

Statutory Instrument 72 of 2023.

[CAP. 13:16

**Civil Aviation (Dangerous Goods) (Amendment) Regulations,
2023 (No.1)**

IT is hereby notified that the Minister of Transport and Infrastructural Development has, in terms of section 79 of the Civil Aviation Act [*Chapter 13:16*], made the following regulations:—

1. These regulations may be cited as the Civil Aviation (Dangerous Goods) (Amendment) Regulations, 2023 (No.1).

2. Section 2 of the Civil Aviation (Dangerous Goods) Regulations, 2018, published in Statutory Instrument 51 of 2018 (“hereinafter called the principal regulations”), is amended—

(a) by the deletion of “cargo aircraft” and substitution of the following—

““cargo aircraft” means any aircraft, other than a passenger aircraft, which is carrying goods or property;”:

(b) by the deletion of the word “pausing” and substitution of “posing” in the definition of “dangerous goods”;

(c) by the deletion of the definition of “state of destination” and substitution of the following—

“state of destination” means the state in the territory in which the consignment is finally to be unloaded from an aircraft;

(d) by the deletion of the definition of “Unit Load Device” and substitution of the following—

“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;”.

3. Section 4 of the principal regulations is amended by the repeal of subsection (4).

4. Section 5 the principal regulations is amended by repeal of subsections (5) and (6).

5. Section 6 the principal regulations is amended by repeal of subsections (5) and (6).

6. The principal regulations are amended by the insertion of a new section after section 15 as follows—

“Notification of variations from Technical Instructions

15A. (1) Where the Authority adopts different provisions from those specified in the Technical Instructions, it shall notify ICAO promptly of such State variations for publication in the Technical Instructions.

(2) The Authority shall notify a difference as per the provisions of section 6 under Article 38 of the Convention only where the Authority—

- (a) is unable to accept the binding nature of the Technical Instructions; and
- (b) where the Authority has adopted different provisions from those specified in the Technical Instructions.

(3) The report made in terms of subsection (2) shall also be made under the provisions of subsection (1).

(4) The Authority shall develop necessary procedures to ensure that when an operator adopts more restrictive requirements than those specified in the Technical Instructions, the notification of such operator variations shall be made to ICAO for publication in the Technical Instructions.”.

7. Section 27 of the principal regulations is amended by the deletion of “responsibilities” and substitution of “functions”.

8. Section 28 of the principal regulations is amended by the repeal of subsection (1) and substitution of the following—

“Initial and recurrent training programmes

28. (1) Any person involved in the transport of dangerous goods by air, as identified by the latest edition of the Technical Instructions, shall receive initial and recurrent training in the requirements commensurate with their functions and in line with Third Schedule.”.

9. The principal regulations are amended by the repeal of section 30 and substitution of the following—

“Dangerous goods instructor qualification and competences

30. (1) No person may serve as a dangerous goods instructor unless that person has successfully completed the required dangerous goods training that is approved by the Authority.

(2) A dangerous goods instructor must successfully undergo an approved International Civil Aviation Organisation or equivalent dangerous goods training programme.

(3) A dangerous goods instructor must undergo recurrent training every 24 months unless they have delivered a dangerous goods training within those 24 months.

(4) An Approval certificate for instructors shall be issued to instructors who meet the requirements in this section after being assessed by the Authority as competent in the functions they instruct.

(5) The approval certificate referred to in subsection (4) shall be as specified in Form 9 of the First Schedule, and it shall indicate—

- (a) the name, identity particulars of the instructor and organisation;
- (b) the type of training they are approved to provide together with the categories; and
- (c) the validity of approval and issue date.”.

10. The principal regulations are amended by the repeal of section 32 and substitution of the following—

“Training and assessment records

32. (1) Any employer dealing in dangerous goods shall maintain a record of training and assessment for personnel.

- (2) The record of training and assessment shall include—
 - (a) the individual’s name;
 - (b) the month of completion of the most recent training and assessment;
 - (c) a description of training and assessment materials used to meet the training and assessment requirements;

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- (d) the name and address of the organisation providing the training and assessment; and
- (e) evidence which shows that the personnel have been assessed as competent.

