

## Member Update

**Title:** AusGrain 2013 Charter Party Explanatory Note

**Update No.:** 15 of 13

**Date of Issue:** 5 July 2013

### Distribution

- GTA Members – primary contact list. Please circulate to all appropriate internal parties

#### 1. Issue

On 3 June GTA announced it had developed a new voyage charterparty for industry use. The charterparty has been called 'AusGrain 2013' and is available on the GTA website <http://www.graintrade.org.au/contracts>

GTA recently conducted industry consultation to see how the Charterparty has been adopted. Feedback suggested that an update was required explaining the variation from the former AustWheat 1990 charterparty.

#### 2. Background

The AusGrain 2013 Voyage Charterparty is a new voyage charter designed specifically for Australian grain exports.

Produced by a committee consisting of Australia's major grain exporters, the AusGrain form seeks to update the venerable Austwheat 1990 form.

It is important to understand that AusGrain does not replace the Austwheat form which continues to be widely used.

The AusGrain does however seek to improve on Austwheat in the following important respects;

#### 3. Consolidation

In recent years industry has produced several informal and unauthorised updates on Austwheat 1990. Given that Austwheat 1990 was a form approved by BIMCO, and the updates were not, it was considered important that a contemporary and independent document be produced. The new document seeks to incorporate the most desirable aspects of the earlier Austwheat forms.

GTA hopes in the future to have the AusGrain form authorised by BIMCO.

Like Austwheat before it, GTA does not expect industry to contract exclusively on AusGrain terms, but to use the AusGrain form as an acceptable basis for the commencement of negotiations.

#### 4. Up-to-Date Language

Austwheat 1990 has served industry well for a generation. However some of its language (including reference to the Australian Wheat Board) had become out-dated and needed to be changed to reflect current industry usages.

#### 5. New DAFF Requirements

Industry understands that vessel pre-loading surveys are critical to the efficient operation of Australia's grain exporting systems. One of the most important improvements is to clause 15 which has been drafted to;

1. facilitate pre-loading surveys at anchorage by DAFF authorised officers;
2. allow appointment of independent surveyors by charterers, but at owners' expense; and
3. emphasise the importance of arriving vessels being in condition to pass survey by deeming Notice of Readiness void where vessels subsequently fail survey.

## **6. Balance**

Like the Austwheat form, AusGrain is intended to be a balanced document and not biased towards the interests of Charterers or Owners. As mentioned above, it is intended to be a starting point for negotiation, only.

## **7. Comments and Feedback**

There is always room for improvement and GTA value your comments and feedback on the new AusGrain 2013 voyage charter. [admin@graintrade.org.au](mailto:admin@graintrade.org.au)