



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

Kia ora

The year has started off with a flurry of activity at Federal Board level with the Board meeting monthly and this month's president, New Zealand and Narya's Australian reports will be focused on reporting what is happening across MLAANZ. Executive editor Iain MacIntyre has put together a bumper issue of *Semaphore* with a mixture of interesting maritime articles from across the Globe and at home, and case notes from some of our younger but very talented members.

Arbitration Panel and Selection Committee

It is a great pleasure to welcome Paul Heath KC to the [MLAANZ Arbitration Panel](#) and as a new member of MLAANZ.

An article on Paul appears in this *Semaphore* and is an excellent read.

It is timely to remind ourselves of the large talent pool of our peers who are on the MLAANZ Arbitration Panel and of the rules and policy guidelines, application form for candidates and recommended wording for arbitration clauses that appear on our website. So please check it out and start using our highly-skilled members as arbitrators.

To become a member of the panel a candidate completes the application form and is then assessed by a selection committee and a recommendation is made to the president whether to appoint the candidate to the panel.

We have been privileged to have Ron Salter, MLAANZ Honorary Member and a past president, as a member of our selection panel for many years along with Matthew Harvey KC. Recently Ron notified me that as he has retired from being an arbitrator he felt it was time to retire from this committee of MLAANZ and pass the baton on.

I would like to take this opportunity to publicly thank Ron for his outstanding service to MLAANZ.

Joining Matthew is new committee member Adrian Duffy KC of the Queensland Branch. Adrian will be well known to most and is well qualified to work with Matthew, undertaking assessments to ensure we maintain a high standard of excellence in our Arbitration Panel members.



MLAANZ president Hamish Fletcher

New Zealand Branch Conference 11-12 April 2024 Wellington

This conference is fast approaching and John Knight and his team have put together an excellent programme, both in regard to content and socially.

The pace of climate change and the legal and practical responses to it seems to be rapidly winding up – there is war in the Ukraine and Middle East with ripples touching many parts of the world, and domestically there is a new Government with a mandate for change. We are very pleased to have an excellent range of speakers who will talk on aspects of each of these areas, as well as several other topical subjects.

We are privileged to have a Minister of the Crown, Hon Chris Penk MP, starting the day with observations on priorities for maritime transport for the new Government.

On the implications of the Red Sea situation, we have barrister Commander Christopher Griggs speaking on the legal aspects of Operation Prosperity Garden, the United States-led military operation by a multinational coalition formed in December 2023 to respond to the Houthi-led attacks on shipping. International lawyer and trade policy consultant Dr Tracey Epps will talk about what the problems in the Red sea mean for global trade – and particularly for New Zealand. Paul David KC will then provide legal commentary on safe port and insurance claims under charter parties.

We have the director of Chapman Tripp's climate, sustainability and ESG (environmental, social and governance) practice providing a maritime perspective on the requirements for companies to report on Scope 3 emissions domestically, international customer requirements and potential trade-related implications of not addressing emissions.

Neil Beadle from Wotton + Kearney is going to provide us with a debrief on the Whakaari/White Island health and safety prosecutions now that these have finally been resolved, as a follow up to his insightful paper to the conference in 2021. Also in the area of health and safety obligations we have a fascinating presentation from Martin Byrne talking about his experience using the protected disclosure legislation in connection with the serious workplace injury of an employee working on a boat in the Port of Nelson.

Naval architect Harry Stronach will talk to us about the issues for cruise ships under the Resource Management Act. Natasha Hallett from Maritime New Zealand will present on New Zealand maritime security issues from the agency's perspective.

And last but not least we have our customary presentation by three young maritime lawyers on topical maritime cases that have happened over the last 12 months.

It will be fantastic to host our New Zealand members and hopefully some of our Australian colleagues can make it across the ditch also.

Queenstown Federal Conference 2-4 October 2024

Planning is in the early stages with the conference venue, QT, booked and supported by accommodation at the Rydges (next door). The conference dinner is at Eichardt's – a stunning location with amazing views over Lake Wakatipu. The New Zealand Branch is excited to be inviting you all to Aotearoa and what we have to offer, including hopefully catching the end of the ski season.

CMI Conference Gothenberg May 2024

The annual Comité Maritime International (CMI) conference is in Gothenberg (Sweden) this year and Michelle Taylor in her capacity as past president will represent MLAANZ at the event. Michelle has built strong relationships at CMI in particular with president Ann Fenech and we look forward to Michelle continuing to promote MLAANZ and the interests of Australia and New Zealand.

New Zealand Branch – Letter to Maritime New Zealand, Tug Capability

The New Zealand Branch has recently written to Maritime New Zealand (the New Zealand equivalent of the Australian Maritime Safety Authority) and copying in the Minister of Transport as well as the Transport Accident Investigation Commission raising concerns about the tug capability of New Zealand overall, but in particular, CentrePort Wellington – the country's busiest port by ship movements (as referenced in its latest [annual report](#)). In recent years there have been a number of breakdowns by large vessels which port company tugs do not have the capability to safely tow. This is a hot topic in the New Zealand maritime sector and I encourage you to click on this link to review the letter. I would like to acknowledge the significant contribution of John Burton and comments from Neil Beadle, Colin Hunter and John McKelvie in the preparation of the letter to Maritime New Zealand.

Nga Mihi
Hamish Fletcher
President, MLAANZ
Chair, MLAANZ New Zealand Branch
p +64 3 548 4136, m +64 27 220 5122
hamish@oceanlaw.co.nz

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