volume One of the IMDG code with capital letters in the first column headed SUBSTANCE or ARTICLE. Where alternative shipping names are provided in the IMDG Code, the entry most accurately describing the dangerous goods is the appropriate proper shipping name:

“Receptacle” means any containment vessel for receiving and holding substances or articles, including any vehicle, and any means of closing:

“Region” has the same meaning as in the Local Government Act 1974:

“Regional Council” or **“council”** has the meaning given to the term “regional council” in the Local Government Act 1974; and includes –

- (a) any territorial authority that has the functions, powers, and duties of a regional council; and
- (b) the Chatham Islands County Council:

“Restricted limits” means –

- (a) enclosed water limits; and
- (b) inshore limits:

“Reward” means any remuneration, recompense, or other payment, whether of money or money’s worth:

“Rules” includes maritime rules and marine protection rules:

“Safety cartridges” has the same meaning as in the Explosives Act 1957:

“Ship” means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes –

- (a) a barge, lighter, or other like vessel:
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- (c) a submarine or other submersible:

“Shipper” means any person by whom or in whose name or on whose behalf a contract of goods by sea has been concluded with a carrier, or any person by whom or in whose name or on whose behalf the goods are actually delivered to the carrier in relation to the contract of carriage by sea:

“UN number” means the number assigned to an item of dangerous goods in the IMDG Code:

“Unlimited area” means the sea area outside offshore limits:

“Vehicle” means any road freight or tank vehicle or railway freight or tank wagon permanently attached to an underframe and wheels, or chassis and wheels, that is loaded and unloaded as a unit. It also includes a trailer, semi-trailer or similar mobile unit, except those used solely for the purposes of loading and unloading:

“Voyage” means a journey by water from one port –

- (a) to another port; or
- (b) back to the same port without calling at any other port.

Section 1

24A.3 Application of section 1

- (1) Rules 24A.4 to 24A.8 inclusive, and rules 24A.10 to 24A.15 inclusive, apply to any commercial ship that is –
 - (a) a New Zealand ship; or
 - (b) a foreign ship in New Zealand waters.

- (2) Rules 24A.4 to 24A.8 inclusive, and rules 24A.10 to 24A.15 inclusive, also apply to –
- (a) any New Zealand ship that is a pleasure craft; and
 - (b) any foreign ship within New Zealand jurisdiction –
- that is carrying dangerous goods that are harmful substances in packaged form.

DANGEROUS GOODS IN PACKAGED FORM OR IN SOLID FORM IN BULK – INDIVIDUAL RESPONSIBILITIES

24A.4 Master

- (1) The master of any ship to which this rule applies must ensure that dangerous goods are only loaded on the ship once the master or a person appointed by the master for that purpose has received the documentation set out in Appendix 1.4(1).
- (2) The master of a ship to which this rule applies must ensure that –
- (a) dangerous goods are only loaded on the ship once the master has received from the owner a list or manifest of the dangerous goods to be loaded; and
 - (b) the documentation set out in Appendix 1.4(1) complies fully with the requirements of Appendix 1.4.
- (3) The master of any ship to which this rule applies must ensure that dangerous goods –
- (a) are stowed on the ship in accordance with Appendix 1.5; and
 - (b) are kept stowed on the ship in accordance with Appendix 1.5; and
 - (c) that the master knows, or ought to know, are liable to be incompatible and liable to interact dangerously, are kept adequately segregated on board the ship as required by Appendix 1.5.
- (4) The master of any ship to which this rule applies must ensure that –

- (a) all dangerous goods on board are identified on a dangerous goods list or manifest in accordance with the classification provided in Appendix 1.1; and
 - (b) the position of any dangerous goods on board the ship is noted on the dangerous goods list or manifest; and
 - (c) where any dangerous good is also a harmful substance in packaged form, this is indicated on the dangerous goods list or manifest.
- (5) The master of any ship to which this rule applies that is carrying dangerous goods must ensure that –
- (a) the dangerous goods list or manifest referred to in rule 24A.4(4) is carried on board the ship; and
 - (b) if the ship departs from a port or offshore installation, a copy of the dangerous goods list or manifest referred to in rule 24A.4(4) is left with –
 - (i) the owner of the ship; or
 - (ii) the Harbourmaster –as determined by the Harbourmaster.
- (6) The master of any ship to which this rule applies must not permit the loading of any package, container, or receptacle onto the ship if he or she believes that the package, container, or receptacle –
- (a) contains dangerous goods; and
 - (b) is not packaged, marked, labelled, and documented in accordance with Appendix 1.2 to 1.4.
- (7) The master of any ship to which this rule applies must make –
- (a) the dangerous goods documentation referred to in Appendix 1.4(1); and
 - (b) the dangerous goods list or manifest referred to in rule 24A.4(4) –
available on request to any:
 - (c) harbourmaster; and
 - (d) person appointed by the local or state authority of the port or offshore terminal of a state other than New Zealand; and
 - (e) sworn New Zealand police officer.

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- (8) The master of any ship to which this rule applies must make –
- (a) the dangerous goods documentation referred to in Appendix 1.4(1); and
 - (b) the dangerous goods list or manifest referred to in rule 24A.4(4) – available during a dangerous goods incident on request to any:
 - (c) officer of the New Zealand Fire Service; and
 - (d) officer of the armed forces of New Zealand.
- (9) The master of any ship to which this rule applies arriving from a voyage in the unlimited area that is carrying dangerous goods must ensure that notice of the arrival of the ship is given to the harbourmaster of the port at least 48 hours prior to arrival.
- (10) The master of any ship to which this rule applies that is arriving from a New Zealand port or offshore installation that is carrying dangerous goods must ensure that notice of the arrival of the ship is given to the harbourmaster of the port of arrival –
- (a) as soon as practicable; and
 - (b) before the vessel enters the harbour's limits.
- (11) The master of a ship to which this rule and section 2 of Part 21 applies that does not proceed beyond restricted limits is not required to comply with rules 24A.4(2) and 24A.4(4), provided the ship's Safe Ship Management system has adequate documentation procedures for the carriage of dangerous goods.
- (12) The master of a ship to which this rule applies that departs a port but does not proceed beyond the harbourmaster's jurisdiction is not required to comply with rules 24A.4(5) and 24A.4(10)(b).

24A.5 Shipper

- (1) The shipper of any container or vehicle containing dangerous goods being shipped only by that shipper on any ship to which this rule applies must –
- (a) complete the documentation itemised in Appendix 1.4(1); and
 - (b) ensure that the documentation itemised in Appendix 1.4(1) complies with Appendix 1.4; and

- (c) provide to the owner or the master of that ship the completed documentation itemised in Appendix 1.4(1).
- (2) The shipper of any dangerous goods that are to be taken on board any ship to which this rule applies as a part load in a container or vehicle must –
- (a) complete the documentation itemised in Appendix 1.4(1)(a) and 1.4(1)(b); and
 - (b) ensure that the documentation itemised in Appendix 1.4(1)(a), and 1.4(1)(b) complies with Appendix 1.4(2) to 1.4(5) inclusive; and
 - (c) provide to the consolidator the completed documentation itemised in Appendix 1.4(1)(a) and 1.4(1)(b).
- (3) Any documentation required to be provided by the shipper to an owner, master, or consolidator under rule 24A.5(1) or 24A.5(2) must be provided –
- (a) as soon as practicable; and
 - (b) before the dangerous goods are loaded on any ship.
- (4) The shipper of any dangerous goods to be taken on board any ship to which this rule applies must ensure that all packaging used for the goods, including IBCs, complies with the requirements of Appendix 1.2.

