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NEW ZEALAND HOT TOPICS

Legal year in review



MLAANZ Conference 2014

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Barristers and Solicitors

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Legislative Reform

- **Commerce Act:** proposed law change on shipping exemption
- **Maritime Transport Act:** amendments to limitation, wreck removal, and coastal shipping

Cases: Legal fall out from the Rena and more



Legal fall out from the Rena

Daina Shipping Company Limited v Te Runanga O Ngati Awa (No 2) [2013] 2 NZLR 799

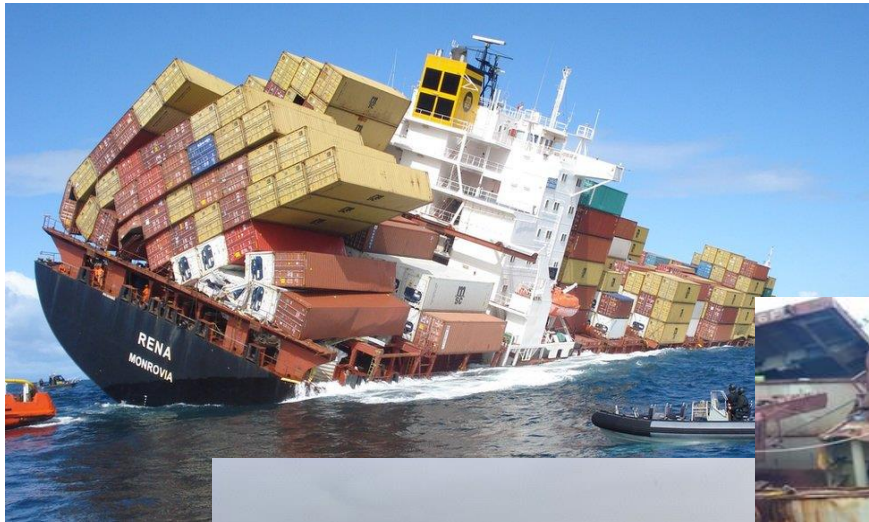
Daina Shipping Company Limited v MV Rena Claimants [2013] NZHC 3450

Claims against the limitation fund – 2 types of claimant



Legal fall out from the Rena

Claimants: Cargo owners



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Legal fall out from the Rena

Claimants: Those affected by environmental damage



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Legal fall out from the Rena

Resource NZ Limited v Mediterranean Shipping [2014] NZHC 292

Liability for Freight



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Clause 16.2:

All freight is earned and due upon receipt of the Goods by the Carrier, whether freight is prepaid or collect and the Carrier shall be entitled to all freight due under all circumstances, ship and/or cargo lost or not lost or the voyage abandoned. All freight shall be paid when due without any set-off, counterclaim, or deduction.

Legal fall out from the Rena

Svitzer Salvage BV v Z Energy Limited [2013] NZHC 2585

Court modification and annulment of charterparties



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Admiralty and cross-border Insolvency

Kim v STX Pan Ocean Co Limited [2014] NZHC 845



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Boat Builders right to arrest

Westpark Boat Builders Ltd v The Ship 'Bayliner 38'
[2013] NZHC 1690



Compromise of admiralty claim

Distinguished *UAB Garant*

Admiralty claim not discharged

Law on the High Seas

Teddy v New Zealand Police [2014] NZCA 422



Extra-territorial effect of
Maritime Transport Act

Establishment of WISTA NZ

New Zealand branch of the Women in International Shipping and Trading Association established in NZ in 2014





Thanks for your time!

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