



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



NZ Branch Report

Kia ora

The New Zealand Branch of MLAANZ held its annual conference at the Tamaki Yacht Club on 11 April 2019.

The format was a half-day conference followed by an optional dinner in downtown Auckland's Viaduct. The change from a full-day programme to a half-day was made with some trepidation, but with 80 attendees and with similar numbers attending dinner, the conference proved to be a huge success.

The Tamaki Yacht Club provided a stunning venue, with views over the harbour to the Hauraki Gulf and back to the city. It would be difficult to find a more fitting venue for a maritime law conference.

Keynote speaker was retiring Port Nelson CEO Marty Byrne who provided an honest appraisal and exhilarating run through of the challenges being faced by the New Zealand port industry, including from both a national and provincial perspective, and the role technology is playing.

The technology component was a highlight, as we learned how every log is scanned and able to be tracked throughout its journey as well as about the wine solution that Port Nelson is developing itself to allow customers to track every step from the vineyard through the port storage facility (which handles all of Marlborough's wine) and onto shipping. Marty also described Port Nelson's new, million-dollar training simulator for crane operators and highlighted that the best trainees were in fact young gamers.

It was fantastic to see long-serving member John Gresson return to the lectern. General Counsel at Matson South Pacific, John spoke to us about aspects of competition law in southwest Pacific regional liner shipping, under both the existing Commerce Act exemption provisions and previewing when the new Cartel Criminalisation regime comes fully into force. Through his day-to-day experience, John was able to bring us all up to date with the important issues facing those involved in the shipping industry in the Pacific.

Insurance law specialist Sophie Hudson from DLA Piper rounded out the presentations by delving into and exploring marine insurance issues arising out of cyber issues and unmanned shipping. Sophie's paper gave an expert insurance lawyer's view of the world and how insurance policies were dealing with the changes presented by the onset of unmanned craft and in particular unmanned drones.

A highlight of each conference is the opportunity for newer members to cut their teeth in presenting to conference audiences in our case notes session.

This year we welcomed new member Hayley Campbell of Oceanlaw New Zealand, who presented on *Maritime New Zealand v Glass bottom boat Ltd* [2019] NZHC 81 – a case bought by the regulator as it attempted to prevent the vessel's ongoing operation under health and safety legislation. Fellow new members Dion Morley of Duncan Cotterill and Auckland University student Yash Patel spoke respectively on *Volcafe v CSAV* [2018] UKSC61 in regard to the different approach taken by the courts in Australia and the UK on package limitation, and on *Maersk Line v Kyokuyo Limited* [2018] EWCA CIV 778 providing an update on developments around the burden of proof in cargo claims.

Well done to the case note presenters and we look forward to their continued development as speakers and them becoming experts in maritime law.

The conference also saw the attendance of arguably MLAANZ's oldest member, Barry Thompson, who is in his nineties. Following the speeches the branch members all gathered around Barry to hear a history of his maritime career which was delivered by the branch chair with the help of Barry's colleague, Mike Austin. This marked formal recognition by the branch of Barry's outstanding contribution to it, the association and maritime law overall in New Zealand. A copy of the tribute will be available on the MLAANZ Website.

For our sins all committee members were returned to office for the coming year.

The drinks and canapés then flowed at the yacht club before we all headed off to Soul in the Viaduct.

The evening wrapped up with wonderful drinks and dinner at Soul, with a fantastic turnout from members making the day a truly memorable occasion for all.

The committee is working hard on preparing the programme for the federal conference in Auckland in September and we look forward to welcoming old and new friends to Aotearoa.

Nga mihi

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