24A.6 Owner

- (1) The owner of a ship to which this rule applies must ensure that dangerous goods are not taken on board the ship until the master or a person appointed by the master for that purpose has received the documentation set out in Appendix 1.4(1) for those dangerous goods.
- (2) The owner of any ship to which this rule applies must –
- (a) provide to the master of that ship a list or manifest of the dangerous goods to be loaded –
 - (i) as soon as practicable; and
 - (ii) before the dangerous goods are loaded on the ship; and
 - (b) ensure that dangerous goods are not taken on board the ship until the owner has delivered to the master of the ship the list or manifest of dangerous goods to be loaded, referred to in rule 24A.6(2)(a).

- (3) The owner of any ship to which this rule applies arriving from a voyage in the unlimited area that is carrying dangerous goods must ensure that a copy of the dangerous goods list or manifest for the arrival condition of the ship including –
- (a) the UN number and class of every dangerous good; and
 - (b) the quantity of every dangerous good –
- is supplied to the Harbourmaster at least 48 hours prior to the ship's arrival.
- (4) The owner of any ship to which this rule applies that is arriving from a voyage from a New Zealand port that is carrying dangerous goods must ensure that a copy of the dangerous goods list or manifest for the arrival condition of the ship including –
- (a) the UN number and class of every dangerous good; and
 - (b) the quantity of every dangerous good –
- is supplied to the Harbourmaster –
- (c) as soon as practicable; and
 - (d) before the vessel enters the harbour limits.
- (5) Any owner who receives a copy of the dangerous goods list or manifest under rule 24A.4(5)(b)(i) must keep that copy available for inspection by the Director at all times –
- (a) until the ship is known to have arrived safely at its destination; or
 - (b) for six months –
- whichever is the shorter period.
- (6) The owner of any ship to which this rule applies must ensure that dangerous goods –
- (a) are stowed on the ship in accordance with Appendix 1.5; and
 - (b) are kept stowed on the ship in accordance with Appendix 1.5; and
 - (c) that the owner knows, or ought to know, are liable to be incompatible and liable to interact dangerously, are kept adequately segregated on board the ship as required by Appendix 1.5.

- (7) The owner of any ship to which this rule applies must not permit the loading of any package, container or receptacle onto the ship if he or she believes that the package, container or receptacle –
 - (a) contains dangerous goods; and
 - (b) is not packaged, marked, labelled, and documented in accordance with Appendix 1.2 to 1.4.
- (8) The owner of a ship to which this rule and section 2 of Part 21 applies that does not proceed beyond restricted limits is not required to comply with rule 24A.6(2), provided the ship's Safe Ship Management system has adequate documentation procedures for the carriage of dangerous goods.
- (9) The owner of a ship to which this rule applies that departs a port but does not proceed beyond the harbourmaster's jurisdiction is not required to comply with rule 24A.6(4)(d).

24A.7 Harbourmasters

Any Harbourmaster who receives a copy of the dangerous goods list or manifest under rule 24A.4(5)(b)(ii) or rule 24.4(4)(b)(iii) must keep that copy available for inspection by the Director at all times –

- (a) until the ship is known to have arrived safely at its destination; or
- (b) for six months –

whichever is the shorter period.

24A.8 Consolidators and packers

- (1) Any consolidator of any container or vehicle containing dangerous goods and intended for shipment in any ship to which this rule applies must –
 - (a) not pack the dangerous goods into a container or vehicle unless that person is in receipt of the documentation completed by the shipper under rule 24A.5(2); and
 - (b) complete the document required by Appendix 1.4(1)(c); and

- (c) forward all the documentation referred to in rule 24A.8(1)(a) and rule 24A.8(1)(b) to the owner or the master of the ship on which the container or vehicle is to be shipped.
- (2) Any consolidator of any container or vehicle intended for carriage on any ship to which this rule applies, must not load any package into the container or vehicle if he or she believes that the package –
- (a) contains dangerous goods; and
 - (b) is not packaged, marked, labelled, and documented in accordance with Appendix 1.2 to 1.4.
- (3) Any person who completes packing, for one shipper, any container or vehicle containing dangerous goods intended to be shipped on any ship to which this rule applies must –
- (a) ensure that all packaging, including intermediate bulk containers, comply with the requirements of Appendix 1.2; and
 - (b) ensure that all marking, labelling, and placarding is in accordance with Appendix 1.3; and
 - (c) complete and forward to the shipper the documentation required by Appendix 1.4.

24A.9 Manufacturers of intermediate bulk containers and packagings

Manufacturers of packaging, including intermediate bulk containers, used for transporting dangerous goods on ships must ensure that each item of packaging is constructed and approved in accordance with the requirements of Appendix 1.2.

24A.10 All persons

- (1) Any person¹ who offers any dangerous goods for carriage in, or causes or allows any dangerous goods to be loaded into, a ship to which this rule applies, must ensure that the dangerous goods are –

¹ This rule will apply to the driver of any vehicle carrying dangerous goods that are not covered by the Section 2 requirements applicable to passenger baggage carried for personal use. For instance, truck drivers are covered by rule 24A.10.

- (a) properly marked and labelled in accordance with Appendix 1.3; and
 - (b) packaged in such a manner as to withstand the ordinary risks of handling and transport by sea, having regard to the nature and properties of the goods.
- (2) A person must not cause or allow any dangerous goods intended for carriage by sea to be packed in any container, vehicle, or other form of secondary containment, unless the container, vehicle, or other form of secondary containment is marked and labelled in accordance with the requirements of Appendix 1.3.
- (3) A person must not cause any dangerous goods to be loaded onto a ship to which this rule applies if –
- (a) the package or receptacle is damaged sufficiently to –
 - (i) permit leakage and spillage; or
 - (ii) be of reduced effectiveness in preventing leakage and spillage; or
 - (b) there is evidence of leakage or spillage of the contents.
- (4) A person must not cause or permit any dangerous goods in bulk to be loaded into a ship to which this rule applies, if that person knows, or ought to know, that the goods cannot be carried safely to the destination to which they are consigned while stowed in bulk.
- (5) In connection with the handling, stowage, and carriage of dangerous goods on a New Zealand ship to which this rule applies, a person must not –
- (a) intentionally or recklessly interfere with or misuse anything provided on that ship; or
 - (b) disobey instructions displayed in the interest of health or safety on that ship.
- (6) (a) The employer of any person involved in the transportation or handling of dangerous goods intended for carriage by sea must ensure that person has received training in accordance with Appendix 2.
- (b) Any person involved in the transportation or handling of dangerous goods intended for carriage by sea must ensure that they have received training in accordance with Appendix 2.

