

SEA-CARRIAGE OF GOODS.

No. 14 of 1904.

An Act relating to the Sea-Carriage of Goods.

[Assented to 15th December, 1904.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Sea-Carriage of Goods Act 1904*. Short title.
2. This Act shall commence on the first day of January, One thousand nine hundred and five. Commencement of Act.
3. In this Act, "goods" includes every description of wares, merchandise, and things, except live animals. Definition.
4. (1) This Act shall apply only in relation to ships carrying goods from any place in Australia to any place outside Australia, or from one State to another State, and in relation to goods so carried, or received to be so carried, in those ships. Application of Act.
 (2) This Act shall not apply to any bill of lading or document made before the thirtieth day of June, One thousand nine hundred and five, in pursuance of a contract or agreement entered into before the seventeenth day of November One thousand nine hundred and four.
5. Where any bill of lading or document contains any clause covenant or agreement whereby— Certain clauses prohibited in bills of lading. Cf. U.S. 1893 c. 105, ss. 1 and 2. N.Z. 1903, No. 96. s. 300.
 - (a) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from the harmful or improper condition of the ship's hold, or any other part of the ship in which goods are carried, or arising from negligence, fault, or failure in the proper loading, stowage, custody, care, or delivery of goods received by them or any of them to be carried in or by the ship; or
 - (b) any obligations of the owner or charterer of any ship to exercise due diligence, and to properly man, equip, and supply the ship, to make and keep the ship seaworthy, and to make and keep the ship's hold refrigerating and cool chambers and all other parts of the ship in which

goods are carried fit and safe for their reception, carriage, and preservation, are in any wise lessened, weakened, or avoided ; or

- (c) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened, or avoided,

that clause, covenant, or agreement shall be illegal, null and void, and of no effect.

Construction
and jurisdiction.

6. All parties to any bill of lading or document relating to the carriage of goods from any place in Australia to any place outside Australia shall be deemed to have intended to contract according to the laws in force at the place of shipment, and any stipulation or agreement to the contrary, or purporting to oust or lessen the jurisdiction of the Courts of the Commonwealth or of a State in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Penalties.

7. The owner, charterer, master, or agent of a ship shall not—

- (a) insert in any bill of lading or document any clause covenant or agreement declared by this Act to be illegal, or
(b) make, sign, or execute any bill of lading or document containing any clause covenant or agreement declared by this Act to be illegal.

Penalty : One hundred pounds.

Implied clauses
in bills of
lading.

8. (1) In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects and properly manned, equipped, and supplied.

(2) In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects and properly manned, equipped, and supplied, neither the ship nor her owner, master, agent, or charterer shall be responsible for damage to or loss of the goods resulting from—

- (a) faults or errors in navigation, or
(b) perils of the sea or navigable waters, or
(c) acts of God or the King's enemies, or
(d) the inherent defect quality or vice of the goods, or
(e) the insufficiency of package of the goods, or
(f) the seizure of the goods under legal process, or
(g) any act of omission of the shipper or owner of the goods, his agent or representative, or
(h) saving or attempting to save life or property at sea, or
(i) any deviation in saving or attempting to save life or property at sea.