



OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)

Part 92

CARRIAGE OF DANGEROUS GOODS

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Enquiries regarding the content of this publication should be addressed to:

Air Safety Support International, 3rd Floor, The Galleria, Station Road, Crawley, RH10 1WW, UK

Revisions

OTAR Issue	Subject
Issue 1	First issue published for information.
Issue 2	Second issue published for information.
Issue 3	Revision to simplify requirements by use of ICAO Technical Instructions for detailed compliance.
Issue 4	Addition to 92.11 to emphasise the need for the pilot to be notified of the carriage of dangerous goods and to be supplied with information to deal with DG emergencies; and to clarify that training programmes are required in accordance with the Technical Instructions.
Issue 5	Incorporation of the requirements in the Dangerous Goods Regulations (Schedule 10 to the AN(OT)O) to provide a full and comprehensive OTAR.
Issue 6	Revision to operational applicability, in terms of territory operators and non-territory operators. Requirements relating to Designated Postal Operators, Subpart E, added. Alignment, and definitions and references updated in compliance with Annex 18 (amendment 12), the ICAO Technical Instructions 2021-22 and the AN(OT)O 2013 (as amended). Inserts term unit load device, and replaces training, with training and assessment.
Draft version 6.03	Revision includes information on right of access to exercise enforcement powers, alignment with the Technical Instructions' general applicability, the carriage of data loggers and cargo trackers that contain lithium batteries, operators provision of information to passengers, operator risk assessment requirement, entities required to report, training programmes being approved, or acceptable, to the Governor to reflect AN(OT)O text, amended record of training information regarding identification of the training organisation, the production to and retention of dangerous goods transport information required by the ICAO Technical Instructions by of Shippers, and some minor text changes.

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Subpart A — General

92.1 Purpose

- (a) This Part sets out the requirements for the carriage of dangerous goods on aircraft, the procedures for applications for approval to carry such items on aircraft, and the requirements for a designated postal operator.
- (b) This Part does not take account of any health and safety or similar legislation that may be applicable nor does it absolve users from complying with any other statutory and legal requirements relating to a general duty of care.
- (c) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, these Requirements reproduce or amplify certain provisions of the Air Navigation (Overseas Territories) Order 2013 (as amended) (“the Order”). Therefore, failure to comply with these Requirements may:
 - (1) constitute a breach of the Order; and
 - (2) result in proceedings for breaches of the Order; or
 - (3) result in the refusal of an application for the issue or renewal of a certificate, approval, licence or permission; or
 - (4) result in action to suspend or revoke a certificate, licence, approval, or permission.
- (d) The issue of an approval or a permission indicates only that the holder is considered competent to secure the safe transport of dangerous goods by air. The possession of such a document does not relieve the operator or the pilot-in-command, of responsibility for compliance with the Order and any other legislation in force.
- (e) Other OTAR Parts may impinge upon activities conducted under this Part. In particular, OTAR Part 1 contains definitions which apply, unless otherwise stated, to all Parts. A full list of OTAR Parts, a description of the legislative structure and the place of OTARs and OTACs within it can be viewed on the ASSI website www.airsafety.aero.

92.3 Use of English

All documentation, written communications and data (electronic or otherwise) for submission to the Governor in support of an application for an approval or a permission shall be provided in English.

92.5 Laws, requirements and procedures

Each holder of an approval or a permission shall take reasonable care to ensure that all persons employed, engaged, or contracted by the holder to perform related activities, are familiar with the appropriate sections of legislation, the

Overseas Territories Aviation Requirements, any applicable conditions on the approval or permission and the procedures specified in the approval holder's flight safety documentation.

92.7 Power to inspect

- (a) Each aircraft operator or aerodrome operator shall ensure that any person authorised by the Governor is allowed on board an aircraft, on an aerodrome or a place where an aircraft has taken off or landed.
- (b) Each person to whom this OTAR Part applies shall ensure that any person authorised by the Governor shall have access to any documentation relating to the operation. The holder of an approval shall be responsible for ensuring that, if requested to do so by an authorised person, documentation is produced within a reasonable period of time.
- (c) The Governor, and any authorised person, has the right of access at all reasonable times to any place for the purpose of exercising enforcement powers set out in (d) and (e) below.
- (d) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of the Dangerous Goods Regulations have not been complied with.
- (e) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of the Dangerous Goods Regulations have not been complied with.
- (f) Subject to paragraph (j), any sample taken, or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Governor considers necessary in all the circumstances and shall be disposed of in such manner as the Governor considers appropriate in all the circumstances.
- (g) Without prejudice to the generality of sub-paragraph (d) any sample taken, or goods seized under this regulation may be retained or detained respectively:
 - (1) for use as evidence at a trial for an offence; or
 - (2) for forensic examination or for investigation in connection with an offence.
- (h) The person from whom any goods have been seized by an authorised person under this regulation may apply to the Governor for the item to be released to them. An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.
- (i) Where the Governor is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings the Governor shall arrange for the goods concerned to be returned to the applicant.

