



DRAFT

Advisory Circular

AC 92-01(1)

APRIL 2009

DANGEROUS GOODS TRAINING FOR EMPLOYEES

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1. REFERENCES

- Section 23B of the Civil Aviation Act 1988.
- Subpart C and Tables 92.135-1 and 92.135-2 of Part 92 of the Civil Aviation Safety Regulations (CASRs) 1998.
- ICAO Doc 9284 AN/905 - Technical Instructions for the Safe Transport of Dangerous Goods (“Technical Instructions”)

2. PURPOSE

2.1 To provide advice to the aviation industry on the regulatory requirements for dangerous goods training of employees of operators, cargo handling agents, freight forwarders, shippers of dangerous goods and screening authorities.

2.2 It applies to:

- commercial aircraft operators;
- ground handling agents (GHA);
- freight forwarders;
- shippers of dangerous goods; and
- screening authorities.

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

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

3. STATUS OF THIS AC

3.1 This is the first revision to AC 92-01 on dangerous goods training. AC 92-01 was produced with the introduction of Part 92 of the CASRs. This revision has been made to reflect amendment to the Civil Aviation (Fees) Regulations 1995 and the findings of operator audits conducted by CASA wherein common short-comings have been identified. This AC now focuses on dangerous goods training for Employees. Material that relates to training courses and instructors, and which used to be in AC 92-1, has been removed and placed in AC 92-03.

4. WHO IS REQUIRED TO UNDERTAKE DANGEROUS GOODS TRAINING?

4.1 Air Operators, Freight Forwarders and Ground Handling Agents. Any employee of:

- a commercial (business) operator (except those involved only in agricultural, horticultural, forestry, pollution control, search and rescue, balloon, joyflight, scenic flight or flying training operations);
- a ground handling agent (GHA); or
- a freight forwarder (including a Regulated Air Cargo Agent or an Accredited Air Cargo Agent) .

where that employee is handling, or is involved in the handling of, cargo which has been consigned for carriage on board an aircraft, including passenger's checked or carry-on baggage, is required to undertake dangerous goods training.

4.2 It is not necessary for an employee to be physically handling the cargo before being required to undertake the training. For example, an employee of an operator or freight forwarder with responsibilities for supervision of the cargo handling process would be considered to be involved in that handling and must undertake the appropriate level of dangerous goods training. Conversely, an employee of one of those entities without responsibility for the physical handling or checking of the consignment or the supervision of those tasks may not be required to undertake such training even though they may handle the documentation associated with the consignment.

4.3 'Freight forwarder' is defined in Part 92 as "a person who offers the service of arranging the transport of cargo by air". Whilst the legislative identification and introduction of Regulated Air Cargo Agents and Accredited Air Cargo Agents came about through the Aviation Transport Security Act 2004 and the Aviation transport Security Regulations 2005, these two sets of agents have traditionally performed, and will continue to offer the arrangement of transporting cargo by air.

4.4 Shippers. An employee of a shipper of dangerous goods is required to undertake training if the employee packs dangerous goods for consignment by air transport - CASR 92.120 refers. It should be noted that "packing" dangerous goods not only includes the placing of dangerous goods into packaging's but also includes the application of labels, marking of packages and preparing the dangerous goods transport document (shipper's declaration) for the consignment.

4.5 Shippers of dangerous goods who prefer to use the services of another person or organisation to carry out the packing and shipment of dangerous goods on their behalf, need not train the shipper's own employees. The organisation or other person who is acting on the shipper's behalf is considered, under the CASRs, to be a "deemed employee" of the shipper for the purpose of the transaction. It is therefore in the shipper's interests to ensure that the organisation or person has undertaken the appropriate dangerous goods training before engaging them.

4.6 Security Screeners. An employee of a screening authority is required to undertake training if the employee is responsible for security screening of passengers - CASR 92.115 refers.

4.7 Operators with overseas based employees. Australian aircraft operators who have employees or "deemed" employees (other than aircraft operating crew) located outside Australia, should ensure that, in accordance with the provisions of CASR 92.130, those employees are trained in accordance with the aviation law in force in the country in which those employees perform their duties. Where no such law exists, the employees must be trained in accordance with the requirements of the Technical Instructions. Those operators must ensure that dangerous goods training records for the employees are maintained in accordance with those rules, that the training is evaluated at least every second year and the evaluation process is included in the operator's audit program.

