

GENERAL

113. General Condition in Written Contracts

It is a condition of every written contract of carriage of goods hereunder which complies with the Carriage of Goods Act 1979 that the terms of the written contract prevail over any terms in any consignment note relating to those goods which are inconsistent with that written contract.

114. Livestock

1. **Conditions of Carriage**—Besides delivering with the livestock a consignment note properly completed, every consignor must, before livestock will be accepted for transit, provide any stock removal permits or other documents necessary in connection with the status or regulations (if any) concerning diseases or transportation of animals.

2. Consignors of livestock are required to give such notice to consignees regarding dispatch as will prevent delay in delivery at the destination station.

3. The department requires freight on livestock to be prepaid.

4. Loading and unloading must be performed by the consignor and consignee respectively. Subject to the provision of the Act the department will not be responsible for any particular number of livestock specified as having been loaded into any particular wagon for carriage by rail.

5. The department may:

- (a) Refuse the transport of sick, wild, unmanageable, or fierce animals unless the freight has been paid and the carriage is at owner's risk.
- (h) Refuse the transport of livestock when the animals, in the opinion of the officer in charge or guard, are not in a fit condition to travel.
- (c) Restrict if necessary the number of animals which may be loaded in any wagon.
- (d) Load other animals, vehicles, or goods from the same or different consignors to the same or different consignees in the same wagon.
- (e) Refuse to accept for transport any livestock that are timed to arrive at their destination between 6 p.m. on Saturday and 6 p.m. Sunday, unless and until an undertaking in writing shall have been received from the consignee that the livestock will be unloaded and delivery taken thereof within 3 hours after arrival at destination.

6. The department does not under any circumstances accept any responsibility whatever for animals before they are placed into the wagon; or after the animals arrive at the station to which they are transported.

7. The department will not be bound to receive any livestock for carriage to or from any railway station which is not equipped with platforms, yards, and other suitable facilities for loading and unloading livestock: Provided that at the option of the department livestock may be received for carriage to or from such places if the owners accept all the risk.

8. **Feeding and Watering**—Livestock must be adequately fed and watered immediately prior to being tendered to the department for transport, and a certificate may be required from the consignor that this has been done. Livestock may not be accepted for transport where this condition has not been complied with.

9. Owners of livestock must in all cases make their own arrangements for feeding, watering, or tending stock. The department does not accept any responsibility in regard thereto.

10. If desired by the owners, livestock may be off-loaded for feeding and watering at a station convenient to the department between that from which they are forwarded and their destination, but they must not be detained more than 24 hours, otherwise the journey will be regarded as a new journey from the point where the stock was detained, and charges will be payable thereon accordingly.

11. The department may, whenever it considers it necessary, provide livestock whilst in its charge with food or water, or both (when practicable), at the expense of the consignees or consignors (as the case may be), and for such purpose the livestock may be off-loaded. In no case will any charge be made for the water supplied to such stock.

12. In either of the cases referred to in paragraphs 10 and 11 the department may, whenever it performs the work of reloading, make an additional charge of \$8.45 per four-wheeled wagon n.o.s. \$11.25 per Hc or Jc wagon and \$16.90 per bogie wagon.

13. **Loading and Unloading**—The consignor shall be responsible and shall pay for damage done by animals to wagons, enclosures, or other railway property while such animals are on the premises of the railway, unless he can prove that the damage is to be ascribed to the bad conditions of such wagon, enclosure, or railway property.

14. Animals which have died during their transport or before delivery to consignees, must be accepted by the consignor or consignee (as the case may be) if the carcass is tendered by the department, and such carcass must be removed forthwith from railway property, failing which the department will take steps to have it removed at the cost of the consignor or consignee (as the case may be). If any animal has died whilst in transit and has been removed from the wagon the consignor or consignee (as the case may be) shall pay the cost of such removal and burial hereinafter provided.

15. Livestock received by rail at stations must be removed within three working hours after their arrival, otherwise such stock will be unloaded and held at the sole risk and expense of the owner. A charge of \$7.69 per four-wheeled wagon n.o.s. \$10.21 per Hc or Jc wagon, and \$15.37 per bogie wagon will be made for unloading such stock.

16. Except as may be otherwise provided, a charge of \$1.47 per head of cattle or horses, and 56c per head of sheep, goats, calves (under 6 months old), pigs, or other small stock, will be made for every 8 hours or portion thereof after the expiry of the first three hours after arrival at destination station that the stock so remains in the custody of the department, in addition to any charge that may have been incurred for food, water, veterinary surgeon's charges, and the like. Should it be considered necessary, the livestock may, if practicable, at the option of the department, be sent for stabling or grazing at the sole risk and expense of the consignee, and any expense incurred by the department in connection with the feeding, maintenance, or custody of such livestock shall be deemed to be charges payable in respect of the carriage of such livestock.

17. Any animal that, through sickness or through injury received from other animals in a wagon or through animals in a wagon being unduly crowded or other similar circumstances, is taken out of a wagon and subsequently transported to destination in another wagon will be charged as a separate consignment from the station at which it was removed from the original