(3) Training and assessment records shall be retained for a minimum period of 36 months from the most recent training and assessment completion and shall be made available upon request to the Authority.”.

11. Section 36 of the principal regulations is amended by the repeal of subsection (5).

12. Section 40 of the principal regulations is amended by the repeal of subsection (3).

13. Sections 41 and 42 of the principal regulations are repealed.

14. The principal regulations are amended by the repeal of section 44 and substitution of the following—

“Offences and Penalties

44. Any person who contravenes any section of these regulations shall be liable to a penalty as specified in the Civil Aviation (General Procedures and Enforcement) Regulations published in statutory instrument 253 of 2018.”.

15. The principal regulations are amended in the Third Schedule by the repeal of paragraphs 7.0 to 12.5 and the substitution of paragraphs 7.0 to 12.12 as follows—

“7.0 Dangerous Goods Training Programme

7.1 Approval of Dangerous Goods Training Programme

Dangerous Goods Training Programmes that must be approved by the Authority may prepared as standalone documents, or as part of the organisation’s training manuals or as part of Dangerous Goods Manual. The programme will be reviewed as part of the flight safety document system.

7.2 Responsibilities relating to DG Training

7.2.1 Applicant’s Responsibilities

- (a) The applicant will identify the level of involvement of staff in the DG handling process in order to determine key competencies

and level of proficiency to be achieved by the training organisationally.

- (b) The Applicant will identify objectives to be met and design training relevant to the tasks to be performed by staff and determine the most effective way to achieve competencies.
- (c) It is the responsibility of the applicant to ensure that the DG training course meets the syllabus requirements as per the Technical Instructions.
- (d) The Applicant will establish valid and reliable assessment tools to evaluate the achievement of the competencies.
- (e) The applicant must ensure that dangerous goods training courses are approved by CAAZ where approval is required.
- (f) The applicant is responsible for ensuring that the course workbooks, instructor notes, exams and certificates are adequate, up to date, and functional.
- (g) In the case of distance education courses, the applicant is also responsible for ensuring that there are adequate safeguards for detecting and/or preventing inappropriate activities.
- (h) In the case of distance education courses, the applicant is also responsible for ensuring that there are adequate safeguards for detecting and/or preventing inappropriate activities. Arrangements for such training should also ensure that relevant competency assessment tools are in place.
- (i) On completion of all training including competency assessments, staff must be issued with relevant certificates and competency cards which show the name of the individual, organisation, job title, training content of the DG course undertaken, the organisation that conducted the training and dates of the training and expiry.
- (j) It is the responsibility of the applicant to ensure that any DG training received by their employees, which does not require CAAZ approval, meets the requirements of the syllabus and is appropriate to the duties of the employee.
- (k) It is also the responsibility of the applicant to ensure that instructors and assessors are approved by CAAZ where required and that instructors/assessors that do not require CAAZ approval meet the necessary pre-requisite training in order to deliver the course and conduct competency assessments.

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7.3 CAAZ Responsibilities

- (a) The CAAZ Inspector will verify that the applicant training programme meets the competency-based training and assessment requirements relevant to organisational functions.
- (b) The CAAZ Inspector will verify that any staff engaged in the handling/ transportation of passengers, cargo and dangerous goods have received appropriate training.
- (c) CAAZ will also check the process for recording and monitoring DG training and for scheduling recertification training ahead of expiry.
- (d) CAAZ will assess training courses and instructors for approval where CAAZ approval is required.
- (e) The CAAZ Inspector will assess that the course material:
 - (i) is complete and current.
 - (ii) meets the requirements of the syllabus.
 - (iii) is consistent with the instructor guides and student workbooks;
 - (iv) the exams and competency assessment tools are appropriate for the organisational functions and are likely to result in a reasonable assessment.
- (f) That an employee passing the test and any evaluation will be capable of performing appropriate aviation safety duties associated with dangerous goods.
- (g) The CAAZ Inspector will verify that the applicant has made arrangements to ensure appropriate processes are in place to ensure that employees who undertake a DG training course which is not CAAZ-approved course, is also relevant to that employees' duties.
- (h) CAAZ will also check the process for assessing, monitoring and recording that instructors of all other training courses are appropriately trained.

