

# Container Weight Declarations

Fact Sheet 6

November 2005

Consignor • Consignee • Operator • Driver

## Background

The “Chain of Responsibility” legislation for Mass, Dimension and Load Restraint, implemented in Victoria on 30 September 2005, introduces new obligations for consignors, operators, drivers and consignees relating to the handling of freight containers and the provision of *container weight declarations*.

*Container weight declarations* are defined in the *Road Safety Act 1986*, Part 10 Division 6 Section 183.

A freight container is designed for repeated use for the transport of goods by one or more modes and is defined in AS/NZS 3711.1.2000 *Freight Containers - Classification, Dimensions and Ratings*, or as may be specified by the regulations for the purposes of the *Road Safety Act 1986*.

## Container Weight Declaration

A *container weight declaration* for a freight container is a declaration that states, or purports to state, the weight of the container and its contents.

To be a complying *container weight declaration*, it must also detail:

- The number and other details necessary to identify the container;
- The name and home or business address in Australia of the consignor; and
- The date of the declaration.

The declaration must be in a form that can be read by a person inspecting it, as it can be used as evidence. It may consist of more than one document and may be wholly or partly a placard attached or affixed to the container.

## Consignor

Consignors offering a freight container to an operator for transport by a vehicle in Victoria, must make sure that the operator or driver is given a complying *container weight declaration* before the start of any journey. For imported containers, the consignor is the person who imports the container into Australia.

## Operator

An operator who arranges for a freight container to be transported in Victoria must make sure that the driver is given a complying *container weight declaration* for the container before commencing the journey. If another road or rail carrier is to transport the container then the operator must provide a declaration to that carrier by the time it receives the container.

## Driver

A driver must not drive a vehicle loaded with a freight container in Victoria unless he or she has been provided with a *container weight declaration*. The declaration must be kept in or on the vehicle so that it can be readily accessed.

## Consignee

A consignee must not engage in conduct that results, or is likely to result, in inducing or rewarding the breach of a mass, dimension or load restraint limit or requirement. A consignee is taken to have intended that result if the conduct related to a freight container, and the consignee knew, or ought reasonably to have known that a:

- Complying *container weight declaration* was not provided; or
- The *container weight declaration* provided contained information about the weight and its contents that was false or misleading.

## Reasonable Steps Defence

In so far as they rely on the *container weight declaration*, consignors, consignees, drivers and operators have access to the “reasonable steps defence” if they can show that they did not know, and could not have been reasonably expected to know, that the road law breach would occur, and that either:

- They took all reasonable steps to prevent the breach; or
- There was nothing that they could reasonably have been expected to do to prevent the breach.

## Further Information

For more information about container weight declarations call VicRoads on 13 11 71 or check VicRoads website: [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)