



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

Kia ora, welcome to my first president's report.

Michelle Taylor

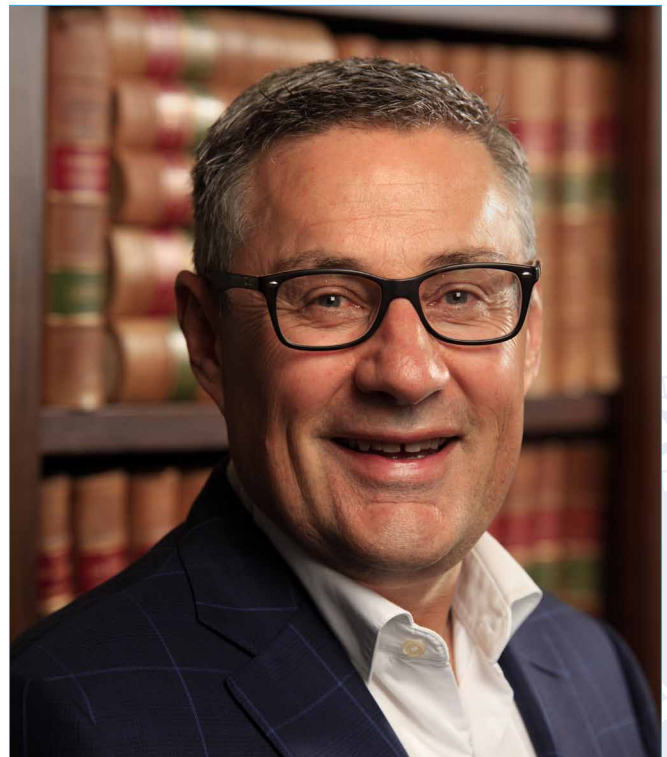
I would like to recognise the significant contribution of Michelle Taylor who has led MLAANZ as president for the past two years and is now our immediate past president on the Board.

When entering her presidency, Michelle was faced with the rebuild of MLAANZ post-COVID. A priority was trying to make us relevant to our members and *Semaphore* has been one of the main vehicles for facilitating that connection. Michelle working as editor-in-chief alongside Iain MacIntyre as journalist/designer has seen this publication grow from strength to strength, where it is now a leading maritime law quarterly publication. It is a publication we can all be extremely proud of.

Building on the theme of relevance, the Board under Michelle's guidance has focused on bringing the youth through, and initiatives such as providing funding to Branches to hold functions to attract younger members saw a number of such events held across the Australian states and New Zealand. Highlights including the cocktail function in Brisbane following the 2022 conference where 50 young members, lawyers and students attended and had the opportunity to mix with some of the younger conference speakers.

By taking a cautious approach and with the outstanding support of the Queensland Branch organising committee, we saw a low-cost but highly-professional event held at The University of Queensland where strong connections allowed use of excellent facilities. This provided a stable break-even conference involving strong sponsorship. By the time we got to Perth in 2023 a A\$20,000 profit was made and an outstanding conference was put on by the Perth Branch organising committee led by Pat Saraceni. All under Michelle's astute leadership.

Michelle has worked tirelessly to promote MLAANZ when sitting on the Australian Maritime Safety Authority (AMSA) Board and ensured that our members' and stakeholders' interests have been represented. During her presidency our relationship with AMSA has flourished and at the 2022 Brisbane conference AMSA chief executive Mick Kinley presented and at this year's Perth conference AMSA representatives made a major contribution to the speakers' list and they have been a generous sponsor.



MLAANZ president Hamish Fletcher

Domestic legislation and international conventions saw Michelle devote significant time to ensuring Ministers in the Australian Government and their relevant secretaries were abreast of MLAANZ views on maritime/shipping issues they were seeking consultation with or submissions. The ability to influence politicians and officials very much depends on what they are personally interested in at any particular time. So, communications were always focused on where a difference could be made.

The focus has not just been on domestic legislation and affairs, as Michelle represented MLAANZ at the Comité Maritime International (CMI) and had the foresight and honour to nominate the now president of CMI Anne Fenech to the position. Politically astute, Michelle has placed MLAANZ in a strong position moving forward. She has also ensured CMI questionnaires have been answered.

Even when tramping in the Alps in Switzerland, Michelle attended her last Board meeting as president by phone so as to guide us through to the Perth conference. This epitomised Michelle's passion and commitment to MLAANZ.

I thank Michelle for her service as president and feel privileged to be charged with carrying on her fantastic work, knowing MLAANZ is in good shape both from a financial perspective and with an excellent Board of which she will continue to play a significant role as immediate past president.

Happenings

In 2024 our conference will be in Queenstown, New Zealand, and I know the New Zealand Branch is excited to showcase not only our fantastic country but also maritime law. Meccaconcepts is working now on a conference venue and a save-the-date will be sent to you all shortly.

Our treasurer, Janine Liang, has been busy finalising our audit, which required us to appoint new accountants to ensure we met our obligations. Although not yet complete, we hope to get the audit signed off and filed by the next issue of *Semaphore*.

