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“Chain of Responsibility” Legislation Fact Sheet 7 – Container Weight Declarations

WHAT IS CHAIN OF RESPONSIBILITY?

If you use road transport as part of your business, you share the responsibility of managing the risk.

This means anyone who has control in the transport chain – including the consignor, loader and receiver – can be held legally accountable if, by their actions, inactions or decisions, they cause or contribute to a breach of the road laws.

Put Simply This Means:
Control = Responsibility
= Legal Liability



What is a freight container?

The legislation defines a freight container as:

“a re-usable container of the kind mentioned in *Australian / New Zealand Standard AS/NZS 3711.1:2000, Freight containers – Classification, dimensions and ratings*, that is designed for repeated use for the transport of goods by one or more modes of transport.”

Container Weight Declaration

A ‘Container Weight Declaration’ for a freight container is one that states the weight of the freight container and its contents.

Subject to the regulations, a Container Weight Declaration:

- may be comprised in one or more documents or other formats, including being in electronic form; or
- without limiting the above, may be comprised wholly or partly in a placard attached or affixed to the freight container.

Complying Container Weight Declaration

There is no specific format for a Container Weight Declaration. It does not even have to be a single document, but it must contain certain core information.

A Container Weight Declaration complies with the legislation if it contains the following information:

- the weight of the freight container and its contents;
- the number and other particulars of the freight container necessary to identify the container;
- the name, home address or business address in Australia of the ‘responsible entity’;
- the date of the declaration;

The Container Weight Declaration is to be made available to an authorised officer who may seek to verify the information contained in the declaration there and then in the presence of the consigned freight container, whether by examining documents located in or on the vehicle or by obtaining the information by other means.

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Who is responsible?

The responsible entity must provide the operator or driver with a complying Container Weight Declaration before transport of the container begins. In relation to a freight container, a 'responsible entity' is:

- (a) the person who consigned the container for transport by road in the relevant jurisdiction if the person was in Australia at the time of consignment; or
- (b) if there is no person as described in paragraph (a) above, the person who (being in Australia) on behalf of the consignor, arranged for the transport of the container by road in the relevant jurisdiction; or
- (c) if there is no person as described in paragraphs (a) and (b) above, the person who (being in Australia) physically offered the container for transport by road in the relevant jurisdiction.
 - **Consignor** – The consignor (e.g. importer, freight forwarder, shipping agent, etc.) must prepare a complying Container Weight Declaration (electronically or printed) and provide a copy for the road transport operator or driver before the container can be transported by road. For imported containers, the consignor is the person who imports the container into Australia.
 - **Drivers** – A person must not drive a vehicle loaded with a freight container in Western Australia unless the driver has been provided with a complying Container Weight Declaration. While on the road, drivers must keep a copy of the Container Weight Declaration with the container at all times and produce the declaration to an authorised officer when requested.
 - **Operators** – An operator who arranges for a freight container to be transported in Western Australia must make sure the driver of a vehicle is given a complying Container Weight Declaration before commencing the journey. If another road (or rail) carrier is to further transport the container, then the operator must provide a declaration to that carrier by the time the container is received.
 - **Consignee** – A consignee (e.g. buyer, purchaser, receiver, etc.) must not induce or reward a breach of mass, dimension or load restraint requirement. A consignee will be regarded as participating in such behaviour if they knew or ought reasonably to have known that:
 - A complying Container Weight Declaration was not provided; or
 - Information about the container's weight and contents provided in the Container Weight Declaration was false or misleading.

Further information

For more information about the Chain of Responsibility, call Main Roads, Heavy Vehicle Operations on 138 HVO (138 486), or visit www.mainroads.wa.gov.au.

