



**ROAD TRANSPORT FORUM NEW ZEALAND INC
ON
MARITIME NZ CONSULTATION:
CONTAINER WEIGHT VERIFICATION**

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SUBMISSION BY ROAD TRANSPORT FORUM NEW ZEALAND TO MARITIME NZ ON CONTAINER WEIGHT VERIFICATION

1.0 Road Transport Forum New Zealand

1.1 Road Transport Forum New Zealand is a nationwide organisation representing the road transport industry. The Forum provides services to and public policy advocacy for its affiliated members who comprise owner-drivers, fleet operators and international corporates engaged in freight and logistics.

1.2 The Forum's Constituent Associations include:

- National Road Carriers (Inc)
- Road Transport Associations NZ (Inc)
- Combined Owner Drivers Association (S.I.) Inc trading as NZ Trucking Association

1.3 The Forum's member associations have in excess of 3,000 members and associate members who operate approximately 17,000 trucks over 3,500 kg.

1.4 The Forum is the authoritative voice of New Zealand's road transport industry which employs 22,600 people (3.0% of the workforce), has a gross annual turnover of \$6 billion and carts over 70% of New Zealand's land based freight on a tonnes/kilometre basis.

2.0 Introduction

2.1 Maritime New Zealand (MNZ) is seeking feedback on the preferred options for implementing amendments to Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) that will require all export containers to have a verified weight.

2.2 In their discussion document MNZ indicate that incorrectly declared container weights are a safety and environmental issue.

2.3 SOLAS as currently worded requires that the weight of the container match the weight given in shipping documents. This requirement is reflected in Maritime Rule Part 24B.

2.4 The amended SOLAS text requires shippers to provide a verified weight in the shipping documents. The discussion document seeks feedback on two options for confirming that:

Option 1. Weighing the packed container using calibrated and certified equipment; or

Option 2. Weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single masses, using a certified method approved by the competent authority of the State in which packing of the container was completed.

2.5 MNZ's preferred option is for shippers to weigh the packed container using approved weighing equipment that is verified, and marked with a current annual '*certificate of accuracy*' in accordance with New Zealand's Weights and Measures legislation

3.0 **Comment**

3.1 We welcome the opportunity to discuss the implementation of SOLAS container weight verification requirements in New Zealand. Either of the two main options promoted by MNZ will require some operational adjustments by shippers in New Zealand. Those adjustments might not be easy for shippers to make and we suspect that they may attempt to transfer their responsibilities to contractors transporting their containers (transport operators). This is especially so for the provision of weight verification information.

- 3.2 Shippers should not be permitted to pass on verification requirements to transport operators. Doing so will add a level of unnecessary complexity to the proposed regime.
- 3.3 Current common practice is for container shippers to present transport operators with containers and have them weighed en route. Usually the weighing facilities used are owned and operated by third parties.
- 3.4 The weighing of loads is an existing function of land transport legislation ensuring transport operators pay the correct amount for the impact they impose on road pavements and structures. It is also a reflection of Chain of Responsibility provisions where a shipper can be held accountable for under- declaring the mass of the goods they are having transported¹.
- 3.5 In 2013 NZTA amended policies for the transport of overweight export containers being transported on permit conditions. The containers must have their weight and centre of gravity verified.
- 3.6 The point we make is that shippers generally already utilise a range of facilities to determine the mass of containers being transported. Policies are in place to ensure that containers being transported by road are correctly weighed and verified.
- 3.7 We suggest that meeting the requirements of Option 1 should not require shippers to invest in facilities or equipment if they are able to comply by utilising existing processes and protocols.
- 3.8 By mentioning Option 1 that does not mean that we do not support Option 2. There may be some shippers that prefer that method of verification. That option should not be precluded.

¹ Land Transport Act clause 79U

- 3.9 Both options have similar compliance and detection regimes. The crux of the matter being grappled with is not how consignments will be weighed or verified. It is how consignments will be checked and verification accuracy confirmed.
- 3.10 MoT data suggests that there are 115,000 heavy vehicles operating in New Zealand. To monitor the fleet there is a group of 108 Commercial Vehicle Investigation Unit (CVIU) officers that are dedicated solely to heavy vehicle enforcement. CVIU (and general Police) resource is stretched to sufficiently carry out that task.
- 3.11 In the period July 2013 to June 2014- 801,317 full TEU were exported².
- 3.12 Significantly more containers are exported compared to the number of trucks being policed. Using the CVIU as an example a considerable amount of resource will be required to satisfactorily verify container compliance with a high level of confidence.
- 3.13 The self-regulation choice suggested for either Option 1 or Option 2 seems a sensible arrangement to reduce the amount of resource required to obtain the assurance required without sacrificing information integrity.
- 3.14 Our experience is that self-regulation carries some complexity in terms of ensuring long term sustained compliance. Deterrents must therefore be adequate to ensure compliance. We discuss this aspect later in this paper.

