



Container weight declarations

Overweight containers can affect the performance of a vehicle and increase the risk of causing an accident.

Safety risks and other problems

Overweight vehicles on the road, including vehicles carrying inter-modal shipping containers, put the safety of drivers and other road users at risk. Overweight containers can require longer braking distances, cause vehicle instability, road damage, and accelerate road wear.

Inefficient practices such as repeated weighing of containers also occurs. Where conflicting weights are recorded, confusion is created. Unreliable weight information makes it very difficult for drivers to comply with the required safety limits.

New legislation

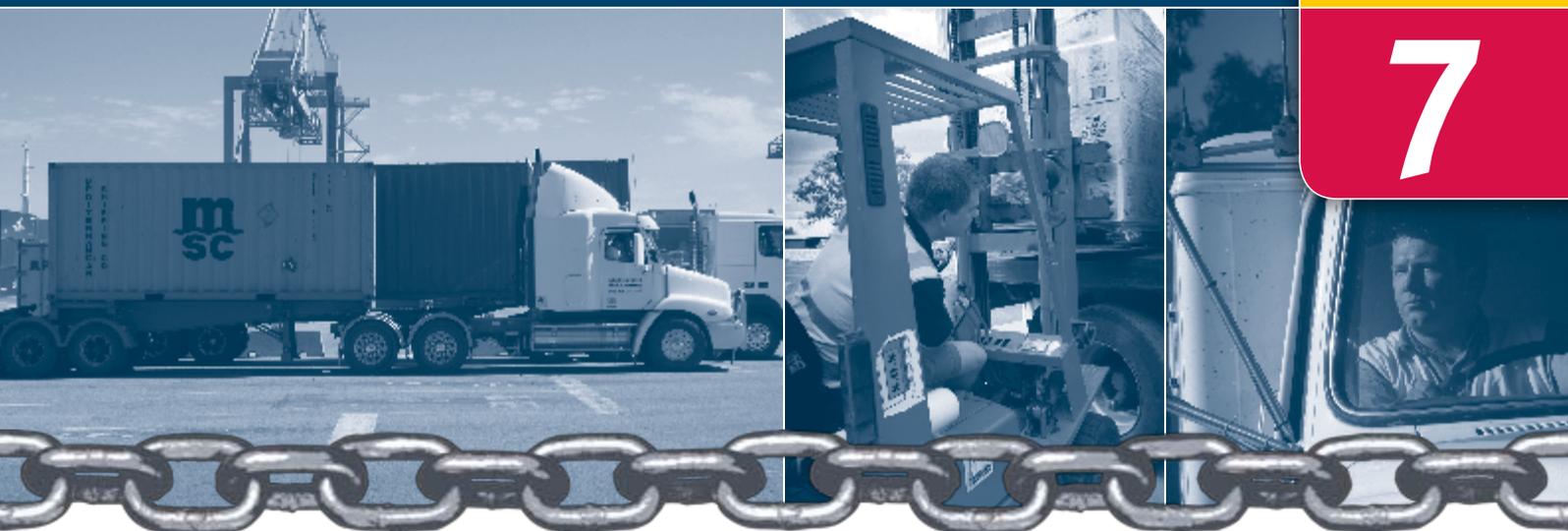
The new Compliance and Enforcement legislation introduce new obligations for consignors, operators, drivers and consignees relating to the handling of freight containers and container weight declarations.

What is a container weight declaration?

A container weight declaration is a legal declaration of the weight of a container and its contents. It must accompany a container whenever all or part of the container's journey is on a road. The declaration can also be used in court proceedings as a reasonable steps defence (*see fact sheet 4*).

Who is responsible?

- **Consignor** – The consignor (e.g. importers, freight forwarders, shipping agents 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 driver must not drive a vehicle loaded with a freight container in Queensland unless they have 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.
- **Operators** – An operator who arranges for a freight container to be transported in Queensland must make sure the driver is given a complying container weight declaration before commencing the journey. If another road or rail carrier transports the container further, the operator must provide a declaration to that carrier by the time the container is received.
- **Consignee** – A consignee must not encourage 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 could reasonably 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.



What does a complying container weight declaration include?

A complying container weight declaration must include:

- the weight of the container including its contents – you may estimate the mass, however you will be liable if your estimate is wrong, subject to the reasonable steps defence
- the container number and other details necessary to identify the container
- the name, home address or business in Australia of the responsible entity making the declaration
- the date of the declaration
- any other information declared by the regulations.

What is the effect of a container weight declaration?

You can be held legally liable and fined for a container weight declaration that is inaccurate, false or misleading. However, the reasonable steps defence is available to you (*see fact sheet 4*). Also, if you are driving a vehicle that has been penalised for being overweight as a consequence of a false or inaccurate declaration, you may seek damages from the maker of the declaration.

Further information

Queensland Transport

Email: qtceproject@transport.qld.gov.au

Web: www.transport.qld.gov.au

From 24 April 2008, parts of the Compliance and Enforcement legislation will apply to current fatigue management laws. Under the new legislation increased penalties and sanctions will apply and authorised officers will have the same powers to investigate potential breaches of the current fatigue management legislation.

Changes to fatigue management laws will occur during 2008. Information kits will be available and information sessions will be held on these reforms later in 2008.