



Ship Type: Container Trade Area: Australia

## Bulletin 443 - 12/05 - Container Weight Declarations - New South Wales, Australia

The new compliance and enforcement (chain of responsibility) provisions of the *Road Transport (General) Act 2005* for breaches of mass, dimension and load restraint entered into force in New South Wales, Australia on 30 September 2005. These provisions are designed to ensure drivers and heavy vehicle operators receive the correct information to enable selection of the appropriate vehicle to transport the container within the relevant legal mass limits.

These new laws place responsibilities on everyone involved in the transport supply chain and obligations are imposed on the clients of transport operators, including intermediaries such as consignors, consignees, forwarders, brokers, loaders and packers.

One such obligation is to provide accurate **container weight declarations (CWD)** for the carriage of domestic and international freight containers by road. Responsible entities must ensure an operator/driver has a complying container weight declaration relating to the freight container before the start of the journey in New South Wales, and operators must ensure a driver/other road or rail operator has this complying container weight declaration before the start of the journey. Drivers must not drive a vehicle/combination without having being provided with a container weight declaration and must during the course of the journey keep it in or about the vehicle. Consignees are liable if they knew or ought to have known that a container weight declaration was not provided as required, or the information provided about the weight was false or misleading.

The regulations specify the liability of a consigner, packer, loader, receiver and an operator to ensure transport documentation is not false or misleading in respect of mass, dimensions or load restraint for either all or part of the load. Details are provided of obligations of a party supplying a container weight declaration to an operator and the responsibilities of that operator. The regulations state that overstating the weight of a container is not false or misleading; this is to allow a container weight declaration to state a 'maximum' weight.

The Act relies for a definition of a 'freight container' as re-usable containers of a kind mentioned in Australian Standard AS 3711.1:2000. This definition specifically includes ISO containers used in sea freight of specific dimensions, but the specifications suggest that containers excluded from this definition include:

- Flat rack containers
- Demountable buildings
- Pantechicons, tautliners or non-ISO standard tanks
- Containers used in waste transport/recycling.

Source of information: NSW Road Transport Association Inc  
New South Wales, USA  
[www.nswrta.com.au](http://www.nswrta.com.au)