

MinterEllison

Salvage: Who, what, where and when?

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Salvage: who, what, where and when?



Introduction

- Who:** Who can be entitled to salvage reward?
- What:** What can be the subject of salvage and an associated reward?
- Where:** Where must salvage operations be performed to entitle the salvor to reward?
- When:** In what circumstances will a salvor be entitled to a reward for salvage efforts?

Salvage: who, what, where and when?

Legislative background

- *Navigation Act, 2012* (Cth): ss 240, 241
- *Navigation Regulations, 2013* (Cth): Reg 17
- *International Convention on Salvage, 1989*: specifically Articles 6 – 8, 12 – 19, 21 – 23, 26 and 30



Salvage: who, what, where and when?

Who?

- Who can be entitled to salvage reward ?
 - Any person who voluntarily renders services of a salvage nature which have a useful result.
 - A party who agrees, by way of a salvage agreement, to provide salvage services.



Salvage: who, what, where and when?

What?

- What can be the subject of salvage and an associated reward?
 - A vessel.
 - Other property in danger.
 - Freight which is at risk
 - Not fixed or floating platforms or production systems which are engaged in exploration of exploitation of sea-bed mineral resources.
 - Not human life alone.
 - Not maritime cultural property of 'prehistoric, archaeological or historic interest' that is 'situated on the seabed'.
 - Aircraft ? ? ?



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Where?

- Where must salvage operations be performed to entitle a salvor to reward?
 - Convention: in 'navigable waters'.
 - *Navigation Act*:
 - Does not apply to an operation in inland waters involving an inland navigation vessel
 - Does not apply to an operation in inland waters that does not involve a vessel.



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When?

- In what circumstances will a salvor be entitled to a reward for salvage efforts?
 - The vessel or property must be in danger.
 - The services must have been rendered voluntarily.
 - Salvage which has a 'useful result' gives rise to a right to reward.
 - The vessel or property must be able to be the proper subject of a salvage claim.



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Salvage Reward

- Factors relevant to the determination of salvage reward: see Art 13 of the Convention.
- The reward must not exceed the total value of the salvaged property.
- Special compensation under Art 14 of the Convention where environmental harm has been avoided and the salvor has not otherwise earned a reward under Art 13.

