NEW ZEALAND HOT TOPICS

Legal year in review

MLAANZ Conference 2014

Felicity Monteiro, Senior Associate
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
Legal fall out from the Rena

Claimants: Those affected by environmental damage
Legal fall out from the Rena

Resource NZ Limited v Mediterranean Shipping [2014] NZHC 292

Liability for Freight
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
Admiralty and cross-border Insolvency

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