4.8 Foreign Operators. Foreign aircraft operators with employees in Australia must ensure that, in accordance with the provisions of CASR 92.125, those employees are trained in accordance with the law in force in the place where the operator's aircraft are registered. Where such a law does not exist or the operator's aircraft are registered in more than one State, the employees should be trained in accordance with the requirements of the Technical Instructions. Dangerous goods training records must also be maintained in accordance with those requirements.

5. WHEN AND HOW OFTEN IS TRAINING REQUIRED TO BE UNDERTAKEN?

5.1 Operators, GHAs, freight forwarders, screening authorities and shippers of dangerous goods are to ensure that their employees have undertaken the training required by the regulations **before** the employee first performs the relevant duties.

5.2 Training is required to be undertaken at intervals of not more than 2 years. However, CASR 92.090 allows an employee to undertake the training up to three months before the date on which the training is due without affecting the due date. The three month window is in calendar months; that is; if training is due by 15 May 2007, then any retraining for that employee group occurring between 15 February 2007 and 15 May 2007 will result a 15 May expiry in 2009. Example: Mary's training is due by 28 June 2007.

Mary undertakes re-training:	Mary's new expiry date is:
On or before 27 March 2007	2 years from the date of training
Between 28 March 2007 to 28 June 2007	28 June 2009
After 28 June 2007	2 years from the date of training

6. WHAT TYPES OF COURSE ARE THERE?

6.1 Part 92 of the CASRs contains two syllabi for dangerous goods training:

- (a) The Table 92.135-1 syllabus is for courses which are required to be approved by CASA before relevant employees are instructed. Instructors on these courses must also be approved by CASA; and
- (b) The Table 92.135-2 syllabus is for courses which may be conducted for relevant employees without obtaining an approval from CASA. Instructors on these courses must themselves have completed satisfactorily, in the previous two years, an approved course for either Group A or Group B employees.

6.2 Courses that currently require CASA approval are those for the acceptance of general cargo (other than passengers baggage), the acceptance of dangerous goods, all flight crew courses, all cabin attendants, courses for load planners where the planner determines where dangerous goods may be stowed on the aircraft or prepares information to the pilot in command, and, all courses for shippers of dangerous goods.

6.3 Courses that do not require CASA approval are those courses for employees who are involved in freight sheds or on the ramp, screening passengers, or accepting passengers baggage where the passenger is flying.

7. WHAT TRAINING IS REQUIRED TO BE UNDERTAKEN?

7.1 An employee is only required to undertake training which is relevant to the employee's responsibilities and duties within the organisation. The exception is that CASR 92.135 requires that all employees on all courses must receive training in the provisions concerning passengers and crew.

7.2 It should be noted that an employee is defined in CASR 92.085 as being in one of six groups, Group A to Group F. For example, a Group A employee means "an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo known or believed to contain dangerous goods consigned for transport on an aircraft at any time after it leaves the custody of the original consignor", and (unless the contrary intention appears) includes a deemed employee whose function includes those duties.

7.3 The "deemed" employee referred to is also defined in the regulation and refers to a person who, though not directly employed, performs services for an operator etc. For example, an employee of a contractor or a contracted employee would fit the definition of a "deemed" employee. Therefore, where an operator uses the services of a GHA (or a freight forwarder performing that function) to handle cargo on the operator's behalf, the operator should be satisfied that the employees of those organisations have undertaken the dangerous goods training required by the regulations.

7.4 For example:

- (a) an employee responsible for accepting only passengers' checked or carry-on baggage is not required to be instructed on the acceptance of other cargo;

- (b) employees of an operator with a published (in the operations/dangerous goods manual) policy of not carrying dangerous goods that have been consigned as freight need not undertake training in the syllabus subjects relating specifically to acceptance of consigned dangerous goods. The training of these employees may be limited to the acceptance of non-dangerous cargo;
- (c) employees of freight forwarders who also have responsibility for provision of ground handling services (accepting, on behalf of the operator, dangerous goods or non-dangerous goods or only handling cargo and loading of aircraft), should ensure that the dangerous goods training undertaken, not only covers the freight forwarder's responsibilities but also those relating to the GHA function;
- (d) employees of a shipper of only class 3 flammable liquids and class 8 corrosive substances need only be instructed in consignment of those substances;
- (e) a flight nurse with an aeromedical operation, whose duties include screening passengers (including those accompanying patients) and with responsibility for safety in the cabin would be required to do a Group D course;
- (f) load planners of a cargo/freight operator with a strict no-dangerous goods policy (and not involved in the acceptance of freight) would not be required to undergo DG training; and
- (g) a helicopter loadmaster; involved in operational activities such as search and rescue; aerial firefighting etc (but not in any charter or other aerial work activities) would be required to be trained in the dangerous goods that are in the cabin as part of the role equipment; but not required to be trained as a Group B or D employee.