- (j) Where further retention of goods is, in the opinion of the Governor, no longer necessary and no application has been made under sub-paragraph (h) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the Governor.

92.9 Definitions

The following terms have the specific meanings within this Part. Terms not included in paragraph 92.9 and not defined OTAR Part 1 or in the applicable legislation shall have the same meanings used in the annexes to the Convention:

Acceptance check list means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

Cargo aircraft means any aircraft which is carrying goods or property, but not passengers. Note, here the following are not considered to be passengers:

- (a) a crew member;
- (b) an operator's employee acting in an official capacity;
- (c) an authorised representative of a competent national aviation authority;
- (d) a person accompanying a consignment or other cargo;

Consignment means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

Dangerous goods accident means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;

Dangerous goods incident means an occurrence, other than a dangerous goods accident, which:

- (a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

Dangerous goods transport document means a document which is specified by the Technical Instructions and contains information about those dangerous goods;

Designated Postal Operator means any governmental or non-governmental entity officially designated by a Universal Postal Union (UPU) member country to operate postal services and to fulfil the related obligations arising from the acts of the UPU Convention on its territory;

Freight container see unit load device;

Freight container (in the case of radioactive material transport) An article of transport equipment designed to facilitate the transport of packaged goods by one or more modes of transport without intermediate reloading, which is of a permanent enclosed character, rigid and strong enough for repeated use, and must be fitted with devices facilitating its handling, particularly in transfer between aircraft and from one mode of transport to another. In addition, a small freight container is that which has an internal volume of not more than 3 m³. A large freight container is that which has an internal volume of more than 3 m³. For the transport of radioactive material, a freight container may be used as a packaging;

Handling agent means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

ID number means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

Mail means dispatches of correspondence and other items tendered by, and intended for delivery to, postal services in accordance with the rules of the Universal Postal Union (UPU).

Overpack means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

Package means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

Packaging means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

Proper shipping name means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

Serious injury means an injury which is sustained by a person in an accident and which:

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

State of Origin means the State in the territory of which the consignment is first to be loaded on an aircraft;

Technical Instructions means the current English Language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, including any addendum or corrigendum, approved and published from time to time by decision of the Council of the International Civil Aviation Organisation;

UN number means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonised System of Classification and Labelling of Chemicals to identify an article or substance or a particular group of articles or substances;

Unit load device means any type of freight container, aircraft container, aircraft pallet with a net or aircraft pallet with a net over an igloo. This does not include a freight container for radioactive materials, or an overpack.

92.11 Applicability

- (a) Subject to paragraph 92.11(b), this OTAR Part applies to:
- (1) any territory operator and/or any non-territory operator holding an approval issued in accordance with article 110(1)(a) of the Order;
 - (2) any agent of (1) in the territory; and
 - (3) a shipper in the territory who consigns any dangerous goods for carriage by air; and
 - (4) the operator of any airport in the territory; and
 - (5) the designated postal operator in the territory; and
 - (6) any other person, delivering or causing to be delivered for carriage in, or taking or causing to be taken on board an aircraft any dangerous goods, which they know or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air.
- (b) Nothing in this OTAR Part other than the requirement to hold an approval in accordance with paragraph 91.15(1) shall apply to:
- (1) any aircraft flying solely for the purpose of dropping articles for the purposes of public health, agriculture, horticulture, forestry, conservation or pollution control (these include pest management, landslide clearance and ice jam control); or
 - (2) the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.

provided that dangerous goods are carried and loaded in accordance with any conditions subject to which the approval was granted.

