Salvage: Who, what, where and when?
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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
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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.
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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 ???

Salvage: who, what, where and when?

Where?

- Where must salvage operations be performed to entitled to salvor to reward?
  - Convention: in ‘navigable waters’.
  - *Navigation Act*:
    - Does not apply to an operation in inland waters involving a 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 salved 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.