



THE MARITIME LAW ASSOCIATION OF AUSTRALIA AND NEW ZEALAND

(MLAANZ) ACN 054 763 923

ANNUAL GENERAL MEETING Minutes of Meeting

Date: 11 October 2018 at 5.10pm

Place: Hydro Majestic Hotel, Blue Mountains, New South Wales

Present:

Name	Name
Pat Saraceni	Madeline Austin
Paul Baxter	Michelle Taylor
Nathan Cecil	Anne English
Danella Wilmshurst	Angus Stewart SC
Clinton McKenzie	Tim Castle
Neil Beadle	Charlie Street
Hamish Fletcher	Fraser Hunt
Sheila Ng	Robert Wilson
Ian Maitland	Justin Hogan-Doran
Matthew Harvey	Quentin Rares
Alison Cusack	Kirsten James
Alexis Cahalan	Matthew Flynn
Maurice Lynch	Stuart Hetherington
Kerryn Webster	Stacey Fraser

Apologies: David Goodwin

1. **Minutes of meeting of 2017 AGM (Annexure A)**

Matthew Harvey proposed minutes be adopted.

Seconded – Hamish Fletcher

Carried



2. Corporate Matters | President's Report

Corporate matters- nothing to report- President's report link to written report

3. Financial Update | Treasurer's Update

Nathan Cecil, Treasurer, tabled the Report and confirmed current bank balances as \$122,957.

Nathan confirmed an operating loss for FY 18 of \$46,396 noting that there has been a deduction of two audit fees within the one financial year as an incident of timing and would normally only have the one fee deducted.

Approximately \$112,000 spent in 2017.

\$180,000 in cash

Noted, there to be a current intention to operate annual conference to make a modest and controlled loss Nathan Cecil confirmed approximate conference figures as \$22,000 in sponsorship.

Branch Activities 2018 \$3 618 actual as against \$11,000 budgeted

Offer rebate of 25% on branch activities and have provided funds to New South Wales Branch Committee and West Australian Branch Committee

4. 2018 Activity Reports from each Branch

NSW (Maurice Lynch)- Committee has been busy organising Federal Conference. Last week conducted AGM and networking drinks. NSW is planning its biennial mini conference event in Port Kembla in 2019.

Victoria (Alison Cusack)- CBP function well attended

There is a Supreme Court hosted event on 26 November 2018

Part of 8 maritime associations holding trivia quiz.

New Zealand (Hamish Fletcher)- Arranging Waiheke Island conference and retirement function for Kerryn Webster. Actively encouraging the New Zealand membership of MLAANZ to present papers at annual conference event

Queensland (Michelle Taylor)- Have hosted an unfair contract terms seminar presented by Paul Baxter and sponsored by Hall & Wilcox.

Hosted a CoR seminar event which was sponsored by CBP

Contributed from MLAANZ membership 18 of approximately 45 arbitrators in support of the IMLAM Moot event held in Brisbane.

Queensland Branch is starting a Linked In presence to be initiated by Claire Donaldson of HWLE Lawyers.



Western Australia (Pat Saraceni)- Clinton McKenzie presented a seminar in March. Presentations on Port Strategy by Lyall Banks Autonomous ships by Phil Griffin and Livestock Regulation.

Hosted a booth at World Maritime Day event.

WA Treasurer departed Committee and Capt Phil Griffin has joined Committee and accepted appointment to role of Treasurer for the WA Branch Committee.

4. Outstanding Items

CMI- Stuart Hetherington (SH) noted CMI Assembly Meeting in London coming up. Will hold a session on unmanned ships, cybercrime and marine insurance. Will be a wrongful arrest and ship finance session on the Monday and is expected to be extremely well attended.

Correspondence from Federal Attorney General's Department (Pat Saraceni)-

Noted interest in providing a speaker at a future annual conference event.

PS noted a number of speakers for conference and had a great deal of interest from presenters meaning a lot of talks being concertina-ed in tomorrow.

Lucy Sargeson attending from A-G's Department and is an important development in connection with the reform initiatives being advanced by MLAANZ

Has been proposed that there is an annual meeting between A-G's representative, AMSA, MLAANZ and Transport (DOTARS?).

SH noted that MLAANZ responded excellently on the CMI Questionnaire on unmanned ships and could be assisting the government with what to do and how the maritime legislation works.

SH noted that had been seeking to have A-G's representative attend UNCITRAL session re judicial sale of ships.

SH attributes increased receptiveness with A-G's to letters sent by Pat Saraceni, Stuart and McKerracher J. Noted participation in a meeting with Allsop CJ, Pat Saraceni and Stuart with A-G's and was supportive. Noted too that the A-G's delegate was well briefed.

SH noted the importance of keeping a close dialogue with A-G's, need to keep bringing projects such as Rotterdam Rules introduction noting Australia otherwise at risk of missing the beat.

