

## **REPORT TO CBA-NB COUNCIL MARITIME LAW 2007**

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I attended as the New Brunswick Section Chair at the Executive Meeting and Annual General Meeting of the National Maritime Law Section held in Toronto on Sunday, June 16, 2007 from 11:00 a.m. - 3:30 p.m. The meeting was attended by representatives from Ontario, Nova Scotia, New Brunswick and British Columbia. The holding of the general meeting in Toronto was in conjunction with the general meeting of the CMLA, being held the next day.

### Transport Canada Discussion Paper

The Chairman reviewed the Section's activities in the past year which included the Section's further response this Spring to the Transport Canada Discussion Paper on Maritime Law Reform (referred to in my 2006 Annual Report to Council). Three areas required further input including the ship suppliers lien issue. Specifically on that matter the Department was proposing a lien but only on Foreign flag vessels which would expire after 60 days in the case of a bona fide sale of the vessel. These proposals caused concern including how the bona fides of any sale would be determined and the fact that US suppliers would still enjoy lien rights on Canadian vessels but the Canadian supplier would not. The matter is still under consideration by the Government.

The Hague Convention on Choice of Court Agreements discussed in last years report was discussed at the meeting. There was a distinct lack of interest in this convention and the consensus of both the CBA committee and the corresponding CMLA committee on the matter was that Canada should not become party or otherwise adopt the convention as the mischief it supposes to address is not significant.

### Annual DOJ Meeting

During the year the National Section was able to meet with representatives of the Department of Justice in November of 2006 however the DOJ has proposed that this rather large meeting

at which many other sections participate now be limited to 7 core sections , which does not in the current year include Maritime law. Meeting with DOJ may be on an issue basis.

I would refer anyone interested to the Maritime Law Section's website found at cba.org under National Maritime Law Section Homepage for the specifics of the Section's recommendations on various issues and for information on current happenings

### Federal Court

I was able to attend the last Federal Court Bench and Bar Liaison Committee meeting which met in Ottawa on Friday, June 15 at 9:30 a.m..The meeting was well attended and numerous issues were discussed. From the maritime law perspective the extension of the program for e-filing documents to now include Maritime matters is now in effect and a practice directive was issued to the bar in mid May.

This will be my last report to Council as Section Chair as I am pleased to advise that Paul Harquail will be assuming this position. I have already referred upcoming national conference call matters to Paul.

As in the past, I encourage anyone wishing to join the Provincial or National Section to please express their interest to the Branch Office or email me at the address below or to Paul Harquail at [pharquail@smss.com](mailto:pharquail@smss.com).

Respectfully submitted this 21st day of June, 2007.

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