



Limitation of Liability for Maritime Claims Amendment Act 2015

No. 44, 2015

**An Act to amend the *Limitation of Liability for
Maritime Claims Act 1989*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Limitation of Liability for Maritime Claims Amendment Act 2015

No. 44, 2015

An Act to amend the *Limitation of Liability for Maritime Claims Act 1989*, and for related purposes

[Assented to 20 May 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Limitation of Liability for Maritime Claims Amendment Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	20 May 2015
2. Schedule 1	The later of: (a) the day this Act receives the Royal Assent; and (b) 8 June 2015.	8 June 2015 (paragraph (b) applies)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Limitation of Liability for Maritime Claims Act 1989

1 Subsection 3(1) (definition of *Convention*)

Repeal the definition, substitute:

Convention means the Convention on Limitation of Liability for Maritime Claims, 1976, done at London on 19 November 1976, as amended by the 1996 Protocol.

Note: A copy of the English text of the Convention is set out in Schedule 1.

2 Subsection 3(1)

Insert:

the 1996 Protocol means the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976, done at London on 2 May 1996, as amended by resolution LEG.5(99) adopted by the Legal Committee of the International Maritime Organization at London on 19 April 2012.

Note 1: A copy of the English text of the Protocol of 1996 is set out in Schedule 1A.

Note 2: A copy of the English text of resolution LEG.5(99) is set out in Schedule 2.

3 At the end of the Act

Add:

Schedule 2—Resolution LEG.5(99)

Note: See subsection 3(1)

RESOLUTION LEG.5(99)

(Adopted on 19 April 2012)

**ADOPTION OF AMENDMENTS OF THE LIMITATION AMOUNTS IN
THE PROTOCOL OF 1996 TO THE CONVENTION ON LIMITATION**

OF LIABILITY FOR MARITIME CLAIMS, 1976

THE LEGAL COMMITTEE at its ninety-ninth session,

RECALLING Article 33(b) of the Convention on the International Maritime Organization (hereinafter referred to as the “IMO Convention”) concerning the functions of the Committee,

MINDFUL of Article 36 of the IMO Convention concerning rules governing the procedures to be followed when exercising the functions conferred on it by or under any international convention or instrument,

TAKING INTO CONSIDERATION article 8 of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (hereinafter referred to as the “1996 LLMC Protocol”) concerning the procedures for amending the limitation amounts set out in article 3 of the 1996 LLMC Protocol,

HAVING CONSIDERED amendments to the limitation amounts proposed and circulated in accordance with the provisions of article 8(1) and (2) of the 1996 LLMC Protocol,

1. ADOPTS, in accordance with article 8(4) of the 1996 LLMC Protocol, amendments to the limitation amounts set out in article 3 of the 1996 LLMC Protocol, as set out in the annex to this resolution;
2. DETERMINES, in accordance with article 8(7) of the 1996 LLMC Protocol, that these amendments shall be deemed to have been accepted at the end of a period of 18 months after the date of notification unless, prior to that date, not less than one-fourth of the States that were Contracting States on the date of the adoption of these amendments have communicated to the Secretary-General that they do not accept these amendments;
3. FURTHER DETERMINES that, in accordance with article 8(8) of the 1996 LLMC Protocol, these amendments deemed to have been accepted in accordance with paragraph 2 above shall enter into force 18 months after their acceptance;

4. REQUESTS the Secretary-General, in accordance with article 14(2)(a)(v) of the 1996 LLMC Protocol, to transmit certified copies of the present resolution and the amendments contained in the annex thereto to all States which have signed or acceded to the 1996 LLMC Protocol;

5. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution and its annex to the Members of the Organization which have not signed or acceded to the 1996 LLMC Protocol.

ANNEX

**AMENDMENTS OF THE LIMITS OF LIABILITY IN THE PROTOCOL
OF 1996 TO AMEND THE CONVENTION ON LIMITATION OF
LIABILITY FOR MARITIME CLAIMS, 1976**

Article 3 of the 1996 LLMC Protocol is amended as follows:

in respect of claims for loss of life or personal injury,

the reference to:

- “2 million Units of Account” shall read “3.02 million Units of Account”;
- “800 Units of Account” shall read “1,208 Units of Account”;
- “600 Units of Account” shall read “906 Units of Account”;
- “400 Units of Account” shall read “604 Units of Account”;

in respect of any other claims,

the reference to:

- “1 million Units of Account” shall read “1.51 million Units of Account”;
- “400 Units of Account” shall read “604 Units of Account”;

Schedule 1 Amendments

- “300 Units of Account” shall read “453 Units of Account”;
 - “200 Units of Account” shall read “302 Units of Account”.
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*[Minister’s second reading speech made in—
House of Representatives on 26 February 2015
Senate on 19 March 2015]*

(10/15)
