



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

As newly-elected president, I am writing this message from Mianjin (Brisbane). I respectfully acknowledge the traditional custodians of this land, the Turrbal and Jagera/Yuggera peoples, and I pay my respects to all Elders past, present and emerging.

It is a privilege to be elected to this role, and I am looking forward to supporting the maritime legal community of Australia and New Zealand. I would like to recognise our immediate past president, Associate Professor David Goodwin. Notwithstanding extended lockdowns, David's stewardship from his home office in Melbourne was unwavering. David invigorated *Semaphore* with articles that reminded us of our history and others that invited us to deliberate on our future. He has worked to promote our relationship with government, including through the Australian Maritime Safety Authority Committee, and created greater connectedness between the Board, each of the five branches, and in turn the whole MLAANZ community, which is a wonderful legacy.

I acknowledge the contribution of our outgoing Board members, Paul Baxter and Pat Saraceni. Paul has been one of the longest-serving members on the Board, having held the position of treasurer for many years, and more recently, as vice-president. Pat of course is well known to all as a previous MLAANZ president and one of the doyennes of our maritime community.

I also take this opportunity to welcome three new members to the Board.

Naraya Lamart has been elected as our new Australian vice-president. Naraya is based in Brisbane and leads Wotton + Kearney's marine and transport team. Naraya is an author of the Australian chapter in *The Legal 500: Shipping Country Comparative Guide, 2nd edition*.

We have two new committee members from Perth. Ashwin Nair is a director of Cocks Macnish. Ashwin brings international maritime law experience having worked as a P&I Club claims executive in Singapore for a number of years.



MLAANZ president Michelle Taylor

Gemma Tually is group manager legal at Fortescue Metals Group. Gemma holds an LLM from The University of Queensland majoring in international trade and has also studied at the New York University School of Law.

The Board's immediate initiatives for 2022 include hosting a conference in Brisbane on October 13-14, 2022, creating opportunities for young MLAANZ members and further updating the MLAANZ website.

MLAANZ has not been able to host a conference where members could freely cross state borders or the Tasman since the Auckland conference of 2019. However, the New Zealand Branch is to be congratulated for hosting such an immensely successful conference in Wellington this year.

It is hoped that at the Brisbane conference in 2022 we can all come together, to renew old friendships and create new ones.

Janine Liang is the Board's newly-appointed young MLAANZ co-ordinator. This role has been created to promote young MLAANZ members and to liaise with each of the branch chairs for this purpose. Young members are persons under 35 or with less than five years' experience in the maritime industry. The Board is looking into ways to attract young MLAANZ members through financially incentivising branches, funding functions for young members, creating a young MLAANZ column in *Semaphore* and by providing a young MLAANZ session at the Brisbane conference. I invite any potential young member of MLAANZ to reach out to Janine or their local branch chairperson about getting involved in MLAANZ in 2022.

As a member of Comité Maritime International (CMI), MLAANZ would also like to promote the yCMI Essay Prize for 2022. The CMI Assembly has not prescribed a topic in order to open the scope of the essay to accommodate any relevant maritime law topic. Entrants are encouraged to visit the [CMI website](#) to assist with a choice of topic. Candidates should be 35 years or younger and a member of a CMI member association (ie, MLAANZ). Submissions are due by March 31, 2022. The prize is an invitation to attend the next CMI international event in Antwerp on October 19-21, 2022, including travel and registration fee. Further details can be found on the [MLAANZ website](#).

The MLAANZ Board has resolved to undertake work on a number of CMI initiatives including on the topics of wrongful arrest, marine insurance and direct right against insurers, as well as the future of a proposed convention on transboundary pollution for offshore gas and oil activities. This is important and timely work, and I look forward to providing regular updates during 2022.

MLAANZ has also been consulted on international conventions, at various stages of development, such as the Draft Convention on the Judicial Sale of Ships (Draft Judicial Sales Convention) and the Nairobi International Convention on the Removal of Wrecks (WRC).

At the request of the Office of International Law, Attorney-General's Department, MLAANZ contributed comments on the fourth revision of the Draft Judicial Sales Convention for discussion at the UNCITRAL meeting in Vienna from October 18-22, 2021. It is hoped the Draft Judicial Sales Convention is close to finalisation.

Closer to home, MLAANZ was invited to provide a submission to the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications in response to its Draft Regulatory Impact Statement (Draft RIS) regarding Australia's accession to the WRC. MLAANZ provided its response to the Draft RIS in October 2021. The Draft RIS sets out five proposals, namely:

1. retain the status quo
2. amend the Navigation Act 2021 (Cth)
3. accede to the WRC but only in the Exclusive Economic Zone (EEZ)
4. accede to the WRC in both the EEZ and the territorial sea
5. apply the WRC to domestic commercial vessels (DCVs) – noting it is estimated that only about 250 DCVs would likely meet the 300-GT threshold required by the WRC

MLAANZ recognises that Australia's current wreck removal laws fall short of providing a comprehensive wreck removal regime. It is also noted that New Zealand is not a signatory to the WRC. MLAANZ will closely follow the progress of the WRC.

Finally, updates have recently been made to the MLAANZ website, including the launch of a Members' Vacancies page, which I invite you to visit over the holiday period. The Members' Vacancies page is a free service to MLAANZ members. To list a vacancy, please send details to Iain MacIntyre via i.macintyre@xtra.co.nz.

If you would like to contribute to any of the MLAANZ initiatives, or provide feedback, my inbox is always open.

On behalf of the newly-elected MLAANZ Board, I wish you all a peaceful and safe time over the Christmas and New Year period. I look forward to 2022 and the prospect of crossing borders to meet in person soon.

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