7.5 It is recognised that an employee, especially in relatively small operations, may have a number of responsibilities. For example:

- (a) the pilot of an aircraft operating into remote areas may have additional responsibilities to those normally associated with flight crew duties. The pilot may also be responsible for acceptance and examination of cargo (non-dangerous goods and/or dangerous goods) and passenger's baggage because of the non-availability of qualified GHAs; and
- (b) a flight attendant with responsibility for accepting general freight and the checking in of passengers at remote ports; would be required to undertake training that covers groups B, D and E employees.

7.5.1 These employees may undertake a single approved course meeting the requirements of the regulations enabling all of those duties to be carried out.

7.6 Annex A to this Advisory Circular is a representative matrix of employee groupings and responsibilities. Advice may be sought from CASA where a particular circumstance is not covered in the matrix or where further information is required.

7.7 Refresher training. After initial training, and within two years of receiving that training, an employee may undertake recurrent or “refresher” training. These “refresher”-training courses should be designed to refresh knowledge and update employees on technical, procedural or company policy changes since the employee was last trained. They are also designed to identify knowledge deficiencies and rectify them. Where the initial course required CASA approval, the “refresher” course will also require approval. Where an employee has not undertaken training within the two year interval provided by the regulations, the employee will be required to attend another initial course.

8. NEW EMPLOYEES WHO ARE ALREADY DG TRAINED AND OPERATORS TAKING ON AN EXISTING GROUND HANDLING AGENT

8.1 Where Operators, freight forwarders and Ground Handling Agents take on a new employee who presents with dangerous goods training from a previous employer; then the employee is not necessarily required to undergo a new course. **They must however at least be inducted into the organisation’s policies and acceptance and handling processes and procedures.** Similarly, when an operator commences at a new port and takes on an existing ground handling agent located there; the Ground Handling Agent’s employees need to be trained with regard to the policies, and acceptance and handling processes and procedures of the new operator.

8.2 All training courses will have some generic features, but where a new employee brings prior DG training and a certificate confirming that training; it is still incumbent upon the employer to ensure that the training was valid and appropriate. For example:

- Did the course have CASA approval? If you are unable to find reference to a CASA instrument number on the employee’s certificate, you may be able to locate the organisation at www.casa.gov.au/dg/dgcourses. If you are still unable to verify that the course was approved then you should contact CASA; and
- Was the training relevant and appropriate? i.e. a pilot coming from a regional airline having completed training and holding a certificate for Group C employees only, will not be able to accept non-dangerous goods (Group B functions) at remote locations for their new employer.

9. EXCLUSIONS FROM THE TRAINING REQUIREMENTS

9.1 Regulations 92.095 to 92.130 inclusive impose training requirements upon operators (92.095), GHAs (92.100) forwarders (92.105), and screening authorities (92.115), shippers of dangerous goods (92.120); Australian-based employees of foreign operators (92.125) and foreign based employees of an Australian Operator (92.130).

9.2 Where an employee cannot be trained in accordance with one of these legislative requirements, then the responsible employer (not the employee) may make application to CASA for exclusion under CASR 92.155 against the relevant regulation.

9.3 As a matter of course, where an employee’s two year training period has already expired and the failure to undertake training in that two year period was due to administrative oversight or inadequate monitoring of the training expiry dates; then CASA will not issue exclusion. Additionally, CASA will not issue exclusion where training has expired and where there is not, nor there is likely to be, an operational imperative for that employee being excluded from the training requirements.

9.4 Furthermore, exclusions, when granted, will only be up until the first, reasonably available course (extensive travel would generally be regarded as unreasonable). Exclusions for individual employees will not extend the employee more than three months beyond their date of expiry.

9.5 The first reasonably available course may be with a different training organisation to the one that was booked or is normally preferred. Applicants will need to contact course providers to determine the first available course. A listing of approved courses is maintained at <http://casa.gov.au/dg/dgcourses/index.htm>

9.6 Applications for the assessment of an exclusion from training should be made as follows:

- (a) for training organisations, shippers of dangerous goods, screening authorities, ground handling agencies and international freight forwarders – to the CASA Office as set out in paragraph 9.8 below; and
- (b) for domestic freight forwarders and operators – through your company’s national dangerous goods training/compliance manager. That manager will make the appropriate application to CASA.

