



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## NZ Branch Report

### ***National Conference***

The New Zealand Branch and its members welcomed colleagues from across the ditch to our – not so sunny – shores for the 46th National MLAANZ Conference in Auckland last month.

The Hilton Hotel, with its vista over the port and harbour, proved a fitting location for the conference with its theme of “Sea Change – Navigating the Future”.

The conference started with the traditional icebreaker function on the Wednesday evening with a powhiri to formally welcome everyone to Auckland.

The first night’s function included a shared dinner. Looking around the table and seeing lawyers from government and private practice, academics, insurers, shipping company representatives and members of the industry from across New Zealand and Australia, was a great experience of the opportunity MLAANZ provides to bring maritime people together.

Not even a fire alarm could break up the revelry and chat around the table – though the wisdom of staying put while the rest of the restaurant was evacuated might need to be questioned!

The conference proper kicked off with Paul David QC delivering a thought-provoking Dethridge on automation and whether the law can keep up with developments in this area. The relevance of the topic selected for the address was evidenced by the significant discussion and debate that followed.

Certainly, the increased use of technology across the industry was evident from presentations delivered by MSC, Swire Shipping, Ports of Auckland and Port Connect.

We heard how large carriers are joining forces to digitise the global supply chain and co-operating to develop shared platforms, as well as individually developing technology such as smart containers that can transmit electronic data in real-time direct to shippers.

On the shore side we learned that industries are developing port community systems, while ports are automating operations and focusing on both sustainability and social licence. Illustrating that being at the bottom of the world does not mean we cannot lead from the front, Ports of Auckland talked about being the first in the world to purchase a fully-sized electric port tug as well as its steps to develop a hydrogen and refuelling facility.

It was emphasised that many of these technological developments are directly linked to the increased focus on environmental matters.

Presenters spoke about the challenges posed to the industry from new sulphur emissions regulations and the gaps in those regimes, as well as the very serious impact to human health posed by airborne particulates.

We also heard how the increased reliance on technology, while providing new opportunities and efficiencies across the sector, brings other legal and practical challenges. The practicalities of traditional notions of contract formation and termination, particularly with smart contracts, the management of data, the integration of systems and vulnerability to cyber attacks were all discussed.

Delegates were reminded of the sobering realities of such risk, as recounted in the cyber attacks already experienced in the sector such as those directed at the Port of Antwerp in 2011-2012 and more recently on Maersk from the NotPetya Virus – the latter estimated to have cost the carrier some USD\$350 million in lost revenue, notwithstanding that the company was not even a target of the attack, but rather an unfortunate third party caught up in the crossfire. Those examples highlight why, as one speaker put it, “it is high time to take IT seriously”.

Happily, despite all of the changes, the ethics and admiralty session showed there are still plenty of traditional legal issues to wrestle with at the conference – even if the profession does need to do a better job of justifying why admiralty law is special.

It was also noted there are serious challenges being faced by regulators at both the international and domestic level, trying to advance maritime matters in an often congested legislative programme with competing political priorities. Such discussion provided a useful context for MLAANZ as it looks to advance issues of interest and determine how to best prioritise these.

A lively final session fully demonstrated current advances in technology. Delegates had their first experience of a live update case note, as the decision on whether the High Court would grant special leave in a case involving damages for personal injury came through literally while the speaker was at the podium.

Looking to the future, there was discussion on the potential direction of New Zealand law in wrecks and underwater cultural protection as against developments in Australia. Finally, there was a nice reminder that New Zealand and Australia have been willing to stand up and affect change in the past and that there is no reason why we cannot continue to do so in the future.

The gala dinner was, as always, a very fun night – ending up variously at a whiskey bar and karaoke evening, where a number of attendees showed that they could quite possibly give up their day jobs and pursue a musical career.

That musical talent certainly came in handy for the Australians at the optional social event the following night. After failing to make the top two in the cooking competition, the contingent managed to redeem themselves with an alternative route to success in a pretty impressive rendition of “Hallelujah”.

The New Zealand Branch enjoyed its chance to host the national conference and thanks all attendees and speakers who made it such a great event. We are looking forward to hearing more on these developments in the future and will be keeping a keen eye how the law and industry will be navigating those changes.

It looks like we will be travelling further afield for the National MLAANZ Conference next year, to Perth. We will be looking forward to seeing what developments happen over the next 12 months.

Stacey Fraser  
Secretary, MLAANZ New Zealand Branch Committee  
+64 9 307 2003  
stacey.fraser@mcelroys.co.nz

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A selection of photographs from the optional social night cooking competition ...