Passenger ships

24A.11 Explosives in passenger ships

- (1) Subject to rule 24A.11(2), the owner and the master of any passenger ship to which this rule applies must not carry explosives on that ship, except explosives in division 1.4, compatibility group S as defined by the IMDG Code, and either –
 - (a) explosive articles for life-saving purposes, if the total net explosives mass of such articles does not exceed 50 kg per ship; or
 - (b) explosives in compatibility groups C, D and E, if the total net explosives mass does not exceed 10 kg per ship; or
 - (c) explosive articles in compatibility group G other than those requiring special stowage, if the total net explosives mass does not exceed 10 kg per ship; or
 - (d) explosive articles in compatibility group B, if the total net explosives mass does not exceed 5 kg per ship.
- (2) Additional quantities or types of explosives to those referred to in rule 24A.11(1) may be carried in any passenger ship to which this rule applies when special safety measures approved by the Director are taken.

Ships Carrying Dangerous Liquid Chemicals in Bulk

24A.12 Requirements for new chemical carriers

The owner and the master of any ship to which this rule applies which is –

- (a) a chemical tanker constructed on or after 1 July 1986; or
- (b) a ship irrespective of the date of construction, for which conversion to a chemical tanker was commenced on or after 1 July 1986 –

must ensure that the requirements of the IBC Code are complied with.

24A.13 Requirements for existing chemical carriers

The owner and the master of any ship to which this rule applies that is a chemical tanker constructed before 1 July 1986 must ensure that –

- (a) the requirements of the BCH Code are complied with; and
- (b) any repairs, alterations, and modifications to the ship of a major character, and any outfitting related thereto, meet the requirements of the IBC Code.

Ships Carrying Liquefied Gases in Bulk**24A.14 Requirements for new gas carriers**

The owner and the master of any ship to which this rule applies that is –

- (a) a gas carrier constructed on or after 1 July 1986; or
- (b) a ship irrespective of the date of construction, for which conversion to a gas carrier was commenced on or after 1 July 1986 –

must ensure that the requirements of the IGC Code are complied with.

24A.15 Requirements for existing gas carriers

- (1) The owner and the master of any ship to which this rule applies –
 - (a) that is a gas carrier constructed before 1 July 1986; and
 - (b) for which:
 - (i) the building contract is placed after 31 October 1976; or
 - (ii) in the absence of a building contract, the keel of which is laid or that is at a similar stage of construction after 31 December 1976; or
 - (iii) the delivery is after 30 June 1980; or
 - (iv) a major conversion has occurred –
 - (aa) for which the contract was placed after 31 October 1976; or

(bb) in the absence of a contract the conversion of which was begun after 31 December 1976; or

(cc) that was completed after 30 June 1980 –

must ensure that the requirements of the Gas Carrier Code are complied with.

(2) The owner and the master of any ship to which this rule applies that is a gas carrier constructed before 1 July 1986 and to which –

(a) the IGC Code; and

(b) the Gas Carrier Code –

do not apply, must ensure that all of the requirements of the *Code for Existing Ships Carrying Liquefied Gases in Bulk* are complied with.

(3) The owner and the master of any ship to which this rule applies that is a gas carrier constructed before 1 July 1986 must ensure that any repairs, alterations, and modifications to the ship of a major character, and any outfitting related thereto, meet the requirements of the IGC Code.

SECTION 2 – RESERVED

SECTION 3 – REPORTING AND HANDLING OF DANGEROUS GOODS INCIDENTS²

24A.21 Dangerous goods that have been offered to a ship in a New Zealand port or at a New Zealand offshore terminal

The master of any ship to which a rule in Part 24A applies must notify the Director of any dangerous goods that do not comply with the requirements of Part 24A that have been offered for carriage on the ship in a New Zealand port or at a New Zealand offshore terminal.

² Attention is drawn to Part 150 of the Marine Protection Rules - Harmful Substances in Packaged Form. Rules 150.4 and 150.5 have requirements additional to Part 24A regarding the restriction of, jettison of, and incidents involving, harmful substances.

24A.22 Dangerous goods incidents on a ship in a New Zealand port or at a New Zealand offshore terminal

- (1) The master of any ship to which a rule in Part 24A applies must ensure that where a ship that is in a New Zealand port or at a New Zealand offshore terminal and has on board a package or receptacle from which there is actual or probable leakage or spillage of dangerous goods, the Harbourmaster and the Director are notified as soon as possible of such leakage or spillage.
- (2) The master of any ship to which a rule in Part 24A applies and which is in a New Zealand port or at a New Zealand offshore terminal and has on board a package or receptacle from which there is actual or probable leakage or spillage of dangerous goods must, subject to rule 24A.22(3), ensure that where appropriate –
 - (a) the package or receptacle and any dangerous goods that have leaked or spilled from it are not handled; and
 - (b) if the package or receptacle is stowed in an underdeck space, the other cargo is not handled in that space; and
 - (c) if the package or receptacle is stowed on a deck space, other cargo is not handled on or over the deck space; and
 - (d) if the package or receptacle is stowed in an underdeck space, no pumping of the bilges or wells in the space is carried out until the master is satisfied that it is safe to do so.
- (3) The master of any ship carrying a package or receptacle referred to in rule 24A.22(2) must ensure that commencement or resumption of handling of dangerous goods does not take place until –
 - (a) the master, or person authorised by the master, inspects the package or receptacle; and
 - (b) agreement has been reached with the Harbourmaster determining the circumstances under which handling of the package or receptacle may occur.
- (4) (a) Subject to rule 24A.22(4)(b), the master of any ship to which a rule in Part 24A applies and that is in a New Zealand port or at a New Zealand offshore terminal must ensure that, when there has been a leakage or spillage of dangerous goods on board the ship, no person is in or on a part of the ship where the leaked or spilled dangerous goods are situated

until agreement has been reached with the Harbourmaster on giving permission for access to the area.

- (b) The master of any ship to which a rule in Part 24A applies may allow the following people access to a part of a ship where spilled dangerous goods are situated –
 - (i) an officer of the ship; or
 - (ii) the Harbourmaster; or
 - (iii) any person specifically authorised by the master or the Harbourmaster.
- (5) The master of any ship to which a rule in Part 24A applies that is in a New Zealand port or at a New Zealand offshore terminal and that has on board a package or receptacle that for any reason does not comply with the requirements of Part 24A must as soon as possible notify –
 - (a) the Harbourmaster; and
 - (b) the Director –of such non compliance.

24A.23 Dangerous goods incidents at sea

- (1) The master of any ship to which a rule in Part 24A applies must report the particulars of the following incidents to the Director as soon as possible and to the fullest possible extent –
 - (a) any actual or probable loss or spillage into the sea of dangerous goods from any ship in New Zealand waters; and
 - (b) any actual or probable loss or spillage into the sea of dangerous goods from a New Zealand ship in any waters; and
 - (c) dangerous goods for which their receptacles have been found damaged on a ship coming to a New Zealand port or New Zealand offshore terminal, or on a New Zealand ship in any waters.
- (2) Where an incident takes place involving any actual or probable loss or spillage of dangerous goods into the sea from a New Zealand ship in waters outside New Zealand waters, the master must report the particulars to the nearest coastal state as soon as possible and to the fullest possible extent.

- (3) In the event of any ship to which a rule in Part 24A applies being abandoned while carrying dangerous goods, or in the event of a report from such a ship being incomplete or unobtainable, the owner must make or complete the report and forward it to the Director as soon as possible and to the fullest possible extent.

24A.24 Obligation to have incident plans

The operator of a port facility that handles any ship that carries dangerous goods to which a rule in Part 24A applies must –

- (a) develop; and
- (b) maintain; and
- (c) publicise; and
- (d) exercise –

plans for any foreseeable incident concerning dangerous goods on a ship to which this rule applies in the port area.