- (c) Any reference in the Technical Instructions or this OTAR Part to the taking on board, loading on to or carriage of dangerous goods in or on an aircraft shall be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

92.13 Prohibition of carriage of dangerous goods

- (a) Subject to paragraphs (b) and (c) a person shall not:

- (1) deliver or cause to be delivered for carriage in, or
- (2) take or cause to be taken on board

an aircraft any dangerous goods, which they know or ought to know or suspect to be goods capable of posing a hazard to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

- (b) Subject to paragraph (c), the requirements of this OTAR Part shall not apply to those dangerous goods specified in the Technical Instructions as being:

- (1) for the proper navigation or safety of flight provided that:
 - (i) they are required to be carried on an aircraft by the Order or the OTARs or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not such goods are required to be carried or intended to be used on that particular flight; or
 - (ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions; or
- (2) for the provision, during flight, of medical aid to a patient or veterinary aid or a humane killer for an animal provided that:
 - (i) they are or may be required for use during the flight;
 - (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on to the aircraft in the intervening period before the commencement of that subsequent flight; or
 - (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight; or
- (3) for dropping in connection with agricultural, horticultural, forestry, ice jam control, landslide clearance, pollution control activities or pest management activities; or
- (4) for dropping or triggering in connection with avalanche control activities; or

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- (5) for the provision, during flight, or related to the flight, aid in connection with search and rescue operations; or
- (6) required for the propulsion of the means of transport or the operation of its specialised equipment during transport (e.g. refrigeration units); or
- (7) permitted for carriage by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions; or
- (8) contained within items of excess baggage being sent as cargo, provided that:
 - (i) the excess baggage has been consigned as cargo by or on behalf of a passenger;
 - (ii) the dangerous goods may only be those that are permitted by and in accordance with paragraph 1.1.2 Part 8 of the Technical Instructions to be carried in checked baggage;

the excess baggage is marked with the words "Excess baggage consigned as cargo"; or

- (9) intended for use or sale during the flight if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement and they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions; or
- (10) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on to the aircraft in the intervening period before the commencement of that subsequent flight; or
- (11) data loggers and cargo-tracking devices with installed lithium batteries, attached to or placed in package, overpacks or unit load devices, provided the following are met:
 - (i) the data loggers or cargo-tracking devices must be use or intended for use during transport;
 - (ii) each cell or battery must meet the provisions of 9.3 a), e), f) (if applicable) and g), of Part 2 of the Technical Instructions;
 - (iii) for a lithium ion cell, the Watt-hour rating not exceeding 20 Wh;
 - (iv) for a lithium-ion battery, the Watt-hour rating not exceeding 20 Wh;
 - (v) for a lithium metal cell, the lithium content not exceeding 1 g;
 - (vi) for a lithium metal battery, the aggregate lithium content not exceeding 1 g;

- (vii) the number of data loggers or cargo-tracking devices in or on any package must be no more than the number required to track or to collect data for the specific consignment;
- (viii) the data loggers or cargo-tracking devices must be capable of withstanding the shocks and loadings normally encountered during transport;
- (ix) the devices must not be capable of generating a dangerous evolution of heat; and
- (x) the devices must meet defined standards for electromagnetic radiation to ensure that the operation of the device does not interfere with aircraft systems.

This exception does not apply where the data loggers or cargo-tracking devices are offered for transport as a consignment in accordance with Packing Instructions 967 or 970 of the Technical Instructions.

- (c) The goods specified in paragraph (b) shall only be carried provided they comply with Part 8 and the applicable provisions in paragraphs 1.1.5 and 2.2 of Part 1 of the Technical Instructions.

92.15 Requirement for approval

- (a) A territory operator intending to carry or have loaded on to its aircraft any dangerous goods shall:
 - (1) hold an approval issued by the Governor; and
 - (2) ensure that such goods are carried and loaded in accordance with:
 - (i) any conditions to which the approval may be subject, and
 - (ii) the Technical Instructions.
- (b) The operator shall satisfy the Governor that it is competent to carry dangerous goods safely.
- (c) The approval shall be subject to such conditions as the Governor thinks fit.
- (d) A non-territory operator intending to carry or have loaded on to its aircraft any dangerous goods shall:
 - (1) hold an approval issued by the state of the operator; and
 - (2) ensure that such goods are carried and loaded in accordance with:
 - (i) any conditions to which the approval may be subject, and
 - (ii) the Technical Instructions; and
 - (3) submit a copy of the approval to the Governor as the Governor may require.