8.0 Training Requirements

An operator is only required to ensure employees undertake training which is relevant to their responsibilities and duties within the organisation.

8.1 The requirement for dangerous goods training is applicable to any employee of:

- (a) a commercial (business) operator;
- (b) a shipper of dangerous goods;

- (c) a ground handling agent;
- (d) a freight forwarder where that employee is handling, or is involved in the handling of cargo that has been consigned for carriage on board an aircraft. This includes passenger checked or carry-on baggage.

8.2 The type and scale of training will vary depending on the type of operation proposed under the AOC and the types of dangerous goods to be carried. In general, training is required for:

- (a) DG Instructors
- (b) Aircraft operators
- (c) Ground handling agents
- (d) Freight forwarders
- (e) Security screening staff
- (f) Shippers of DG
- (g) Designated postal operators

8.3 Operators are required to satisfy training requirements for all staff involved in the handling and transportation of cargo, passengers or passengers' baggage, irrespective of whether that operator engages in carrying dangerous goods. It is not necessary for an employee to be physically handling the cargo before being required to undertake dangerous goods training. Regulations impose training requirements upon various employees of the organisation.

8.4 Course content for different staff

The course content shall be relevant to the duties performed and meet the requirements of the latest Technical Instructions and its addendums. The Operator shall conduct a training needs analysis to identify staff responsibilities for their employees and then identify training required in order for the staff to perform the duties competently.

9.0 The DG Training Program

9.1 Development of a Dangerous Goods Competency Based Training and Assessment CBTA program

The purpose of dangerous goods competency-based training and assessment is based on systematic approach whereby competencies and their standard are identified, and assessments are developed to determine whether these competencies have been achieved. Competencies describe what a person's performance on the job should be. Competencies are defined as a combination of skills, knowledge and attitudes required to perform a task to the required standard. It is designed to ensure that personnel can perform tasks that they are responsible for. The DG training Program may be submitted separately for approval or as part of an Operations manual.

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9.2 Contents of a Dangerous Goods Training Course

- (a) General topic familiarisation deals with dangerous goods generally, such as identifying the various classes and associated potential hazards to employees and aircraft and the legislation surrounding the Dangerous Goods cargo regime.
- (b) Specific functional training. All acceptance trained employees should be able to recognise a UN specification outer packaging by the markings, and be able to interpret an MSDS for toxic criteria and understand the threshold between it being dangerous and not being classified as dangerous.
- (c) Safety training covers components of emergency procedures on the ground and in flight, inspection and decontamination, incident management and subsequent reporting.
- (d) A practical assessment of the staff to ensure that they are able to perform their tasks in relation to Dangerous Goods competently.

10.0 Ongoing DG Training

Within two years of receiving initial training, an employee must undertake recurrent or refresher training. The refresher can be undertaken with three months of the two-year anniversary. Refresher training courses are designed to refresh knowledge and update employees on technical, procedural or company policy changes since the employee was previously trained. The course is also designed to identify knowledge deficiencies and rectify them if present.

In the case where the initial course required CAAZ approval, the refresher course will also require approval.

If an employee does not undertake training within the two-year interval, attendance at an initial training course is required.

10.1 Training Records

Dangerous goods training records must be kept and maintained by:

- (a) Zimbabwean Operators with employees in Zimbabwe
- (b) Zimbabwean Operators with Flight and Cabin Crew
- (c) Load Planners
- (d) Ground Handling Agents and Freight forwarders with who handle Zimbabwean AOC holders
- (e) Screening authorities
- (f) Foreign operators operating into Zimbabwe

Employers are required to establish processes and procedures for the maintenance of records, and detail who is responsible for that maintenance. Employers must have the ability to quickly establish the training status of a group of employees at a given location.