APPENDIX 1 – CARRIAGE OF DANGEROUS GOODS IN PACKAGED FORM OR IN SOLID FORM IN BULK

1.1 Classification

Dangerous goods must be divided into the following classes:

- (a) Class 1 – Explosives:
- (b) Class 2 – Gases: compressed, liquefied or dissolved under pressure:
- (c) Class 3 – Flammable liquids:
- (d) Class 4.1 – Flammable solids:
- (e) Class 4.2 – Substances liable to spontaneous combustion:
- (f) Class 4.3 – Substances that, in contact with water, emit flammable gases:
- (g) Class 5.1 – Oxidising substances:
- (h) Class 5.2 – Organic peroxides:
- (i) Class 6.1 – Poisonous (toxic) substances:
- (j) Class 7 – Radioactive materials:
- (k) Class 8 – Corrosives:
- (l) Class 9 – Miscellaneous dangerous substances.

1.2 Packaging

- (1) Packaging of dangerous goods must –
 - (a) comply with the specifications of Annex 1 of the IMDG Code; and
 - (b)
 - (i) be well made and in good condition; and
 - (ii) be of such a character that any interior surface with which the contents may come in contact is not dangerously affected by the substance being conveyed; and
 - (iii) be capable of withstanding the ordinary risks of handling and carriage by sea; and

- (iv) when used for harmful substances, be adequate to minimise the hazard to the marine environment, having regard to the specific contents.
- (2) Where absorbent or cushioning material is used in the packaging of liquids in receptacles, that material must be –
- (a) capable of minimising the dangers to which the liquid may give rise; and
 - (b) so disposed as to prevent movement and ensure that the receptacle remains surrounded; and
 - (c) where reasonably possible, of sufficient quantity to absorb the liquid in the event of breakage of the receptacle.
- (3) Receptacles containing dangerous liquids must have an ullage at the filling temperature sufficient to allow for the highest temperature during the course of normal carriage.
- (4) Cylinders or receptacles for gases under pressure must be adequately constructed, tested, maintained, and correctly filled.
- (5) Any packaging of a dangerous good that is an intermediate bulk container manufactured in New Zealand for use in transporting dangerous goods must be –
- (a) constructed in accordance with section 26 of the General Introduction of the IMDG Code; and
 - (b) tested, certified, and marked to show that the intermediate bulk container meets the packaging requirements of the IMDG Code; and
 - (c) approved by one of the following:
 - (i) the Director (for classes 1, 2, 3, 4, 5 and 9); or
 - (ii) the Department of Labour (for Classes 1, 2, 3, 4, 5 and 9); or
 - (iii) the Ministry of Health (for Classes 6, 8 and 9); or
 - (iv) the National Radiation Laboratory (for Class 7).

Intermediate bulk containers not manufactured in New Zealand must comply with the requirements of the administration of the country in which they were manufactured and must be tested, certified, and marked

to show that the container meets the packaging requirements of the IMDG Code.

- (6) Any packaging for dangerous goods used for international shipping manufactured in New Zealand must comply with Annex 1 of the General Introduction to the IMDG Code. It must be constructed in accordance with the design criteria of the IMDG Code, tested, certified, and marked to show that it meets the packaging requirements of the IMDG Code and then approved by one of the following –
- (a) the Director (for classes 1, 2, 3, 4, 5 and 9); or
 - (b) the Director of the Civil Aviation Authority of New Zealand (for classes 1, 2, 3, 4, 5, 6, 8 and 9); or
 - (c) Department of Labour (for Classes 1, 2, 3, 4, 5 and 9); or
 - (d) Ministry of Health (for Classes 6, 8 and 9); or
 - (e) National Radiation Laboratory (for Class 7).

Packagings for dangerous goods not manufactured in New Zealand used for international shipping must comply with the requirements of the administration of the country in which they were manufactured and must be constructed in accordance with the design criteria of the IMDG Code, and be tested, certified, and marked to show that they meet the packaging requirements of the IMDG Code.

- (7) Any packaging for dangerous goods used only within the offshore limit manufactured in New Zealand must –
- (a) comply with one of the following sets of requirements –
 - (i) the IMDG Code;
 - (ii) the United Nations Recommendations on the Transport of Dangerous Goods;
 - (iii) the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air; and
 - (b) if required under the respective code or standard, be constructed in accordance with its design, tested, certified, and marked to show that they

meet the packaging requirements and then approved by one of the following –

- (i) the Director (for classes 1, 2, 3, 4, 5 and 9); or
- (ii) the Director of the Civil Aviation Authority of New Zealand (for classes 1, 2, 3, 4, 5 and 9); or
- (iii) Department of Labour (for Classes 1, 2, 3, 4, 5 and 9); or
- (iv) Ministry of Health (for Classes 6, 8 and 9); or
- (v) National Radiation Laboratory, Ministry of Health (for Class 7).

Packagings for dangerous goods not manufactured in New Zealand used only within the offshore limits must comply with the requirements of the administration of the country in which they were manufactured and must comply with one of the sets of codes specified in Appendix 1.2(7)(a).

- (8) Packagings manufactured in New Zealand must be designed, manufactured, remanufactured, maintained, reused, or reconditioned under AS/NZS 9000:1994 Quality System requirements.
- (9) The approval of packagings for dangerous goods is subject to evidence of satisfactory service as found by normal handling during loading and unloading operations.
- (10) Packaging of dangerous goods of Classes 3, 4, 5.1, 6.1, 8 and 9, does not require approval, providing the packaging –
 - (a) complies with the quantity limits as specified in Table 1; and
 - (b) (i) is appropriate for the nature and quantity of the dangerous goods and the packaging material in contact with the dangerous goods does not contaminate or react with them; and
 - (b) is sufficiently robust to remain intact, and continue to contain the dangerous goods safely, for normal conditions of loading, transport and unloading, allowing also for reasonably foreseeable changes in temperature, humidity, and pressure.

Table 1: Limits of quantities of dangerous goods whose packaging does not require certification or testing		
Class	Packaging Group	Maximum quantity
3, 4, 5.1, 6.1, 8, 9	I	1 kg or 1 litre
4, 5.1, 6.1, 8, 9	II	3 kg or 3 litre
3	II	5 litre
3, 4, 5.1, 6.1, 8, 9	III	5 kg or 5 litre

1.3 Marking, labelling and placarding

- (1) Marking, labelling and placarding must comply with the specifications of Volume I, Sections 7 and 8 of the IMDG Code and those contained in NZS5417:1986 as amended from time to time.
- (2)
 - (a) Packages containing dangerous goods must be durably marked with the proper shipping name; trade names alone must not be used.
 - (b) Packages containing a harmful substance must be durably marked or labelled to indicate that the substance is a marine pollutant.
- (3) To make clear the class or classes and therefore the dangerous properties of the goods contained therein, packages containing dangerous goods must be provided as appropriate with distinctive –
 - (a) labels; or
 - (b) stencils of the labels; or
 - (c) placards.
- (4)
 - (a) The method of:
 - (i) marking the proper shipping name and of affixing labels; and
 - (ii) applying stencils of labels; and
 - (iii) affixing placards on packages containing dangerous goods –

must be such that this information will still be identifiable on packages surviving at least three months immersion in the sea.

