

Our Ref: 2005/03

October, 2005



To: All Australian Ship Agency Members and their Insurance Brokers

### **New South Wales Road Transport Regulations**

**The Managers have been contacted by a number of ship agency Members of the Club in Australia concerning the impending introduction of legislation in respect of road transport in New South Wales. The Compliance & Enforcement reforms that are being introduced expand the responsibilities of many entities in the transport chain in relation to road safety and container weight declarations.**

The managers have obtained an opinion from Stephen Thompson at Middletons Lawyers to assist the members in addressing the challenges presented by these changes. Members should note the concept of "chain of responsibility" which extends the obligations on truck operators to include other parties involved in the transportation of consignments. The general purpose of the legislation is to reduce or eliminate incorrectly declared consignments on Australian roads. This is achieved by increasing the responsibilities of those in the chain and the ability of the relevant authority to pursue breaches.

We recommend that ship agents make clear to the consignee/importer that the information supplied to them on the delivery order is provided by the carrier and/or the shipper. We would recommend stating clearly that the information is not supplied by your company. A suitable clause on relevant documentation (such as a delivery order) would be:

"Information regarding the weight, measure, quantity, condition, contents and value of the consignment is provided to "name of your company" by the shipper, through its principal carrier. The weight, measure, quantity, condition, contents and value of the consignment is unknown to the (name of your company) and its principal. (Name of your company) accepts no liability for losses arising from any inaccuracy of the information".

Members should seek legal advice for their particular purposes, if required.

We attach the opinion of Middletons Lawyers.

**Yours faithfully,**

**For ITIM, Managers  
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