92.17 Provision of information to passengers

- (a) The operator of an aircraft flying for the purpose of the commercial air transport of passengers shall inform passengers about dangerous goods that passengers are forbidden to transport aboard an aircraft. The notification system shall be described in their operations manual and/or other appropriate manuals. If the ticket purchase and/or boarding pass issuance can be completed by a passenger without the involvement of another person (e.g. via the internet), the notification system shall include an acknowledgement by the passenger that he or she has been presented with the information. The information shall be provided to passengers:
- (1) at the point of ticket purchase, or if this is not practical, made available in another manner to passengers prior to boarding pass issuance; and
 - (2) at boarding pass issuance, or when no boarding pass is issued, prior to boarding the aircraft.
- (b) The operator of an aircraft flying for the purpose of the commercial air transport of passengers and any agent thereof shall ensure that information on the types of dangerous goods which passengers are forbidden to transport aboard an aircraft is communicated effectively to them. This information, which shall include visual examples of dangerous goods forbidden from transport aboard an aircraft, shall be presented at each of the places at an airport where:
- (1) tickets are issued; and
 - (2) boarding passes are issued; and
 - (3) passenger baggage is dropped off; and
 - (4) aircraft boarding areas are maintained; and
 - (5) at any other location where passengers are issued boarding passes and/or checked baggage is accepted.
- (b) The operator of an aircraft flying for the purpose of the commercial air transport of passengers should provide information covering the Technical Instructions provisions for dangerous goods carried by passengers and crew. This should be made available prior to the boarding pass issuance process on their website or other source of information.
- (c) An airport operator shall ensure that information on the types of dangerous goods which passengers are forbidden to transport aboard an aircraft is communicated effectively to them. This information, which shall include visual examples of dangerous goods forbidden from transport aboard an aircraft, shall be presented at each of the places at an airport where:
- (1) tickets are issued; and
 - (2) boarding passes are issued; and
 - (3) passenger baggage is dropped off; and
 - (4) aircraft boarding areas are maintained.

92.19 General dangerous goods occurrence reporting

- (a) Any dangerous goods accident, incident or finding of undeclared or misdeclared dangerous goods must be reported to the Governor by:
 - (1) a territory operator, wherever it occurs;
 - (2) a non-territory operator, if it occurs in the territory;
 - (3) any entity in the territory, other than operators, who are in possession of dangerous goods at the time a dangerous goods accident or incident occurs or is discovered;
 - (4) any entities in the territory, other than operators, who discover undeclared or misdeclared dangerous goods, which entities may include, but which are not limited to, freight forwarders, customs authorities, and secure screening providers.
- (b) A report required under paragraph (a) must contain such information specified by the Governor as is appropriate to the occurrence, these are described in paragraph 92.65 (d). Furthermore, paragraphs 92.65 (e) and (f) are applicable.

Subpart B Operator's responsibilities

92.51 Acceptance of dangerous goods

- (a) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack, unit load device or freight container which contains dangerous goods is accepted for carriage in an aircraft until it has been inspected to determine that:
 - (1) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions; and
 - (2) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions; and
 - (3) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions; and
 - (4) the package, overpack, unit load device or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions; and
 - (5) the package, overpack, unit load device or freight container is not leaking or damaged so that the contents may escape.
- (b) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack, unit load device or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport documents, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.
- (c) For the purpose of each of the inspections required by paragraphs (a) and (b) an acceptance check list shall be used, and the results of the inspection shall be recorded on it.
- (d) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.
- (e) The operator of an aircraft shall ensure that the person who performed the acceptance check can be identified.

92.53 Provision of information in respect of cargo

The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage. These notices shall include visual examples of dangerous goods, including batteries.

92.55 Method of loading

- (a) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that:
- (1) dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions; and
 - (2) any package, overpack, unit load device or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions; and
 - (3) packages, overpacks, unit load devices or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers; and
 - (4) packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device; and
 - (5) a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it; and
 - (6) any package, overpack, unit load device or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft; and
 - (7) any package, overpack, unit load device or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.
- (b) The operator of an aircraft shall ensure that packages and overpacks containing dangerous goods are inspected for signs of damage or leakage upon unloading from the aircraft or unit load device and if there is such evidence shall ensure that any part of the aircraft where the dangerous goods or unit load device was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

92.57 Removal of contamination

- (a) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks, unit load devices or freight containers is removed without delay.

