



# Law Reform Update 2016

## Wreck Removal & The Nairobi Convention

Bevan Marten, 8 April 2016

# Process to date

- 2014-2015 Which conv's has NZ not ratified?
- AGM 2015: Nairobi Conv Selected
- 2015-2016: Background work on Nairobi
- *2016: letter to Minister (draft)*

# Key Problems

- Securing wreck removal costs
- Wreck provisions confused & overlapping
- Power to act in EEZ unclear

# Approach to Reform

- What can MLAANZ achieve?
- General reform vs Convention-led reform
- Comprehensive reform vs “patch”
- EEZ reform vs Territorial Sea & EEZ reform

# Nairobi Convention

- Clear EEZ powers
- Liability regime:
  - Strict liability
  - Compulsory insurance
  - Direct action against insurer
  - Works with other conventions (eg LLMC)

# Nairobi Convention

- EEZ straightforward
- TS more complex:
  - Unlike EEZ no question of jurisdiction
  - Capped liability in practice
  - Removal limited to “proportionate” response
  - Would limit RMA
  - Could use an equivalent domestic regime

# Draft Letter

- Aim:
  - Get MLAANZ a meeting with the Minister
- Pragmatic approach:
  - Suggests wider reform needed
  - Highlights major financial risk
  - Balances “work up-front” with flexibility of response
- Convention angle:
  - Suggested as a possible reform option