10.2 Trainee's Records

Records, which should be available at the employee's place of employment, are to include:

- (a) the individual's name.
- (b) the most recent training completion month.
- (c) A description, copy or reference to training materials used to meet the training requirements.
- (d) The name and address of the organization providing the training.
- (e) Evidence which shows that the test has been completed satisfactorily.
- (f) Evidence of competency assessment performed.

The employer should retain a copy of any certificate 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.

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.

Records must be maintained for a minimum period of 36 months of the most recent training period.

11.0 CAAZ DG Course Approval–

11.1 CAAZ Responsibilities

The CAAZ Inspector will verify that:

- (a) the standard of the course will enable an employee to carry out the assigned duties and responsibilities effectively.
- (b) The competency assessment tools are adequate to evaluate the employee for competency.
- (c) the course content offered is in accordance with the duties and responsibilities of the employees to be trained.
- (d) that approved dangerous goods training courses are kept up to date and appropriate for use.
- (e) that instructors maintain their skills, approvals issued by CAAZ.

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- (f) that assessors hold current training approved by CAAZ.

Course content will be changed to reflect amendments to CAAZ legislation and ICAO or IATA publications as they take effect. Such changes do not require further CAAZ approval during the validity period of the approval.

Assessment will include:

- (a) Systems exist to ensure that training meets the requirements of the syllabus
- (b) Systems exist to ensure the training course is reviewed, maintained and kept up-to-date
- (c) Systems exist to ensure instructors and assessors are appropriately trained and remains knowledgeable in the subject matter.

11.2 Applicant Responsibilities

It is the responsibility of the AOC applicant to ensure that the nominated instructors and assessors possess appropriate degree of DG knowledge, relative to the course(s) they will deliver and /or assess; and that the nominated instructors have the ability to impart that knowledge.

For instructors of distance education courses, the AOC applicant is responsible for ensuring that the person(s) nominated to (a) prepare and deliver the course, and (b) supervise the course, have the appropriate knowledge, the means to maintain that knowledge and the tools to ensure that the course continues to remain up-to-date. The Operator must ensure the availability of assessors on sight to conduct competency assessment in line with the requirements of CBTA.

Application is also required for trainee instructors/assessors who will be performing tasks under the supervision of an approved instructor or assessor.

11.3 Previously Trained Employees

Where operators, freight forwarders and ground handling agents take on a new employee who completed dangerous goods training with a previous employer the employee is not necessarily required to undergo a new course of training but they must be inducted into the organisation's policies and acceptance and handling processes and procedures.

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.

Where a new employee has previously undertaken DG training and holds a certificate confirming that training; it is still incumbent upon the employer to ensure that the training was appropriate and CAAZ approved where necessary.

11.4 Outsourcing DG training

The operator must have appropriate processes and checks to ensure that the outsourced DG training complies with regulatory requirements, is approved by CAAZ where necessary and is appropriate for the nature of the operations covered by the AOC. A contract must be in place with the service provider that ensures that the organisational training requirements are adhered to. In line with the CBTA training, the contract should state all responsibilities of the subcontracted party and those of the Operator. (e.g. is both class training and competency assessment to be done by the subcontracted provider or is it a shared responsibility where the Operator provides assessors?)

The CAAZ Inspector will assess that the applicant has made arrangements to ensure that the appropriate processes are in place to ensure that employees who undertake an outsourced DG training course, do an approved course, which is also relevant to their duties.

11.5 Course Delivery Methods

In general, there are three delivery methods that CAAZ currently approves. These are:

- (a) face-to-face;
- (b) virtual classroom training;
- (c) computer based training.

It is a currently held view that the training for initial and recertification courses for the acceptance of dangerous goods requires active and constant interaction with an instructor. Applicants considering applying for approval of a dangerous goods “acceptance” course by one of these methods should be aware of the potential difficulties associated with meeting CAAZ’s standards for these courses as well as ensuring that the technical content is always up-to-date. CAAZ should be consulted before proceeding with development of acceptance or recertification courses by distance education means. The variety of correspondence methods that have previously been considered include—

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- (a) structured video presentation coupled with a workbook;
- (b) structured correspondence workbook with and without an accompanying interactive DVD.

