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