

US Cruise Law Hot Topics
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**U.S. CRUISE LAW
HOT TOPICS**

**For
The Maritime Law Association
of Australia and New Zealand
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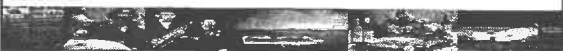
AGENDA

- General Liability Law
- Athens Convention
- Ticket and Jurisdiction
- Harassment
- Communicable Diseases
- Environmental Issues



CRUISE PASSENGER TRAVEL

- Passenger cruise travel in 2003 increased by 7% over 2002 levels
- Top 10 cruise lines carried 2 million passengers on 932 North American cruises in the second quarter of 2003
- First two quarters of 2003 reflect a 9% growth from the same period in 2002



LIABILITY

Duty of Care to Passengers is that of REASONABLE CARE under the circumstances

- Consider activity such as ballroom dancing
- Consider activity such as tendering



ATHENS CONVENTION

- November 1, 2002 – International Maritime Organization (IMO) adopted a new protocol to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974
- Effective 12 months after the requisite 10 nations ratify it

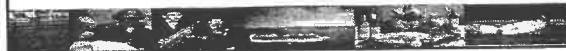


ATHENS CONVENTION

Convention applies to any international carriage if

- Ship is registered in
- Contract of Carriage is made in - or
- Place of embarkation or disembarkation is in

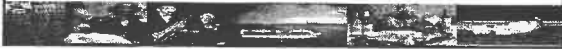
A signatory nation



ATHENS CONVENTION

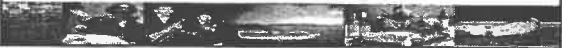
Three most significant and controversial changes:

- Adoption of strict liability for certain casualties
- An "opt-out" clause re damages limits
- Right of passengers to sue insurers directly



TICKET AND JURISDICTION

- Reasonable provisions in contract of carriage
- Ticket Delivered before boarding
- Passenger has reasonable notice of provisions



HARASSMENT

- Harassment Policy
- On Board Harassment Training
- Multi Cultural Crews
- Club Cover



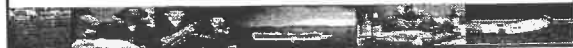
COMMUNICABLE DISEASES

- SARS
- Norwalk Virus
- Legionnaires Disease
- Role of the CDC
- Role of the WHO
- ICCL



INDUSTRY STATEMENT IN ICCL WASTE MANAGEMENT GUIDELINES

The cruise industry is inextricably linked to the environment. Our business is to bring people to interesting places in the world, over the water...



ICCL INDUSTRY STATEMENT

... Recognizing the future of the industry depends on a clean and healthy environment. Cruise industry senior management are committed to being stewards of the environment and setting policies that will make the industry a leader in environmental performance.



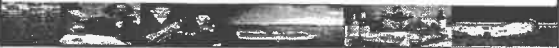
ENVIRONMENTAL ISSUES

- Alaska as a Microcosm
- Waste Discharge
- California Legislation
- Environmental Watchdogs
- Examples of Enforcement



ENVIRONMENTAL WEB SITES

- <http://www.alaskacruises.org/home/index.cfm>
- <http://www.bluewaternet.org>
- <http://www.cruisejunkie.com>
- http://www.earthisland.org/home_body.cfm
- http://www.epa.gov/owow/oceans/cruise_ships
- <http://www.iccl.org>
- <http://www.imo.org/index.htm>



ENVIRONMENTAL WEB SITES (continued)

- <http://www.oceana.org>
- <http://www.oceanconservancy.org/dynamic/home>
- <http://www.oceansblue.org>
- <http://www.pewoceans.org>
- <http://www.state.ak.us/dec/press/cruise/cruise.htm>



LARGE ENVIRONMENTAL FINES

- 1993 US \$ 1, 856, 000
- 1995 US \$ 425,000
- 1996 US \$ 23,500,000
- 1997 US \$ 1,000,000



LARGE ENVIRONMENTAL FINES

- 1998 US \$ 11,000,000
- 1999 US \$ 18,000,000
- 2000 US \$ 3,500,000
- 2002 US \$ 19,500,000



CONCLUSION

- Focus on industry as it grows
- Creation and enforcement of environmental legislation and regulation likely to increase