Other delivery media will be considered on their respective merits, especially in light of evolving practices and technology. In whichever format the course delivery, it must be accompanied by a competency assessment of the trainee.

11.6 Distance Education Controls.

If the course is to be conducted by correspondence or a distance education method, a full course package, as is intended for issue to students, together with full details of course control procedures and identification of course controller(s) should be provided. The control procedures should comprise prevention and detection controls and, as a minimum, include:

- (a) mechanisms to guard against inappropriate collaboration when completing course assessments. As a minimum, there should be different tests/assignments for training organisations that send correspondence material to a number of people in the same organisation. The result should be that employees in one company, undertaking the same course, at substantially the same time, will have a different exam to complete;
- (b) where employee numbers at the location are high and different exams for all is not practical, then there should also be a quick analysis of corresponding wrong answers and similarity in handwriting styles;
- (c) mechanisms to ensure that the course content is completed in an appropriate time, manner and speed that is reasonable for a candidate; and
- (d) that each section has some form of review to ensure that the section has been adequately understood.
- (e) There is an approved method of competency assessment

11.7 Course Validity Periods

Training is required to be undertaken at intervals of not more than two years. However, an employee is allowed to undertake the training up to three months before the date on which the training is due without affecting the due date. Both class room training and the assessment must however be completed prior to the expiry date of the initial training.

11.8 Dangerous Goods Course Attributes

It is not appropriate for a training course to include mandatory syllabus

items without adequate supporting detail and explanation. The principle of ‘training’ is to provide the student with adequate knowledge and skills in a particular topic to be able to apply understanding of that topic in both a theoretical and practical sense. An employee is only required to undertake training in those syllabus subjects which are relevant to the employee’s responsibilities and duties within the organisation. Similarly, only those parts of each syllabus subject which are relevant need to be covered. The exception is that that all employees, on all courses, must undertake training in the provisions concerning passengers and crew.

12.0 Qualifications of Instructors

The Dangerous Goods Training Programme must include the minimum qualification of the instructors and recurrence.

12.1 Qualifications

12.1.1 In order to be granted CAAZ approval, nominated instructors must have:

- (a) experience in cargo and DG operations relevant to the level of instructor approval being applied for.
- (b) a good working knowledge of the CAAZ legislation and technical publications applicable to the courses being instructed.

12.1.2 Dangerous Goods trainers are issued in two categories.

- (a) Dangerous Goods Awareness Instructors (Excluding acceptance staff and shippers) Full Dangerous Goods Regulations course plus a local CAAZ approved trainer the trainer certificate.
- (b) Dangerous Goods Regulations Instructor (All staff) Dangerous Goods Regulation Course plus an IATA Professional Skills for DG Instructors certificate.

12.2 Instructor Records

Records are to be kept for the preceding two years as evidence that instructor standards have been assessed, maintained, remediated, improved and/or standardized. These records are to include:

- (a) peer reviews conducted;
- (b) copies of all relevant certificates;
- (c) principal instructor assessment;
- (d) standardization meetings including results of course enhancements and refinements;

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(e) CAAZ inspector's assessment.

12.3 Instructor Currency

Holders of approvals to instruct on a DG training course should remain current. This can be achieved by either instructing all syllabus subjects relevant to the course for which an instructor's approval is held or by satisfactorily completing a relevant approved course, as a student, within the previous two years. Instructors on courses for which an approval is not required, who do not hold an approval from CAAZ to instruct on an approved course, should, unless granted exclusion have satisfactorily completed an appropriate approved course within the two years prior to instructing.

12.4 Renewal of Instructor's Approval

Instructors and persons responsible for approved courses should ensure that they apply to CAAZ for renewal/re-approval of the course or instructor at least 30 days before the expiry of the approvals. This is to allow CAAZ sufficient time to consider the application and, if appropriate, evaluate the instructor is a course presentation. CAAZ will not notify an organisation or individual of the impending expiry of approvals. Instructors must have attended recurrent training or have conducted a course within 6 months prior to renewal in the relevant modules to be eligible for renewal.

