



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## New Zealand Branch Report

The New Zealand Branch of MLAANZ has experienced a year of two halves – the first half being relatively quiet, but with momentum building in the second as we prepared for our annual conference.

Highlights are set out below.

### **Seminars**

We held one seminar via Zoom this year, which was the first featuring two Young MLAANZ members – Gus Gray and Arthur Pan – alongside Paul David KC. This was well attended, including by a number of older members who re-engaged through Zoom.

### **Rosalie van Dael – Winner CMI Essay**

A supporter of the Federal Board's strategy to encourage young members and ensure we remain relevant for our members' needs, the New Zealand Branch sponsored Rosalie van Dael to attend the MLAANZ federal conference in Brisbane last month. Rosalie spoke in the Young Members Case Note Session on the principle of relief of cross-border insolvency and maritime law and produced a talk of the highest quality.

A few weeks later, Rosalie was then named the Comité Maritime International (CMI) essay winner for 2022, which includes a prize of a CMI-funded trip to the 2023 CMI Assembly in Montreal, with her essay to also be published on the CMI website. Rosalie's fantastic achievement was recognised formally at our Branch annual conference in November. Our annual conference continues its commitment to the youth by having a dedicated section where three young members present case studies.

### **Branch Conference**

A fantastic conference was held at the Sofitel Viaduct on November 11 with 80 people attending from around New Zealand and Australia. A true international flavour was also made possible by technology, with academic heavyweights Rob Merkin Zooming in from London and Paul Myburgh from Singapore.

The New Zealand Government played a role with the Ministry of Transport and Transport Accident Investigation Commission bringing us up-to-date on developments with their organisations and how we can interact with them to get better outcomes for MLAANZ.

Special mention to our stars of the future – Lourenzo Fernandez, Jordan van Riele and Tabitha Lorck – who grasped their opportunities with well-researched and delivered papers on important recent cases.



*Stacey Fraser, Rosalie Van Dael and Hamish Fletcher*



*Jordan van Riele, Lourenzo Fernandez, Tabitha Lorck and Paul David*

At the conclusion of the conference MLAANZ bestowed life membership on one of the founders of the New Zealand Branch, Judge Mark Perkins. Paul spoke of Mark's significant contribution to both MLAANZ and to the practice of maritime law. Mark was very humble in his acceptance of the honour and said he looked forward to continuing to support and contribute to MLAANZ in the future. Special mention was made of Margaret Perkins in her support of members' partners at conferences over many decades as well as in support of Mark.



*Paul David and Mark Perkins*



*Martin Sawyers*



*Rebecca Summerhill*



*Mike Knowles*

### ***Federal Board***

The New Zealand Branch continued to be represented by Stacey Fraser and myself at Federal Board level and the Federal Board has been well led by Michelle Taylor as it undertook significant work during the year. A big thanks to Stacey who makes a considerable contribution to the Federal Board.

### ***New Zealand Board***

I would like to thank our Board, which always has lively, well-attended Zoom meetings. This year Richie Belcher took over as secretary and has done a great job with enthusiasm, and special recognition to Stacey who has mentored Richie through his first year. A special thanks to the Auckland members who formed a subcommittee to organise the annual Branch conference.

We have pencilled in late April/early May 2023 to get our Branch conference back into sync with the federal conference, which is to be held in Perth around October/November 2023.

### ***Legal Update in New Zealand***

#### ***New International Carbon Intensity Measures for Ships***

Amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI to require vessels to measure their energy efficiency and report their carbon intensity have entered into force. From January 1, 2023 ships of over 400 gross tonnage will have to measure their energy efficiency and ships of over 5000 gross tonnage will also have to report annually on their carbon intensity.

Carbon intensity will be rated from A to E. Ships rated D for three consecutive years or E for one year will have to submit a corrective plan to show how a rating of at least C will be achieved. The rules do not apply to ships that only voyage within the waters of their flag state, but the flag state should take appropriate measures to ensure that such ships are constructed and operated consistently with the rules.

The International Maritime Organization observed that running a ship on a low-carbon fuel can result in a higher rating. Other measures can also be taken to improve a ship's rating, such as:

- hull cleaning to reduce drag
- speed and routing optimisation
- installation of low-energy light bulbs
- installation of solar/wind auxiliary power for accommodation services

### ***Dumping of Sewage Sludge at Sea to be Prohibited Worldwide***

The states party to the London Protocol on the dumping of waste at sea have agreed to amend it to also prohibit the dumping of sewage sludge at sea. The amendment will remove sewage sludge from the list of wastes for which states can grant dumping permits. The amendment was agreed at a meeting of parties to the London Convention and London Protocol on October 3-7 this year. It will enter into force 100 days after its adoption, or earlier for any state party that notifies its acceptance of the amendment before then.

### ***Port Health and Safety Leadership Group Publishes Fatigue Guidelines***

The New Zealand Port Health and Safety Leadership Group has published guidelines for setting up a fatigue risk management system. It wants all organisations employing workers at ports to have started a fatigue risk management system by September 2023.

It will be providing training, education and resources to support the guidelines. The guidelines include 16 examples and templates that organisations can adapt and use. The guidelines can be found [here](#).

The Leadership Group includes employers, unions, the Port Industry Association and government regulators. Chair of the Leadership Group, Maritime New Zealand chief executive Kirstie Hewlett, said that the guidelines would be the first of many outputs from it.

Ms Hewlett also noted the scientific expertise that had informed the report:

“Massey University’s Sleep/Wake Research Centre was involved in helping to develop the guidelines, by providing expertise around the science of fatigue and how it affects people’s bodies and minds, using the latest New Zealand and international research.”

### ***Fisheries Amendment Bill Passes and Comes into Force***

Parliament has passed the Fisheries Amendment Bill and most of its provisions have now come into force.

Changes made by the Bill include:

- all fish caught, whether they are a Quota Management System (QMS) species or not, must be reported
- all QMS species must be landed, unless there is an exception set by the Minister
- graduated penalties will allow all factors of the offence to be considered to better reflect the consequences of offending
- there will be a four-year implementation period for reviewing exceptions to the landings and discards rules to ensure that fishers will have time to transition to the new rules

The Bill also makes some technical amendments to assist with the rollout of cameras on commercial fishing vessels.

**Best Wishes**

In conclusion, the New Zealand Branch extends its appreciation to the Federal Board and Queensland Branch for organising the recent federal conference, which is so important for MLAANZ. A fantastic effort and very successful conference.

I wish you all a very Meri Kirihimete and enjoy the break as we wind down from a very busy year and recharge for what is looking to be an even busier 2023. Look after yourselves and be aware of your mental health – if struggling get in touch with friends, and as a friend keep an eye out for our colleagues who you may see struggling and talk to them.

Nga mihi

Hamish Fletcher  
Chairperson, MLAANZ New Zealand Branch Committee  
p +64 3 548 4136, m +64 27 220 5122  
[hamish@oceanlaw.co.nz](mailto:hamish@oceanlaw.co.nz)

December 2022