- (b) In considering suitable marking, labelling, and placarding methods, account must be taken of the durability of the materials used and of the surface of the package.
- (5) The following dangerous good packages do not have to meet the labelling requirements specified in Appendix 1 –
- (a) packages containing dangerous goods of a low degree of hazard or packed in limited quantities as allowed by the specific exemptions provided in the IMDG code; or
 - (b) packages that are stowed and handled in units that are identified by labels or placards in special circumstances specifically provided for in the IMDG code permit.

1.4 Documents

- (1) (a) A dangerous goods document (as defined in rule 24A.2); and
- (b) a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate, and in proper condition for carriage –
- that may be combined in one form; and
- (c) a signed container packing certificate or vehicle packing declaration stating that:
- (i) the cargo in the unit has been properly packed; and
 - (ii) the cargo in the unit has been properly secured; and
 - (iii) all applicable transport requirements have been met –
- that may be combined with the documentation referred to in Appendix 1.5(1)(a) and (b).
- (2) If the documentation referred to in Appendix 1.4(1)(b) relates to a harmful substance, the signed certificate or declaration must state that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate, and in proper condition for carriage, to minimise the hazard to the marine environment.

- (3) In all documents relating to the carriage of dangerous goods by sea where the goods are named, the proper shipping name of the goods must be used (trade names alone must not be used) and the correct description given in accordance with the classification set out in appendix 1.2.
- (4) On all documents relating to the carriage of harmful substances, the words "MARINE POLLUTANT" must be added.
- (5) All documents required to be completed for the shipment of dangerous goods must be in English.

1.5 Stowage requirements

- (1)
 - (a) Dangerous goods must be loaded, stowed, and secured safely and appropriately in accordance with the nature of the goods and the requirements of Volume I, Section 14 of the IMDG Code.
 - (b) Incompatible dangerous goods must be segregated from one another as required by Volume I, Section 15 of the IMDG Code.
- (2) Cargo transport units, including freight containers, must be loaded, stowed, and secured throughout the voyage in accordance with the ship's Cargo Securing Manual required by Part 24D.
- (3)
 - (a) Explosives (except ammunition) that present a serious risk must be:
 - (i) stowed in a magazine that is kept securely closed while at sea; and
 - (ii) segregated from detonators.
 - (b) Electrical apparatus and cables in any compartment in which explosives are carried must be so designed and used as to minimise the risk of fire or explosion.
- (4)
 - (a) Dangerous goods in packaged form that give off dangerous vapours must be stowed in a mechanically ventilated space or on deck.
 - (b) Dangerous goods in solid form in bulk that give off dangerous vapours must be stowed in a well ventilated space.
- (5) In ships carrying flammable liquids or gases, special precautions must be taken as necessary against fire or explosion.

- (6) Substances that are liable to spontaneous heating or combustion must not be loaded unless adequate precautions have been taken to minimise the likelihood of the outbreak of fire.
- (7) Harmful substances must be properly stowed and secured to minimise hazards to the marine environment without impairing the safety of the ship and persons on board.

Appendix 2 – Training

- 2.1 A person other than a passenger involved in the transportation or handling of dangerous goods intended for carriage by sea must be trained in –
- (a) the safe transport of dangerous goods; and
 - (b) the safe handling of dangerous goods.
- 2.2 The training required by Appendix 2.1 must include a description of –
- (a) the classes; and
 - (b) marking; and
 - (c) labelling and placarding; and
 - (d) packing; and
 - (e) relevant segregation and compatibility requirements; and
 - (f) the purpose and content of the transport documents; and
 - (g) available emergency response documents –
- of dangerous cargoes.
- 2.3 The training required by Appendix 2.1 must include safety training, as applicable to an individual's duties, on –
- (a) methods and procedures for accident avoidance, such as proper use of package handling equipment and appropriate methods of stowage of dangerous goods; and
 - (b) available emergency response information and how to use it; and
 - (c) general dangers presented by the various classes of dangerous goods and how to prevent exposure to those hazards, including if appropriate the use of personal protection clothing and equipment; and
 - (d) immediate procedures to be followed in the event of an unintentional release of dangerous goods, including any emergency response procedures for which the person is responsible and personal protection procedures to be followed.

Maritime Rules

PART 24A

CARRIAGE OF CARGOES – DANGEROUS GOODS

Consultation Details

(This text does not form part of the rules contained in Part 24A. It provides details of the consultation undertaken in making the rules.)

Summary of Consultation

Eighteen submissions were received on these rules. They were from the New Zealand Defence Force, New Zealand Fire Service, the Civil Aviation Authority, Mobil Oil, A.C. Hatrick (NZ) Limited, South Port New Zealand, Marlborough District Council, Canterbury Regional Council, Taranaki Regional Council, Auckland Regional Council, Southland Regional Council, Strait Shipping, Stewart Island Marine, Tranzlink, New Zealand Shipping Federation, and three private individuals.

General

J R Meldrum, Captain, RNZN, for the Chief of Naval Staff, said the New Zealand Defence Force (NZDF) was concerned about the application of these rules to the NZDF. They commented that Article 3(3) of MARPOL “states that ‘the present Convention shall not apply to any warship, naval auxiliary or other ship owner or operated by a state...’”

Article 3(3) continues by saying that “each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as reasonable and practicable, with the present Convention.”

Requirements for the New Zealand Defence Force have been removed from Part 24A as Maritime Rules are not generally applicable to the NZDF.

John Skrine, Marine Superintendent of Union Shipping New Zealand Limited said that “We believe the drafting and passing into law the provisions of Part 24A and Part 150 will provide a clearer assignment of responsibility for ensuring the safe transport by sea of Dangerous Goods and Harmful substances in packaged form.

R.N. Hosking, Controller of Stores and Distribution at A.C. Hatrick Limited commented that “While the Chemical industry for the most part do not have a problem with the IMDG code, we do have problems with parts of it not linking in with the Road and IATA rules for shipping hazardous cargo. This does cause problems with Coastal and Inter-Island shipping.”

“Personnel who do not have the appropriate training get the Shipping Names or UN number wrong. Shipping/Customs agents also make out DG’s to clear freight, many have no idea what they are dealing with.”

It is intended that the training requirements of this rule will correct this.

A.C. Hatrick Limited further commented that “Coastal and Inter-Island needs to be compatible with the Land Requirements.”

The MSA does not see that the dangers of shipping internationally are greater than the dangers of coastal shipping. The requirements of the IMDG Code will be applied to all sea shipments except for notification requirements that are slightly relaxed for coastal ships.

K.R. Swinney, Policy and Planning Manager at the Southland Regional Council discussed the position of Harbourmaster and Regional Council responsibilities. “The draft rule makes several references to the position of Harbourmaster. However from Rule 24A.24, the definition of Harbourmaster and the general tone of the draft rule, the person to whom the term applies is clearly intended to be an officer of the Port Operator. It is therefore not appropriate that this role is a function of the person appointed by a Regional Council or the Maritime Safety Authority to the position of Harbourmaster within harbour limits.”

The James McPetrie, Regional Maritime Co-ordinator at the Auckland Regional Council, felt that the identified harbourmaster responsibilities in Auckland would “probably be contracted to Ports of Auckland Limited.”