12.5 Assessors Qualifications

In order to be accepted as an assessor, the employee should be:

1. Instructor of Dangerous Goods;
2. Operational Supervisors who have a minimum of two years' experience in the operational function who successfully undergone the relevant dangerous goods training;
3. Designated instructors and examiners who have successful undergone the relevant dangerous goods training;

and

Have undergone an internal induction course from a DG Instructor on how to conduct the relevant competency-based assessment.

The assessor will be evaluated by the CAAZ whilst conducting an evaluation prior to acceptance in order to evaluate their competency.

12.6 Examinations.

It is mandatory for all courses to "provide for a test of the employee's knowledge of the relevant subjects based on the training". The test

should cover all areas of responsibility and questions should be worded so as to objectively verify that the student has received and understood the training. It should have sufficient number of questions which are appropriate to the employee's duties and the relevant syllabus items.

Furthermore, testing must be to a suitable depth; for example "How many classes of Dangerous Goods are there?" is not a satisfactory objective assessment against any of the requisite syllabus items; whereas "What are the potential risks associated with a leaking package displaying a class 8 label (a) to an aircraft and (b) to an individual" will address the syllabus item "risk to the aircraft and occupants associated with the class of DG". Some topics can be addressed with two or three multiple choice questions. However, for some functional employee groups, scenario situations should be created; for example, an acceptance trained employee tests should provide for the acceptance of a number of consignments of dangerous goods wherein there are multiple errors.

Sufficient time should be allowed for the test so that students are not placed under undue pressure, although the period chosen should not be unrealistically long. The test should be open book i.e. it should not test reliance on memory. The test should provide for the review of operational documents, which contain information relevant to the duties performed. The test should be conducted in conditions such that students are unable to confer with fellow students.

12.8 Instructor's notes.

At one level, these should be in sufficient detail to enable CAAZ to determine the depth of detail that the instructor will be delivering and that there will be adequate coverage of each syllabus item. At another level, especially for organisations using multiple instructors (or the expectation of growth to more than one instructor), these should enable different instructors covering the same course to at least deliver the same course to the same standard.

12.9 Workbooks.

These should be designed and structured to be worked through during the course. They should add value as a training aid and also be a useful resource for the student to revisit during the intervening two-year period. Workbooks which are handed out but not referred to or used, will not serve any useful purpose. It is expected that extracts from working documents (such as Table 2.3A from the International Air Transport Association (IATA) Dangerous Good Regulations (DGRs) or the pink pages of the International Civil Aviation Organisation (ICAO) Emergency Response

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Guide) will be current, up-to-date and preferably either marked as not being for operational purposes or marked with the year of the document from which it was copied.

The extracts should be annotated with relevant comments such that the student will recall at a later date that there is useful interpretative material available in the workbook. Workbooks which add extra value are those which also highlight major changes that came in the current and those which are expected to occur next year. Ordinarily, workbooks (and courses) should be revisited and updated in November/December of each year to pick up imminent changes that will apply from 1 January.

12.10 Competency Assessment Tools

Assessments maybe based on live work situations and/or where work situations are limited, simulations that depict real situations maybe used. Simulations must be varied from one group to another and checklists for each type of simulations must be developed.

12.11 Certificates

Certificates, if sent electronically, must not be able to be easily altered and must have some form of unique identifier so that records can be rechecked on request to determine the certificate's validity. Competency cards which staff should carry on their own persons must be issued and the will be produced on demand to an Inspector during operations as proof of training during inspections.

12.12 Facilities

A training organisation conducting face-to-face training must have access to, or provide, facilities that are environmentally conducive to learning. Aspects for consideration include lighting, temperature control, seating comfort, sustenance, refreshment, washroom etc. Consideration must also be given to facilities that contribute to imparting knowledge, such as workbooks, training aids, media presentation (Video, overhead projector, PowerPoint) and practical demonstration and practise.”.