- (b) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

92.59 Training and assessment (Operators)

- (a) The operator of an aircraft and any of their agents shall inform their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and shall establish and undertake training and assessment programmes for the purpose, as required by Chapter 4 of Part 1 of the Technical Instructions.
- (b) Details of the training and assessment programme required by paragraph (a) shall be submitted to the Governor for approval, or acceptance, as the Governor may require and shall be amended as required by the Governor.

92.61 In-flight emergency

The pilot-in-command of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately, as required by paragraph 4.3 of Part 7 of the Technical Instructions.

92.63 Aircraft accident and serious incident reporting

The operator of an aircraft which is involved:

- (a) in an aircraft accident whilst carrying any dangerous goods as cargo on the aircraft; or
- (b) in a serious incident in which, in the reasonable opinion of the operator, dangerous goods carried as cargo on the aircraft may be involved

shall immediately notify the Governor and the emergency services for the area where the accident or serious incident occurred, of any dangerous goods carried as cargo on the aircraft.

92.65 Dangerous goods accident, incident and occurrence reporting

- (a) A territory operator shall report any dangerous goods accident, dangerous goods incident or the finding of undeclared or mis-declared dangerous goods in cargo, mail or passenger's baggage, wherever it occurs, to the Governor and to the State in which it occurred.

- (b) A non-territory operator shall report to the Governor any occasion when:
- (1) dangerous goods are discovered to have been carried when not loaded, segregated, separated or secured in accordance with Chapter 2 of Part 7 of the Technical Instructions; or
 - (2) dangerous goods are discovered to have been carried without information having been provided to the pilot-in-command in accordance with paragraph 4.1 of Part 7 of the Technical Instructions
- (c) A non-territory operator shall report any dangerous goods accident, dangerous goods incident or the finding of undeclared or mis-declared dangerous goods in cargo or passenger's baggage which occurred in the territory to the Governor.
- (d) Subject to paragraph 92.65(e), the report required under paragraphs 92.19, 92.65(a), (b) or (c) shall be made within 72 hours of the occurrence coming to the knowledge of the operator, by the quickest available means, in writing or in such other form as approved by the Governor. The report shall contain as much of the following information as is appropriate to the occurrence:
- (1) date of the occurrence; and
 - (2) location of the occurrence, flight number and flight date; and
 - (3) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket; and
 - (4) proper shipping name (including the technical name, if applicable); and
 - (5) UN/ID number; and
 - (6) class or division in accordance with the Technical Instructions and any subsidiary risk(s); and
 - (7) type of packaging and the packaging specification marking; and
 - (8) quantity of dangerous goods; and
 - (9) name and address of the shipper or passenger; and
 - (10) suspected cause of the occurrence; and
 - (11) action taken; and
 - (12) any other reporting action taken; and
 - (13) name, title, address and contact number of the reporter; and
 - (14) any other relevant details.
- (e) If any of the information in paragraph 91.65(d) is not available at the time the report is made, the operator shall despatch such information to the Governor within 72 hours of the information coming into their possession.

- (f) A report made in accordance with OTAR Part 13 meets the requirement of this paragraph.

92.67 Conducting safety risk assessments

The carriage of dangerous goods must be included within the scope of an operator's safety management system, in accordance with ICAO Annex 19 Safety Management. Operators must include the transport of dangerous goods, including lithium cells as cargo. Furthermore, conduct specific risk assessment on the transport of items in cargo compartments.

Draft

Subpart C Shippers

92.101 Shipper's responsibilities

Before consigning any dangerous goods for carriage by air the shipper shall ensure that:

- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;
- (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;
- (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;
- (d) the goods are packed according to paragraphs 2.2 of Part 1, chapters 2 and 3 and paragraphs 4.2, 4.3, 4.4, 5.2 and 5.3 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;
- (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in chapters 2 and 3 and paragraphs 4.5, 4.6 and 5.4 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 and paragraph 6.4 of Part 6 of the Technical Instructions;
- (f) the package is in a fit condition for carriage by air;
- (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.3 of Part 5 of the Technical Instructions;
- (h) a dangerous goods transport document:
 - (1) has been completed in English in addition to any other language required by the state of origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and
 - (2) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods:
 - (i) are fully and accurately described; and
 - (ii) are correctly classified, packaged, marked and labelled/placarded; and
 - (iii) are in a proper condition for carriage by air;

- (i) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph 92.101(h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 1.2 and 4.3 of Part 5 of the Technical Instructions.

