

**INDUSTRIAL ARBITRATION (CONTRACTS OF  
CARRIAGE) AMENDMENT ACT, 1983, No. 168**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 168, 1983.**

An Act to amend the Industrial Arbitration Act, 1940, with respect to its operation in relation to contracts of carriage. [Assented to, 31st December, 1983.]

*Industrial Arbitration (Contracts of Carriage) Amendment.*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

**1.** This Act may be cited as the "Industrial Arbitration (Contracts of Carriage) Amendment Act, 1983".

**Amendment of Act No. 2, 1940.**

**2.** The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1.**

(Sec. 2.)

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.**

(1) (a) Section 5 (1), definition of "Carrier"—

Omit the definition, insert instead:—

"Carrier" means the person who, under a contract of carriage, agrees to transport the load to which the contract relates.

(b) Section 5 (1), definition of "Principal contractor"—

Omit the definition, insert instead:—

"Principal contractor" means—

- (a) a person deemed by subsection (3D) to be a principal contractor; or
- (b) except as provided by subsection (3D)—the person for whom the carrier under a contract of carriage agrees to transport the load to which the contract relates.

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*Industrial Arbitration (Contracts of Carriage) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940—*continued.*

(2) Section 5 (3A)—

Omit “made between a principal contractor and a carrier who transports”, insert instead “for the transportation of”.

(3) (a) Section 5 (3B) (a)—

Omit the paragraph, insert instead:—

- (a) that is, where the carrier is a common carrier, made in the ordinary course of the business of the carrier as a common carrier;

(b) Section 5 (3B) (b)—

After “contractors”, insert “, none of whom is a principal contractor by virtue of subsection (3D),”.

(4) Section 5 (3D), (3E)—

After section 5 (3C), insert:—

(3D) Where—

- (a) a contract of carriage is made by the acceptance by an agent of the carrier of an offer to enter into the contract not directed specifically to that carrier;
- (b) the agent accepted the offer in the course of a business of acting as agent for the receipt and acceptance, on behalf of 2 or more prospective carriers, of offers to enter into contracts of carriage; and

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*Industrial Arbitration (Contracts of Carriage) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940—*continued.*

(c) the agent has a discretion in the selection of the prospective carrier on whose behalf an offer received in the course of that business will be accepted by the agent,

the agent shall, for the purposes of this Act, be deemed to be the principal contractor under the contract to the exclusion of the offeror.

(3E) For the purposes of subsection (3B) (a), the carrier under a contract of carriage made as referred to in subsection (3D) shall be deemed to have held himself or herself out as ready to transport the load to which the contract relates for the person deemed by subsection (3D) to be the principal contractor and not to have held himself or herself out as ready to transport the load for the offeror so referred to.

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