Keep an eye out for a questionnaire arriving in your inbox soon. I encourage you to complete it as this will inform the MLAANZ Board what you want, and we welcome all feedback so as to make us a stronger association.

Furthermore, I would like to congratulate the following members who have been elected Honorary Members of MLAANZ – our highest honour:

- Hon James Allsop AC
- Tom Broadmore
- Hon Justice Sarah Derrington AM
- Emeritus Professor Nicholas Gaskell
- Professor David Goodwin
- Matthew Harvey KC
- Stuart Hetherington
- Fraser Hunt
- Ian Maitland
- Hon Neil McKerracher KC
- Peter McQueen
- Hon Mark Perkins
- Adjunct Professor Hon Anthe Philippides
- Hon Steven Rares KC



- Ron Salter
- Dr Pat Saraceni
- Tony Tesoriero

In the next *Semaphore* I look forward to sharing with you the Board's priorities for the next 12 months.

New Zealand Branch Update

The New Zealand Branch's focus for the next quarter includes planning for its annual conference in March 2024 and the federal conference in Queenstown in October 2024.

With a new Government formed in recent weeks we will be writing to and aiming to meet with the Minister of Transport to brief him on maritime law matters impacting the shipping industry and marine environment.

As part of our preparations to step up capability around lobbying of Government, a very helpful seminar was held with committee members and members of MLAANZ working in Government, to discuss what Ministers are looking for from industry groups and the best way to approach issues with them. This seminar has provided excellent foundations from which we can strengthen our ability to have a meaningful impact on Government.

We are also planning on continuing our strong relationship with Maritime New Zealand (MNZ) with the agency having a committee member on our Branch and MNZ deputy chief executive Deb Despard having spoken at the Perth federal conference. As New Zealand Branch chair and federal president I will be looking to meet with the chief executive of MNZ, Kirstie Hewlett, to discuss how we can mutually help each other.

New Zealand Legal Update

(supplied courtesy of Oceanlaw New Zealand solicitor Daniel Jackson)

MNZ Responds to TAIC Report on Stevedoring Deaths

The Transport Accident Investigation Commission (TAIC) has delivered its final report on two fatal accidents involving stevedores at ports. The report made several recommendations for MNZ, WorkSafe New Zealand and the stevedoring operators.

The two accidents both occurred in April 2022. In one, a stevedore at the Port of Auckland was killed after a container from a container vessel was lowered on them. In the second, a stevedore involved in loading coal onto a bulk carrier at Lyttelton Port was buried under coal on the deck of the vessel and killed.

TAIC recommended that MNZ works with industry stakeholders to improve safety standards for stevedoring operations through:

- implementing an Approved Code of Practice for managing health and safety risks associated with stevedoring activity
- establishing minimum training standards for stevedores
- establishing a programme to facilitate continuous improvement of stevedoring safety standards, including the sharing of safety information amongst industry stakeholders

TAIC also recommended that MNZ and WorkSafe (until jurisdiction over port-side health and safety is transferred to MNZ on 1 July 2024) "ensure that their regulatory activity includes a proactive role (such as monitoring and assessment) in the safety of the stevedoring industry."

TAIC chief investigator of accidents Naveen Kozhuppakalam said that MNZ and WorkSafe needed to do more to promote safety in the stevedoring sector:

“We need to move on from stevedoring organisations deciding for themselves how they will meet safety requirements. They receive insufficient regulatory oversight, lack industry-wide safety standards, and lack the formal safety management oversight and monitoring required of other industries. There is minimal proactive gathering and sharing of safety information, and too few appreciate the benefits of a good safety culture.”

In response to the TAIC report, Ms Hewlett said that MNZ partially accepted two of the recommendations and fully accepted the other two.

MNZ partially accepted the recommendation that it take a more proactive role in the safety of the industry:

“As we believe our assessments focused on critical risks on ports, with WorkSafe New Zealand, is proactive monitoring activity and looks at individual operators. We agree that there is always more opportunity to work proactively and we welcome the additional funding that comes with our designation extension from 1 July 2024, so we can carry out more proactive monitoring on ports.”

Ms Hewlett also referred to the work that MNZ had done with the sector through the Port Health and Safety Leadership Group, saying that it “has built a relationship of trust and made significant progress on health and safety on ports”. She said that the Port Sector Insights Picture and Action Plan had outlined actions to address harm on port and that significant progress had been made in implementing some of the actions.

Ms Hewlett said that two of these actions showed that some of the recommendations were already being implemented. More consistent safety standards for ports were being developed, “with a draft Approved Code of Practice for loading and discharging cargo on ports and on ships currently out for consultation”. There was also work to continuously improve safety and share good practice, including by developing good practice guidance and a platform where people could access new safety technologies.

Furthermore, Ms Hewlett said another action under the plan was to improve workforce training, capability and understanding of risks. This included whether future standards would be backed by MNZ as the regulator, which TAIC had recommended. Ministers would need to make the decision about such backing.

Wishing everyone Meri Kirihimete.

Nga Mihi
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