92.103 Training and assessment (shippers)

- (a) A shipper of dangerous goods by air and any of its agents shall inform their respective employees whose duties include a function connected with the carriage of cargo by air of the provisions of the Technical Instructions and shall establish and undertake training and assessment programmes for the purpose, as required by Chapter 4 of Part 1 of the Technical Instructions.
- (b) Details of the training and assessment programme required by paragraph (a) shall be submitted to the Governor for approval, or acceptance, as the Governor may require and shall be amended as required by the Governor.

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Subpart D Documents and records

92.151 Production of documents

- (a) The operator of an aircraft in which Dangerous Goods are carried shall, within a reasonable time after being requested to do so by the Governor produce all or any of the following documents:
 - (1) the written approval to carry dangerous goods by air; and
 - (2) the Dangerous Goods Transport Document or other document in respect of any dangerous goods; and
 - (3) the completed Acceptance Check List in a legible form in respect of any dangerous goods; and
 - (4) a copy of the written information provided to the pilot-in-command of the aircraft in respect of any dangerous goods; and
- (b) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, produce any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of the Order or this OTAR Part have not been complied with.
- (c) Shippers shall make dangerous goods transport information, required by the Technical Instructions, available to the Governor, or other appropriate national authority on request.
- (d) All documents listed in paragraph 92.151(a) and (b) shall be in English or be accompanied by an English translation.

92.153 Personnel records

- (a) Each person to whom this OTAR Part applies employer shall retain a training and assessment record, for every person whose duties include a function connected with the carriage of passengers or cargo by air, for at least 36 months from the month of the training and assessment undertaken.
- (b) The record required to be retained under paragraph 92.153(a) shall identify for each person:
 - (1) the individual's name;
 - (2) the month of completion of the most recent training and assessment undertaken; and
 - (3) a description, copy or reference to training and assessment materials used to meet the requirements;

- (4) the name and other information that identifies the organisation providing the training and assessment (such as a registered address); and
- (5) evidence which shows that the person has been assessed as competent.

92.155 Retention of records

- (a) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the Dangerous Goods Transport Document is retained at a location on the ground where it will be possible to obtain access to it within a reasonable period until the goods have arrived at their final destination.
- (b) The operator of an aircraft carrying dangerous goods as cargo for which information is required to be provided to the pilot-in-command, shall ensure that a copy of that information is retained on the ground and shall ensure that it is readily accessible to the flight operations officer, flight dispatcher or other designated ground personnel responsible for flight operations until after the arrival of the flight.
- (c) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months after the flight on which the dangerous goods were carried:
 - (1) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to them by the shipper; and
 - (2) the record of any completed acceptance check list and the identification of the person who performed the acceptance check; and
 - (3) the written information to the pilot in command.
- (d) The operator of an aircraft and shippers shall retain copies of dangerous goods transport documentation and additional information, required by the Technical Instructions, for a minimum of 3 months to be available to the Governor, or the appropriate national authority upon request. Where such documents are kept electronically, or in a computer system these must be available to be reproduced a printed form.
- (e) The records referred to in paragraph 92.155(a), (b) and (c) may be in hard copy or electronic form so long as the recording is capable of being reproduced in a legible format.

Subpart E Designated Postal Operators

92.201 Requirement for approval

- (a) The designated postal operator in a territory shall hold an approval issued by the Governor for its procedures for controlling the introduction of dangerous goods in mail
- (b) The designated postal operator shall hold an approval from the Governor in a territory intending to introduce by air the acceptance of:
 - (1) Lithium ion batteries contained in equipment (UN 3481) meeting the provisions of Section II of Packing Instruction 967. No more than four cells or two batteries may be mailed in any single package; and
 - (2) Lithium metal batteries contained in equipment (UN 3091) meeting the provisions of Section II of Packing Instruction 970. No more than four cells or two batteries may be mailed in any single package.

92.203 Training and assessment (Designated Postal Operators)

- (a) The designated postal operator shall inform its employees of the provisions of the Technical Instructions, commensurate with their responsibilities and shall establish and undertake training programmes for the purpose, as required by paragraph 4.7 of Part 1 of the Technical Instructions.
- (b) Details of the training and assessment programme required by paragraph (a) shall be submitted to the Governor for approval as the Governor may require and shall be amended as required by the Governor:

END