9.7 The application should set out:

- (a) Full name of person(s) for whom exclusion is sought;
- (b) Organisation seeking the exclusion;
- (c) Name of previous training organisation where training was undertaken;
- (d) Date of training expiry;
- (e) Reason why exclusion is sought;
- (f) Period that exclusion is sought for;
- (g) Training organisation that will be used;
- (h) Measures that have been/will be implemented to prevent the recurrence of a need for an exclusion in similar circumstances in the future (where applicable); and
- (i) In the case of foreign training: a copy of the training certificate or other evidence of qualification and/or compliance with ICAO/IATA.

9.8 The Civil Aviation (Fees) Regulations 1995 require CASA to charge for the assessment of exclusions at a prescribed hourly rate. In order to minimise costs, it is important that applicants ensure their applications reflect the applicable items of paragraph 9.7 above. Where time constraints apply, then applicants are encouraged to contact CASA on 131757 and to ask for a Dangerous Goods Inspector. This will assist in expediting arrangements and the obtaining of a prompt quote for the assessment for assessment of exclusion. Applications must subsequently be made in writing to CASA, as follows:

Dangerous Goods Inspector
GPO Box 2005
Canberra ACT 2601

Fax: 1300 851 857
Email: dg@casa.gov.au

10. WHAT RECORDS MUST BE KEPT?

10.1 Dangerous goods training records must be maintained by operators, GHAs, freight forwarders, shippers of dangerous goods and screening authorities. Employers should clearly establish the method for the maintenance of records, and clearly establish who is responsible for that maintenance. Records maintained by employers, particularly those with many employees, should have the ability to quickly establish the training status of a group of employees at a given location, or of a particular classification of employees, such as group E or group B employees. These records, which should be available at the employee's place of employment, ought to include:

- (a) the names of the employees who undertake the training;
- (b) the name of the person conducting the training and that person's organisation;
- (c) a reference to the training material used to meet the training requirements, e.g., CASA's approval instrument number (if an approved course); and
- (d) the date(s) the training was conducted. (Where the 'deeming' provision of 92.090 is used, the record should clearly indicate the actual date the training was conducted and the date the training is deemed to have been conducted.)

10.1.1 Records may be kept electronically provided a hard copy can be provided.

10.2 The employer should retain a copy of any certificate required by 92.135(5) issued to an employee. Provision should be made for the issue to the employee of a copy of the certificate where the employee ceases employment.

10.3 Where the services of a freight forwarder or ground handling agent are used, then the operator should seek access or confirmation that records are being maintained and that training is being undertaken at the appropriate times i.e. before commencing duties and every two years thereafter.

Group General Manager
Air Transport Operations Group

ANNEX A –

TYPES AND GROUPS OF EMPLOYEES – TRAINING REQUIREMENTS

Employee description	A	B	C	D	E	F	N/A
Accepts all types of freight	X	X					
Only accepts non-hazardous goods		X					
Pick-up Driver who delivers freight to shed where it is formally accepted					X		
Pick up driver who formally accepts non-dangerous goods and takes custody of dangerous goods for delivery to freight shed for formal acceptance		X			X		
Pilot with no responsibilities for examination, acceptance or loading of freight			X				
Cabin Crew member who checks-in passengers at remote ports				X	X		
Charter pilot who accepts non-dangerous goods at remote locations, passengers and carries DG which have been accepted by other employees		X	X		X		
Shipper of dangerous goods						X	
Air Ambulance flight nurse with responsibility for cabin safety and screening passengers/patients				X	X		
Helicopter load master involved in aerial work only operations**							X
Load planner for an operator with a policy of no dangerous goods							X
Factory employee who packs, labels and/or prepares DG paperwork						X	
Factory employee who picks items from shelf for someone else to pack							X
Helicopter pilot involved in aerial work fire-fighting operations only**							X
Commercial Balloon pilot							X
Pilot for a Search and Rescue operation**							X
Pilot for a charter operation that occasionally does search and rescue operations			X				
Private Pilot							X
Pilot for a Commercial Charter or non-excluded aerial-work company doing a non-revenue flight for the that company			X				

** Whilst the dangerous goods in the activity are excluded from the requirements of the ICAO TIs, the operator is required to establish normal and emergency procedures

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