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Announcements

Special Issue: Regulating the Transport Sector: Papers by Bevan Marten

Bevan Marten's book, *Port State Jurisdiction and the Regulation of International Merchant Shipping*, will be published by Springer in late 2013.

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["Limitation of Liability for Personal Injury in New Zealand: ACC Meets the Sea"](#)

Australia and New Zealand Maritime Law Journal, Vol. 20, pp. 16, 2006

[Victoria University of Wellington Legal Research Paper No. 44/2013](#)

[BEVAN MARTEN](#), Victoria University of Wellington School of Law

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This article explores the relationship between New Zealand's no-fault accident compensation scheme and maritime law, in particular international conventions limiting liability in the event of personal injury claims. New Zealand's position is analyzed in relation to both the Convention for Limitation of Liability for Maritime Claims 1976 and the International Convention for the Carriage of Passengers and their Luggage by Sea 1974 (the Athens Convention).

["Multimodal Transport Reform and the European Union: A Treaty Change Approach"](#)

Tulane Maritime Law Journal, Vol. 36, No. 2, 2012

[Victoria University of Wellington Legal Research Paper No. 45/2013](#)

[BEVAN MARTEN](#), Victoria University of Wellington School of Law

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This article discusses the European Union's intentions to reform multimodal transport law. At present Europe's transport liability regime is based on a series of unimodal treaties. The provisions of these agreements respond poorly when problems arise with a single shipment involving multiple modes of transport. This article builds upon its companion piece ("Multimodal Transport Reform and the European Union: A Minimalist Approach") by exploring the manner in which Europe could attempt to alter its unimodal treaties to improve multimodal transport. The main focus is on the road (CMR) and rail (COTIF/CIM) treaties.

["Multimodal Transport Reform and the European Union: A Minimalist Approach"](#)

47 European Transport Law 129 (2012)

[Victoria University of Wellington Legal Research Paper No. 46/2013](#)

[BEVAN MARTEN](#), Victoria University of Wellington School of Law

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This article discusses the European Union's intentions to reform multimodal transport law. At present Europe's transport liability regime is based on a series of unimodal treaties. The provisions of these agreements respond poorly when problems arise with a single shipment involving multiple modes of transport. This article recommends that instead of developing an entirely new liability regime governing such multimodal transports, in competition with international efforts such as the Rotterdam Rules, a "minimalist approach" should be adopted. This would involve introducing only minor changes such as a fall-back liability option for situations in which damage to goods in transit cannot be ascribed to a single mode of transport. It is argued that these changes could be achieved by way of EU secondary legislation.

["The Enforcement of Shipping Standards Under UNCLOS"](#)

(2011) 10 WMU Journal of Maritime Affairs 45

[Victoria University of Wellington Legal Research Paper No. 47/2013](#)

[BEVAN MARTEN](#), Victoria University of Wellington School of Law

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This article discusses the enforcement of shipping standards, with a particular focus on Part XII of UNCLOS. Section 6 of Part XII contains the only comprehensive set of vessel-related enforcement provisions in the Convention, but the Part's scope is limited to, "the preservation and protection of the marine environment." Therefore, not all shipping standards fall clearly within Part XII's ambit; including those centered on safety, security, and crewing considerations. The enforcement provisions of Section 6 are favorable to flag states and their vessels, and Section 7 contains a number of safeguards for their benefit, so it is in the interests of these parties to have coastal state enforcement governed by Part XII. However, the ability of coastal states to establish and enforce shipping standards that apply within the territorial sea extends to more than just environmental matters. The result is that different standards give rise to different enforcement powers, depending on the maritime zone in which a vessel is located, even if those standards arise from the same international agreement. It is suggested that to remedy these problems, UNCLOS would need to be amended in order to provide a comprehensive enforcement regime for the enforcement of shipping standards.

["Pollution, Liability and the Rena: Lessons and Opportunities for New Zealand" !\[\]\(1d3a1175dd4902218e694b9c098adb83_img.jpg\)](#)

New Zealand Law Journal 341, 2011

[Victoria University of Wellington Legal Research Paper No. 48/2013](#)

[BEVAN MARTEN](#), Victoria University of Wellington School of Law

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This short piece was an initial reaction to some of the liability issues arising from the Rena disaster, in which a container ship struck a reef off the coast of Tauranga, New Zealand. It discusses New Zealand's out-dated global liability regime, based on the 1976 Convention on Limitation of Liability for Maritime Claims, and the prospects of recovery for pollution-related damage.

An edited version of this piece was published in the New Zealand Law Journal.

["Limitation of Liability in Maritime Law and Vessel-Source Pollution: A New Zealand Perspective" !\[\]\(3e2231b1ad3ca8da8658228c00dd08e0_img.jpg\)](#)

(2013) New Zealand Law Review 199

[Victoria University of Wellington Legal Research Paper No. 49/2013](#)

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This article discusses the interaction between New Zealand's marine pollution liability regime, which is divided between the Resource Management Act 1991 (RMA) and the Maritime Transport Act 1994 (MTA), and the country's maritime limitation of liability regime. The former encompasses both criminal and civil avenues for the recovery of clean-up costs and other pollution-related losses, notably by way of RMA enforcement orders. The latter is primarily based on the 1976 Convention on Limitation of Liability for Maritime Claims, which caps shipowners' liability for a range of maritime claims, including those involving pollution damage. In addition to arguing that the current division of the pollution liability regime between the RMA and MTA is unhelpful and needs to be revisited, the article examines the interface between the 1976 Convention and domestic law regulating liability for pollution damage. In particular it analyses the issue of what constitutes a "claim" under article 2 of the Convention, in the context of both criminal and civil proceedings.

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About this eJournal

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the

Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Judicial Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the [Law School](#) has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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