The possibility of a harbourmaster being appointed by the MSA is excluded by the definition of harbourmaster. If no person has been appointed to the position of Harbourmaster, then the regional council is responsible for the requirements.

A small number of ports are operated by a local authority, and not a separate Port entity.

The Harbourmaster may delegate their powers to another position, that is likely to be a port company where it exists. The definition of Harbourmaster is amended to clarify this.

The Marlborough District Council observed that “in some Ports, the number of dangerous goods manifests could be significant and the matter of suitable filing space can become a huge problem.” They considered that Electronic Reporting of Dangerous Goods should be considered.

Rule 24A.7 states that the manifest given to the harbourmaster on the sailing of a vessel need only be kept until the ship is known to have arrived safely at its destination. However electronic reporting of dangerous goods is acceptable under the IMDG Code and therefore acceptable under this rule.

The Auckland Regional Council queried if Radio Hazards in loading and discharging explosives are to be addressed.

It is not intended to cover Radio Hazards in this Part. Part 24A implements various international standards including the IMDG Code and Chapter VII of SOLAS. These standards do not address radio hazards.

The Auckland Regional Council noted that certain rules apply to Defence Force ships. It queried if this meant that Navy vessels loading or unloading ammunition at explosives anchorages needed to forward information to the Harbourmaster.

Rule 24A.4 has been amended to the effect that Part 24A no longer applies to Defence Force ships.

J.F. Smallridge of Timaru felt that “there are no real systems of containment, or segregation relating to Dangerous Cargo, that could be a threat to other cargo, or the safety of the ship at sea.”

We disagree with this statement. Part 24A meets the applicable international requirements in SOLAS and SOLAS addresses these issues.

Leonce Jones, Operations Development Advisor at the New Zealand Fire Service said that the New Zealand Fire Service had no comments to make on these rules.

24A.2 Definitions

Paul Nicholas, Manager Administration at the New Zealand Shipping Federation, and Pete Roche, Hazardous Freight Manager at Tranz Link Limited suggested that a definition of 'Hazardous Substance' be included. "We believe that there should be a definition for Hazardous Substance referring back to Dangerous Goods. This would clarify references in HASNO where Dangerous Goods are referred to as Hazardous Substances.

We do not think a definition will clarify the meaning of these rules. The definition of Dangerous Goods in the Hazardous Substances and New Organisms Act 1996 is different to the definition used in Part 24A and taken from the Maritime Transport Act 1994. The term 'Hazardous Substances' is not used in the rules.

"Consolidator" Alasdair Macdonald, Legal Adviser at the Civil Aviation Authority of New Zealand queried this definition. "...is it the intended focus that the person pack in the course of that person's business, in which case the definition might be too narrow as it does not include a person packing for only one very large shipper."

A person who packs only for one very large shipper is clearly described in rule 24A.8 as 'any person who completes packing for one shipper...' Therefore we do not agree that the definition is too narrow.

"Dangerous Goods" The Civil Aviation Authority queried if it was important that "the goods are in packaged form or in solid form in bulk, in order to be dangerous goods." It felt that this was a narrow definition and "excludes any goods that are dangerous but that are not packaged or in solid form in bulk."

This rule brings into force Chapter VII of SOLAS. Chapter VII refers to 'packaged form or solid form in bulk' so this is the phrase used in the rule. We do not envisage any cargoes that may 'fall through the gap' of this definition.

"Harmful substance" See "dangerous goods".

"Marine pollutants" Pete Roche, Hazardous Freight Manager at Tranz Link Limited commented that there "needs to be mention of MARINE

POLLUTANTS in the definitions as this is how HARMFUL SUBSTANCES are commonly referred to and shown as reference to placards or labels.”

As the rule does not use the term ‘marine pollutants’ it is not intended to define it within the rule. However this point will be noted in the Advisory Circular.

“Owner” John Skrine, Marine Superintendent of Union Shipping New Zealand Limited noted that the definition of owner “attempts to take account of the fact that in practice the legal “owner” of a ship is frequently quite remote from actual operational control of the asset”.

“This definition may not adequately recognise the realities of some commercial arrangements. For example, in our own case Union Shipping New Zealand owns and manages three ships that are time-chartered to another party.”

Union Shipping was concerned that a clear assignment of the owners responsibility may not be possible with this definition.

Malcolm D. McFarland of Wellington felt that “In most situations today the registered “Owners” have little, if anything at all to do with the commercial side of the operation of their ships”. He queried if ‘or operator’ should be included in the definition.

The intention of the MSA is for the owner’s responsibilities to lie with the actual operator of the vessel. The definition used is from the Maritime Transport Act, and covers all options of ownership/operation.

“Shipper” D.B. Stewart of Auckland commented that “Since I note that shippers have clear responsibilities and duties laid out in other sections surely it would be necessary to define them, if for no other reason than to pursue them legally in the event of non-compliance.”

We agree and have amended the definition.

The Civil Aviation Authority pointed out the following difficulty in defining ‘shipper’. “If it is the very original packer of the goods then a difficulty we have found is that this person may not have the intention of sending the goods by ship, and that it may be the decision of the commercial freight company to send the goods by ship. If the goods are already packed it will be very difficult for that company to be able to accurately ascertain what the true nature of the goods are.”

This was taken into consideration when drafting a definition of ‘shipper’.

24A.3 Application of Section 1

- (3) The Civil Aviation Authority queried the necessity of the phrase “to which this rule applies”.

We agree in this case. It has been removed.

24A.4 Master

- (1)(a)(i) The New Zealand Shipping Federation said that “Some members would have difficulty meeting this requirement under their current loading methods.” They said that “In some cases the manifest is printed after loading has started because cargo is loaded up to the last minute.”

Strait Shipping also said “Road haulage is extremely competitive and the short space of time between loading in Auckland and a truck presenting itself at our vessel (in Wellington) makes it most probable that we will not have had any prior notification that the truck will be carrying DG’s.”

Pete Roche of Tranz Link Limited commented that “Our current procedure is that the DG Declarations are sent direct to the ship, very often by the shipper. No separate list is prepared and there is no time to do so.”

It is a present requirement under the Maritime Transport Act that dangerous goods only be loaded after the master has been given a copy of a list of the dangerous goods to be loaded.

The MSA does not intend to remove this requirement. The MSA has received complaints from Masters who have been put under pressure from owners to load dangerous goods contrary to the IMDG Code. The MSA feels that with modern communications systems there should be very few circumstances in which a list of dangerous goods cannot be prepared for the master before loading. Even if a truck or rail carriage has not arrived on the wharf it will have been dispatched, and it should be possible to inform the wharf of any dangerous goods it contains.

This is seen as assistance to the master so that a dangerous goods stow can be properly planned. The master is less likely to have pressure applied by the owner to load late arriving dangerous goods in an incorrect manner.

The MSA foresees the possibility that a dangerous goods list may be updated as a load progresses. For example, this may be necessary if planned dangerous goods do not arrive.

- (3)(b) The New Zealand Shipping Federation pointed out that some vessels use a 'board' to record the position of dangerous goods on the ship as they are loaded. "The cargo plan then accompanies the manifest when loading is complete."