Marine Insurance Act reforms (Paul Baxter)

A-G's initial response had been that the reforms were not a high priority, MLANZ sought input and support from NIBA and ICA maritime Committee.

ICA indicated qualified support conditional upon a proposal to go further that the UK reforms. MLAANZ/PB have tried numerous times to further engage ICA but must acknowledge has now exhausted attempts to have support from ICA Maritime Committee.



MLAANZ will try and advance the proposal with support from the Federal Court and from NIBA.

5. Website (Pat Saraceni)

PS acknowledged and thanked Ian McIntyre, Nathan Cecil and Kerryn Webster for their efforts in development and vetting of the new website for MLAANZ. Ian McIntyre also acknowledged with thanks for his assistance with the MAANZ Newsletter

Use of MLAANZ logo

PS noted at LOC seminar held in WA, the LOC speaker had used the MLAANZ logo on presentation. Posed question to members whether consider should be any restriction on its use.

Alison Cusack- Victorian Committee has discussed that where law firm hosting event would not have use of it but would if firm sponsoring the event.

Michaëlle Taylor (QLD)- noted is MLAANZ paying for an event there should be no firm logo but where firm has made a contribution will be appropriate to be able to use their Firm branding where costs to be paid by the firm.

Tim Castle (immediate past chair of UNCITRAL National Coordination Committee of Australia (UNCCA)

Noted that the A-G's department dealing with UNCITRAL issues only has 3 full-time people and needs lots of support.

UNCCA has over last five years arranged for people to go and attend the UNCITRAL Working Groups and TC says has been very successful.

Attendees have to pay their own way but UNCCA can provide the entry card. Have a student programme co-ordinated by University of QLD. Suggests is something to put on the radar for MLAANZ to work together with UNCA. If MLAANZ has a large amount in the bank account could sponsor attendance by students.

Pat Saraceni noted last two agenda items to be held over.

MLAANZ Past Papers

Craig Forrest has student assisting with collating past papers and issue raised as to whether would be link to Federal Court papers.

CMI website linked to most Maritime Law Associations. SH notes that MLAANZ on its new website could link to other MLAs.

Pat Saraceni noted that the MLAANZ journal is available on Austlii.

SH suggests could link to Austlii on MLAANZ website. The National Library in Canberra holds past papers, can digitise them for a fee and these could be made available.



Alison Cusack- noted MALANZ could reach out to ACCC re Part X and class exemptions and will take offline to discuss. Had direct experience indicating not a good level of understanding of liner operations.

Pat Saraceni noted is to be put on the agenda.

Matthew Harvey notes he still holds the past papers delivered by Thynne & MacCartney- NB confirmed these should be sent to Craig Forrest.

Ian Maitland suggested that Marella Calder Trust be resolved for next AGM Board could make proposals for the use of the funds.

Stuart Hetherington noted is a stamp duty issue with transfer and should just use it up, noting is approximately \$30,000.

Neil Beadle noted have been using funds in sponsorship of the IMLAM Moot and there is the possibility mentioned by Tim Castle- should spend it rather than lose it to stamp duty.

SH: Could sponsor PIMLA- have a Pacific maritime student attend MLAANZ- Craig Forrest has contacts.

MLAANZ Arbitration (Pat Saraceni)

MLAANZ should either invest in it heavily or scrap it.

Matthew Harvey- has a certain bias for keeping it but would be unwise to just decide on this meeting. Thinks we should promote it and have a MLAANZ arbitration session at the next Annual Conference.

AMTAC and MLAANZ different. MLAANZ covers Australia and New Zealand.

Urges MLAANZ to push it, do something with it.

Alison Cusack: Key things about where to spend money and directions- suggest survey to Members requesting submissions on this and other matters as AGM attendance not representative of the full membership.

MH: disagrees, says Board are Directors and should direct.

Robert Wilson noted that there are current contracts that contain a MLAANZ arbitration clause. Asked where initiative around small claims arbitration sits? Greg Nell SC, Edward Cox SC and Peter MacQueen- where are they up to?

PS noted arbitration rules on website and that there are a number of arbitration courses.

M Harvey noted MLAANZ arbitration aimed to be simple and easy.

PS agreed, designed to be a broad framework.



Maurice Lynch: Noted Gregory Nell SC and Edward Cox SC developing MLAANZ small claims process. Issue identified need small claims process supported particularly with pleasure craft.

PS noted will be put on the agenda.

NZ supportive of survey proposal to go to MLAANZ membership.

PS noted Board is here to serve the membership- could be genuinely useful to get Member feedback.

7. Nominations for Executive Committee 2019

All current Executive members to re-stand and their further election confirmed with no new nominations from the floor.

AGM concluded at 6:32pm (AEST)