



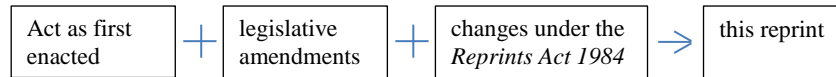
Western Australia

Sea-Carriage of Goods Act 1909

Reprint 2: The Act as at 5 June 2015

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 5 June 2015

Western Australia

Sea-Carriage of Goods Act 1909

Contents

| | | |
|----|---|---|
| 1. | Short title | 1 |
| 2. | Commencement of Act | 1 |
| 3. | Term used: goods | 1 |
| 4. | Application of Act | 1 |
| 5. | Certain clauses prohibited in bills of lading | 2 |
| 6. | Penalties | 2 |
| 7. | Implied clauses in bills of lading | 3 |

Notes

| | | |
|--|-------------------|---|
| | Compilation table | 4 |
|--|-------------------|---|

Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 5 June 2015

Sea-Carriage of Goods Act 1909

An Act relating to the sea-carriage of goods.

1. Short title

This Act may be cited as the *Sea-Carriage of Goods Act 1909*¹.

2. Commencement of Act

This Act shall commence on 1 January 1910.

3. Term used: goods

In this Act, *goods* includes every description of wares, merchandise, and things, except live animals.

4. Application of Act

- (1) This Act shall apply only in relation to ships carrying goods from any place in Western Australia to some other place in Western Australia, and in relation to goods so carried, or received to be so carried, in those ships.
- (2) This Act shall not apply to any bill of lading or document made before 31 March 1910, in pursuance of a contract or agreement entered into before 1 September 1909.

5. Certain clauses prohibited in bills of lading

Where any bill of lading or document contains any clause, covenant, or agreement whereby —

- (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.

6. Penalties

Any owner, charterer, master, or agent of a ship who —

- (a) inserts in any bill of lading or document any clause, covenant, or agreement declared by this Act to be illegal; or

- (b) makes, signs, or executes any bill of lading or document containing any clause, covenant, or agreement declared by this Act to be illegal,

shall be guilty of an offence, and liable, on summary conviction, to a penalty of not exceeding \$200.

[Section 6 amended by No. 113 of 1965 s. 8(1).]

7. Implied clauses in bills of lading

- (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.



Notes

- ¹ This reprint is a compilation as at 5 June 2015 of the *Sea-Carriage of Goods Act 1909* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Short title | Number and year | Assent | Commencement |
|---------------------------------------|--------------------------------------|---------------|---|
| <i>Sea-Carriage of Goods Act 1909</i> | 26 of 1909 (9 Edw. VII No. 22) | 29 Oct 1909 | 1 Jan 1910 (see s. 2) |
| <i>Decimal Currency Act 1965</i> | 113 of 1965 | 21 Dec 1965 | Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2)) |

Reprint of the *Sea-Carriage of Goods Act 1909* as at 2 Aug 2002
(includes amendments listed above)

Reprint 2: The *Sea-Carriage of Goods Act 1909* as at 5 Jun 2015 (includes amendments listed above)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|---------------------|---------------------|
| goods..... | 3 |