Malcolm D. McFarland of Wellington felt that "the compilation of lists and manifests would be unwieldy and in practice would consume time that is just not there taking into consideration the quick turnarounds and schedules of today." He suggested that a stowage plan would be more useful to show the actual position of the goods within the ship.

The definition of 'dangerous goods list or manifest' includes a 'detailed stowage plan that identifies by class, and sets out the location of, all dangerous goods on board.'

- (4)(b) Ian Munro from Stewart Island Marine wrote outlining his company's operation of a ferry service between Stewart Island and Bluff.

This submission highlighted the role of operators in restricted limits. It was realised that full reporting requirements involving the harbourmaster were not appropriate for these operations. This submission is applicable to 24A.6 as well.

P.J.C. Clark of Strait Shipping felt that the requirement for the Master to land a copy of the dangerous goods list before sailing should not be applied to vessels on short sea voyages.

It is a present requirement of the Maritime Transport Act that the master note on the dangerous goods list the position on board of all dangerous goods. The MSA does not think it is impractical to require that this list be copied and left ashore.

- (4)(b)(i) The Marlborough District Council pointed out that "Owners are rarely represented in Ports and tend to act through an agent".

This is covered by the definition of 'owner'.

- (5) The Civil Aviation Authority of New Zealand queried the use of the phrase "agree to load" and if it was intended to mean a contract was entered into.

This phrase is altered for clarification.

The Marlborough District Council commented that “It happens, from time to time that dangerous goods are shipped without being declared. It can be difficult if not impossible for Masters to be aware that consignment can contain dangerous goods.”

The Master does not commit an offence if they do not ‘believe’ the container or receptacle contains dangerous goods.

- (6) B G Chamberlain, General Manager of the Taranaki Regional Council suggested that “The owner of the wharf at which the vessel is lying should also be given documentation in relation to dangerous goods.”

It is intended that the harbourmaster would delegate the authority for this as appropriate to port companies or other wharf owners.

- (7)(b)(ii) Tranz Link Limited questioned the need to pass information to a member of the armed forces during an incident. “An officer of the armed forces could be a Private, part time soldier or it could be a Commissioned Regular Force Major. Do they have to be given the powers by the Police or party in charge of the incident or can they come in at any time?”

The information need only be made available to an officer of the armed forces during an incident and not in the process of an everyday operation. Therefore we do not feel it is necessary to specify this further.

- (8) B.G. Chamberlain suggested that “In the interests of clarity, it may be beneficial to clarify that Rule 24A.4(8) requires at least 48 hours notice **in advance.**”

This is amended.

B.G. Chamberlain and Malcolm D McFarland pointed out that the term “port authorities” is not defined.

This term is removed and replaced with ‘harbourmaster’.

B.G. Chamberlain also queried if 24A.4(8) and 24A.6(2) created “unnecessary bureaucracy”.

The master’s responsibility is to give the harbourmaster notice of the vessel’s arrival and that the vessel is carrying dangerous goods. The owner’s

responsibility is to ensure that the harbourmaster has specific details of the dangerous goods carried.

The New Zealand Shipping Federation, Strait Shipping, the Marlborough District Council and Malcolm D McFarland pointed out that the requirement to give 48 hours notice to the harbourmaster of the arrival of a ship carrying dangerous goods is impossible for ships on short voyages.

We agree, this requirement is changed for vessels on coastal voyages. This comment applies to rule 24A.6 as well.

24A.6 Owner

The Civil Aviation Authority of New Zealand queried if the “owner of a ship includes a person or organisation that has possession of the ship for so many days?”

Yes it does.

- (1)(a)(ii) The New Zealand Shipping Federation, Strait Shipping, and Tranz Link Limited commented as per 24A.4(1)(a)(i).

24A.10 All persons

The New Zealand Shipping Federation commented that “the point needs to be made that having different standards for road and sea creates problems for shippers, agent’s clerks, and shipowners. This would seem to be an appropriate time to rationalise the labelling and marking of dangerous goods.”

The MSA agrees with this principle. The Maritime Rules are bound by the requirements of the IMDG Code. The LTSA is attempting to bring the road/rail dangerous goods requirements in line with the Code as much as practical.

The Civil Aviation Authority of New Zealand felt that it did not appear necessary to state “to which this rule applies”.

The industry requested that this be inserted for easy reference.

The Civil Aviation Authority of New Zealand was concerned about the expression “No person must cause or allow...”, suggesting it should be changed to “A person must not cause or allow...”.

MSA agrees and has amended the expression accordingly.

24A.11 Explosives in passenger ships

- (1) The NZDF felt that this should be rephrased “Subject to rule 24A.11(2), the owner and master of any passenger ship to which this rule applies must not carry explosives on that ship, except Hazard Division 1.4, compatibility group S (no quantity limit), as defined in the IMDG code and any one of the following:”

The NZDF felt that 24A.11(d), explosives in compatibility group B, should be restricted to 2 kg per ship.

The NZDF further commented that “24A.11(e) should be added as follows: ‘articles in compatibility group N, if the total net explosives mass does not exceed 50 kg per ship’.”

The rule will not be amended as it reflects Regulation 7 of Part A of Chapter VII of SOLAS.

24A.13 Requirements for existing chemical carriers

- (b) The New Zealand Shipping Federation suggested adding “in so far as the administration deems reasonable and practicable”.

This suggestion is in line with SOLAS. The Director has the power in the Maritime Transport Act to make exemptions to any of the requirements of the Maritime Rules. It is therefore not considered necessary to write what is effectively an exemption power into the rule.

24A.19 Passengers with motor vehicles

Tranz Link Limited suggested that mention be made that “firearms need to be hidden from public view and the vehicle securely locked.”

We agree.

24A.20 Passengers without motor vehicles

Ian Munro from Stewart Island Marine outlined the freight carried by customers on the Stewart Island service.

This submission highlighted the passengers that take small items of dangerous goods to holiday beaches. The amount of dangerous goods that can be taken on board and handed in to the master has been increased for restricted limit vessels.

24A.21 Dangerous Goods that have been offered to a ship in a New Zealand port or at a New Zealand offshore terminal

The New Zealand Shipping Federation queried why the Director needed to be advised when “A carrier would not accept the goods and would return them to the shipper”.

The MSA needs to be informed of non-compliance with the rule so that its effectiveness can be monitored. Monitoring of the rule will show up what areas of the rule may need altering or areas in which education is required.

The MSA is also required to report non-compliance with the international regulations to the International Maritime Organization Dangerous Goods Committee so that the requirements can be monitored internationally.

24A.22 Dangerous goods incidents on a ship in a New Zealand port or at a New Zealand offshore terminal

- (1) The Taranaki Regional Council felt that “the wharf or terminal owner should also be notified when a ship has on board a package or receptacle from which there is actual or probable leakage or spillage of dangerous goods.”

It is intended that the harbourmaster would delegate the authority for this as appropriate to port companies or other wharf owners. The lines of communication between the harbourmaster and wharf owners are for organisation locally.

- (2)(b) The New Zealand Shipping Federation felt that this was too restrictive. “The master should have the discretion that where a spill has occurred e.g. a tin of paint, he (sic) can direct suitably outfitted crew to attend the spill.”

Tranz Link Limited commented that this rule “seems to prevent the removal of cargo from a space (rail deck) that has leaking DG in it. This seems overly prescriptive and even dangerous.”

