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Announcements

Maritime Law Part Two: Papers by Dr. Bevan Marten, Senior Lecturer of Law, Victoria University of Wellington


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VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

- **"The Flag State, the Port State, and SOLAS"** 
(2014) *Journal of International Maritime Law*
Victoria University of Wellington Legal Research Paper No. 19/2018

BEVAN MARTEN, Victoria University of Wellington School of Law
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This case note concerns the decision of *PB Sea Tow (PVI) Ltd v Attorney-General*, a case heard by the Samoan Supreme Court and the Samoan Court of Appeal (both decisions are annexed to the case note). The case centres on the ability of the vessel's flag state to issue a "hybrid" certificate under the Safety of Life at Sea convention (SOLAS), and whether a port state party to SOLAS must accept that certificate.

- **"Port State Jurisdiction in New Zealand: The Problem with Sellers"** 
(2013) 44 *VUWLR* 559
Victoria University of Wellington Legal Research Paper No. 20/2018

BEVAN MARTEN, Victoria University of Wellington School of Law
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This article discusses the decision of the New Zealand Court of Appeal in *Sellers v. Maritime Safety Inspector* [1999] 2 NZLR 44. It is not critical of the Court's approach to the use of international law in domestic courts, but instead argues that the decision represents an incorrect view of international law regarding a port state's jurisdiction over visiting foreign vessels. It argues that the Court was wrong to characterise New Zealand's maritime safety agency's use of s 21 of the Maritime Transport Act 1994 as an attempt to regulate such vessels on an extraterritorial basis, and that port states do possess the jurisdiction to introduce unilateral measures of the kind promoted by the agency in that case. The article argues that the decision in *Sellers* is exercising a negative impact over New Zealand's maritime regulatory efforts and that Parliament should address the issue by way of amending legislation.

"Salvaging the Rena"

[2013] *New Zealand Law Journal* 412

Victoria University of Wellington Legal Research Paper No. 21/2018

BEVAN MARTEN, Victoria University of Wellington School of Law
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This case note discusses the New Zealand High Court's decision on salvage in *Svitzer Salvage BV v Z Energy Ltd* [2013] NZHC 2585. It provides a brief comment on the theme explored in more depth in the author's forthcoming publication "Third Party Agreements in the Salvage Context", to be published by Lloyd's Maritime and Commercial Law Quarterly, late 2014.

"SOLAS Article VII and Pacific Island Passenger Services"

Hamburg Lectures on Maritime Affairs 2011-2012 (Springer 2014)

Victoria University of Wellington Legal Research Paper No. 22/2018

BEVAN MARTEN, Victoria University of Wellington School of Law
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This article discusses the legal possibility of using Art VII of the Safety of Life at Sea (SOLAS) convention to create regional rules for passenger shipping services between the Pacific Islands. It highlights the geographical and economic challenges confronting the Pacific region in relation to shipping, and argues that the SOLAS convention provides sufficient flexibility to permit a regional solution in a situation of this kind, provided that the overriding aim of maritime safety is not compromised.

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Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

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 Appellate 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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