² MoT document Freight information gathering system page 29:
<http://www.transport.govt.nz/assets/Uploads/Sea/Documents/FIGS-June-2015.pdf>

4.0 **Weighing accuracy**

- 4.1 Heavy vehicle combinations that weigh up to 44³ tons are provided a 1.5 ton weighing tolerance. The 1.5 ton tolerance is in place to cater for variances in weighing equipment and conditions when vehicles are being weighed.
- 4.2 It should be noted that in terms of determining road transport compliance the weighing devices are operated and maintained by CVIU. CVIU personnel are trained to operate their weighing equipment with high levels of proficiency. That equipment has to meet the same rigors of the Weights and Measures Act.
- 4.3 The reason that is noteworthy is that CVIU enforce overweight infringement and offence provisions using those calibrated and certified weigh devices. They recognise the inaccuracies in, and between, weighing devices and weighing conditions.
- 4.4 The situation will be no different for independently and privately operated devices used to weigh export containers. There is no mention of weighing tolerance or variance when comparing stated weight against actual weight in the discussion document. We believe there needs to be more discussion and consideration regarding that. This is especially so if shippers are to assess container weights while being transported on trucks and trailers.

5.0 **Responsibility**

- 5.1 The discussion document stipulates that verified container weight must be signed by a person duly authorised to do so by the shipper. The discussion document mentions *"in light of the varying sizes, types and organisational structures of shippers throughout New Zealand it is not considered practical to specify who in an*

³ Permitted vehicles may operate at masses above 44 ton. For simplicity we have used the 44 ton example as the greater majority of container transport vehicles are operated at 44 tons.

organisation should be signing the shipping documentation in this respect. It is up to the shipper to make this decision and provide the appropriate person or people with the authority to do so.”⁴

5.2 Recent amendments to Worksafe legislation place the onus of responsibility on the Person Conducting a Business or Undertaking (PCBU). PCBU’s are clearly defined in Worksafe legislation. There are clearly defined and enforceable responsibilities for work place delegates.

5.3 In keeping with Worksafe provisions shippers should not be able to transfer their responsibility to others. In *Paragraph 3.4* we draw attention to Chain of Responsibility provisions. Enabling shippers to transfer their responsibility to transport operators will contradict the purpose of those provisions.

5.4 It is practical to align maritime legislation with land transport and work place safety provisions.

6.0 **Deterrents**

6.1 We note the deterrent Table on Page 28 and references to breaches of the Maritime Transport Act and Maritime Rules and the Weights and Measures Act. While those pieces of legislation are robust there is no mention made of Worksafe legislation.

6.2 The primary purpose of verifying container weights is to improve work place safety.

6.3 It is sensible to include and utilise Worksafe legislation and associated punitive sanctions when pursuing convictions. Worksafe sanctions are set at a significantly higher magnitude than other

⁴ page 15

provisions referenced in the discussion document and their use should ensure higher levels of compliance.

Conclusion

Addressing the incorrect declaration of export container weight appears to be a complex issue. The regime being proposed will only become complex if the regulator chooses to make it so.

Each of the two main options promoted in the discussion document will undoubtedly not appeal to all shippers. The main obstacles highlighted in the discussion document are not about how containers will be weighed. It is how consignments will be checked and compliance verified.

Self-regulation offers a number of benefits that will not require excess or significant amounts of resource to monitor compared to other alternatives.

We believe there needs to be some discussion on what level of tolerance will be allowed when verifying container weights. There is also further discussion required on whether weight verification systems used by land transport regulators will be acceptable.

References to Worksafe legislation lack prominence within the discussion document. The container weight verification discussion has been prompted by the desire to meet and implement international work place safety conditions. That is justification for giving Worksafe principles greater distinction in container weight verification policy.

Incorporating Worksafe provisions within policy will assist with improving compliance and will also serve to elucidate shipper's responsibilities.

We welcome the opportunity to discuss the points made in our submission further if necessary.