We do not agree that the rule is too restrictive. The prohibitions in rule 24A.22(2) (and therefore the subsequent requirements in paragraphs (3)) do not apply if they are inappropriate to the circumstances.

- (3) The Marlborough District Council suggested that the rule did not make it clear who undertakes the inspections prior to cargo operations resuming.

This rule has been redrafted to clarify that the dangerous goods should be inspected by the master, and if the harbourmaster considers appropriate, the harbourmaster.

- (4)(a) The New Zealand Shipping Federation felt that this was too restrictive. “The master should have the discretion that where a spill has occurred e.g. a tin of paint, he (sic) can direct suitably outfitted crew to attend the spill.” Tranz Link Limited made a similar comment.

Rule 24A.22(4)(b) allows the master to give permission for personnel to access the spill area. Suitably dressed crew would therefore be able to attend the spill.

The Southland Regional Council felt that spills in port should be reported to the Port Operator “who can then advise such other authority as is appropriate and in accordance with the Incident Plan.”

The harbourmaster may delegate reporting responsibilities to a port operator. The responsibility to report to the MSA directly will not be amended at this time.

- (5) The Marlborough District Council queried “Where it is found that a package does not comply and the appropriate persons are notified, what happens to the package”.

Upon notification, the harbourmaster and/or the Director will take the action appropriate to the case. If there is no immediate safety concern but a provision of the rules has been breached the action may comprise an offer of educative material, a letter of censure, or in more serious cases, prosecution of the responsible party. If there is a safety concern, then in addition to the above action the harbourmaster and/or the Director will negotiate the safety action required with the master. Provisions in the Maritime Transport Act and the Harbours Act authorise the harbourmaster and/or the Director to intervene.

24A.23 Dangerous goods incidents at sea

- (1)(c) The New Zealand Shipping Federation queried if this rule applies “only to receptacles that have been punctured or just dented etc.”

This does apply to receptacles that have been dented and not actually punctured. The reason for this is the same as the explanation given under rule 24A.21. The effectiveness of packing and packaging requirements can not be monitored unless problems are reported.

24A.24 Obligation of Harbourmasters to have incident plans

- (1) The Taranaki Regional Council questioned what enforcement provisions the required incident plans relied on and if they required approval.

Offence regulations for this rule will be drafted. While plans will not be approved they must comply with the requirements of the rule, including providing for foreseeable incidents involving the port. The plans may be checked for compliance purposes by Maritime Safety Inspectors and non compliance is likely to result in an infringement fine.

The Southland Regional Council (SRC) felt that this rule was confusing “principally because there is no definition of “port” and secondly, because it is not clear whether harbourmasters are supposed to prepare incident plans or ensure that they are prepared, especially when the clause is read in conjunction with “Guidance for Harbourmasters on Rule 24A.24 – Port Plans”.”

“If by any chance it is intended that Harbourmaster should prepare Incident Plans, the Southland Regional Council would strongly oppose such a move.”

The SRC continued “ “Port” is not defined. Presumably, therefore, it includes any wharf, mooring place or waterway thereto where dangerous goods may be transported, stored or transferred. The Southland Regional Council does not believe that it should have the responsibility of ensuring incident plans are prepared and equipment provided to deal with every dangerous goods incident at one or any ports in the region. The principle responsibility for the preparation of such plans should lie with the ship or port operator and the Rule needs to say so.”

SRC: “The preparation of Incident Plans is supported in principle”. The Council felt that the requirements of the plan needed to be clarified with guidelines to content, the amount of emergency equipment and who provides

and funds the equipment. It also felt that an officer appointed by the Port Company should be appointed to prepare the port plans.

J.A. Henderson from South Port New Zealand Limited also queried who will be providing and funding the equipment.

James McPetrie of Auckland Regional Council suggested that the rule should state that the "Harbourmaster must ensure that the Port Company has developed, etc."

J D Talbot, Group Manager Resource Management at the Canterbury Regional Council considered that "The Clause should be redrafted to make it an obligation of every Port Company and every owner of a wharf that is handling ships to which Part 24A applies, to have incident plans and for the plans and any amendments to be provided to the harbourmaster. Where there is no harbourmaster the plans should be provided to the Regional Council."

The rule has been amended to place responsibility for the drafting of plans with the operator of a port facility.

The Advisory Circular draws attention to where advice on emergency plans can be found.

Alex Van Wijngaarden, Harbourmaster at the Marlborough District Council commented that in Picton "the Fire Service attend and control dangerous goods incidents on-board or ashore, as this is their area or responsibility". "It must be further noted that the Fire Service Staff are invariably trained in dealing with situations involving dangerous goods and have the necessary equipment available to deal with these."

The MSA does not envisage a conflict between Fire Service and port facility operator's plans. If Fire Service plans are to be used in a port, then the port facility operator will have to ensure that the plans are publicised and practised.

The rule is further amended to clarify that the plans are for "any foreseeable incident concerning dangerous goods on any ship to which this rule applies in the port area".

Appendix 1 – Carriage of Dangerous Goods in Packaged Form or in Solid Form in Bulk

1.1 Classification

(f) Class 4.3; J.F. Smallridge of Timaru considered that there should be specific stowage requirements for these cargoes.

Stowage requirements extra to those in the IMDG Code are not considered appropriate.

1.2(5)(c)(ii) The New Zealand Defence Force commented that “It is not certain that the Department of Labour will still have an inspection role for dangerous goods on implementation of the HSNO Regulations under ERMA.

If the dangerous goods inspection role moves to another agency, the rule will be amended accordingly

1.3 Marking, labelling and placarding

(1) The Civil Aviation Authority of New Zealand queried whether it would be “preferable to refer only to NZS5417 and define that into its true title in 24A.2? That will mean that any further incorporation of amendments that are done by gazette will not cause confusion if the date does change.”

The Civil Aviation Authority of New Zealand procedures for incorporation of material by reference are not the same as those used by the MSA. Therefore the CAA suggestion is not considered necessary.

Appendix 2 – Training

The Southland Regional Council queried extra costs in personnel training. The Council wondered “what organisation or individual has the necessary qualifications to train personnel in each centre? How is it envisaged that training be delivered?” South Port New Zealand also makes these queries.

The training required by this rule is no more than that which may reasonably be expected under the Health and Safety in Employment Act and therefore already undertaken by an employer.

Appendix 2.1 specifies the training that must be completed. Organisations have been permitted flexibility regarding the personnel and methods used to impart

the required knowledge. To comply with the requirements of the rule it is up to the organisation to establish the training qualifications that are appropriate. In many cases no qualification will be necessary. To satisfy the requirement to provide training it would be prudent to supply a trained person with a certificate to verify what training they have done.

Tranz Link Limited queried which persons involved in transportation or handling of dangerous goods needed training. "I agree that it would be desirable for the mates in charge of the loading of DG to have this type of training but training all the deck crew would seem to be very costly and unnecessary."

Training need only be as appropriate to the individuals' duties. If it is considered that only basic knowledge is necessary, then a half hour briefing may be all that is needed.

The training required is not considered to be additional to that which may reasonably be expected to be provided by an employer under Section 13 of the Maritime Transport Act 1994.

Appendix 2 – Training

The Civil Aviation Authority of New Zealand suggested that "Arguably a passenger may "handle" dangerous goods, but they will not be required to have training."

We agree; this is clarified.