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**PRESIDENT'S REPORT
TO GENERAL MEMBERSHIP**

27 January 2012

This is my first report to the general membership since I succeeded Jeremy Bolger as President at the Annual General Meeting held in Quebec City on 3 June 2011. I apologize in advance for the length of this report but there is much to report on.

CMLA 60th Anniversary and AGM Quebec City

The CMLA held its 60th Anniversary celebrations and Annual General Meeting in Quebec City on 3 June 2011. Both the AGM and the Anniversary Gala dinner and dance were well attended. The various reports presented at the AGM can all be found on the website.

I am very pleased to advise that a new Constituent Member, the Canadian Marine Pilots Association, joined CMLA at the Quebec City AGM. One of the strengths of CMLA is its constituent members and we are certain that the Canadian Marine Pilots Association will bring a unique perspective to our various deliberations.

I am equally pleased to advise that Messrs. Jerry Rysanek, Alfred H.E. Popp and Mark Gauthier were all elected as Honourary Members of CMLA in Quebec City. This was in recognition of their very significant contributions to maritime law in general and the CMLA in particular.

Finally, our outgoing President (now Immediate Past-President), Jeremy Bolger, was elected an Honourary Life Member of CMLA at the AGM and the membership unanimously endorsed a proposal that he be appointed a Titulary member of Comité Maritime International (CMI). To carry out this proposal, a letter dated 28 June 2011 was sent to CMI exclaiming the many praises of Mr. Bolger and proposing his nomination as a Titulary member. (A copy of that letter may be found on the website.) Jeremy was, in fact, made a Titulary member of CMI at the CMI Assembly held in Oslo on 27 September 2011.

CMLA Website (www.cmla.org)

Those of you who know me will not be surprised to learn that one of the first projects I have undertaken was to upgrade and modernize the CMLA's website. The website, which had been designed many years ago, was old and outdated, did not provide sufficient information, did not provide sufficient search capabilities and was not very useful to our members or the executive. Accordingly, we undertook a complete revision of the website with two objectives in mind. The first objective was to include more materials (papers, reports, submissions etc.) on the website in a searchable format. The second objective was to use the website not only as a means of conveying information but also as an administrative tool to keep track of membership, committees, CMLA documents and papers, news items and events. We believe that the new website has substantially accomplished those objectives.

Some of the features of the new website are:

- A fully searchable list of CMLA members with contact details;
- A fully searchable database of Papers and Presentations from CMLA sponsored seminars;
- A fully searchable database of recent AGM Reports and CMLA Submissions as well as full archives of past AGM Reports and CMLA submissions;
- Up to date News and Events pages; and
- The ability for members to change their password, address or other profile items online.

When you visit the new website you will note that it is divided into three sections - Public, Members Only and Executive Only. The Public section of the site is available to everyone. The Members Only section of the site is password protected and contains information that we believe should not be available to the general public. Finally, the Executive Only section of the site is used for organizing Board meetings and for CMLA and website administrative purposes.

Every CMLA member has been given a username (their email address) and a password to access the restricted areas of the website. There are links on the website for you to retrieve your password and, if you wish, for you to change your password. (Please note that if you follow the steps to retrieve your password and do not receive an email with your password it is probably because your spam filter has intercepted the email. In this case, check you spam filter or send an email to the Communications Committee Chair, David Jones [jones@bernardpartners.com] and David will give you your password.)

The website is still a work in progress and we are very interested in hearing suggestions for ways of improving it.

CMLA Submissions to Government

One of the more important functions of CMLA is to review and comment on government position/discussion papers and draft or proposed legislation/regulations. Since June 2011 CMLA has presented four submissions to Federal Government Departments relating to pending or proposed legislation or regulations. These are summarized below.

Marine Transport of Hazardous and Noxious Substances

By letter dated 14 June 2011 we delivered the formal response of the CMLA to Transport Canada's discussion paper entitled "Marine Transport of Hazardous and Noxious Substances: Liability and Compensation". In summary, the letter indicated CMLA's support for the ratification of the HNS Convention by Canada and encouraged an amendment to the Marine Liability Act to implement the HNS Convention. A copy of the letter dated 14 June 2011 can be found on the website. The President expresses his thanks to Graham Walker, the then Chair of the Hazardous and Noxious Committee, for his work on this matter.

Repeal of s.45 of the Marine Liability Act

At the Board of Directors Meeting held in Montreal on 17 October 2011, it was decided that CMLA would send a letter to Transport Canada opposing the automatic repeal of s.45 of the Marine Liability Act pursuant to the provisions of the Statutes Repeal Act. Mr. David Colford prepared a draft letter which was ultimately signed by the President and delivered to Transport Canada on 21 November 2011. That letter has been posted on the website. We understand that the Senate has passed a resolution opposing the automatic repeal of S. 45. The President expresses his thanks to David Colford, the Chair of the Carriage of Goods Committee, for his work on this matter.

New Transportation Safety Board Regulations

At the Board of Directors Meeting held in Montreal on 17 October 2011, it was decided that CMLA would send a letter to the Transportation Safety Board expressing the concerns of the CMLA to the new TSB regulations promulgated in the Canada Gazette on 3 September 2011. The CMLA was concerned that the new regulations impair the right of a witness to independent and effective legal counsel and infringe the rights of the witness to have her or his evidence remain confidential. These concerns were forcefully expressed in a letter to the Transportation Safety Board dated 19 December 2011, a copy of which can be found on the website. Although we are told that we can expect a response, we do not expect that our letter will be favourably received as similar complaints were made about the proposed regulations in December of 2006 when the regulations were circulated in draft form. The President expresses his thanks to Jack Buchan, the Chair of the Transportation Safety Board Committee, for his work on this matter.

HNS Preparedness and Response

In October 2011 Transport Canada issued a discussion paper entitled "Canada's Ship-Source Hazardous and Noxious (HNS) Incident Preparedness and Response Regime". The purpose of the paper was to seek the views of industry with the ultimate goal of establishing a national regime of preparedness and response to marine incidents involving HNS. The CMLA responded to the discussion paper by letter dated 16 January 2012, a copy of which is on the website. The CMLA generally endorsed the concept of a national regime similar to the one that is currently established for ship-source oil pollution incidents. The President expresses his gratitude to the co-chairs of the Marine Environment Committee, Graham Walker and John O'Connor, for their work on this matter.

CMLA Responses to CMI Questionnaires

The Comité Maritime International (CMI) periodically circulates questionnaires to its member associations. The purpose of these questionnaires is to identify possible areas of international maritime law needing reform and the possible reforms that might be made. These questionnaires can be found on the CMI website (www.comitemaritime.org). They are important as they can be the precursors of significant changes to international maritime law. Since June 2011 we have replied to two CMI questionnaires and are currently working on a reply to a third.

CMI 2nd Salvage Questionnaire

At the Board of Directors Meeting held in Quebec City on 3 June 2011 the response of the CMLA to the CMI's 2nd Salvage Questionnaire was debated and discussed in some detail. The final version was delivered to the CMI by email dated 19 July 2011. This document can be found on the CMLA website. The President expresses his thanks to Cecily Strickland, Chair of the Salvage Committee, and William Sharpe for their work on this matter.

CMI 2nd Questionnaire on Member Consultation

On 11 October 2011 we responded to a second Questionnaire issued by CMI in June 2010 to its member associations relating primarily to the CMI website. The questionnaire was issued so that CMI could have a better understanding of the needs of its member associations and whether it was meeting those needs. A copy of the response has been posted on the CMLA website.

CMI Marine Insurance Questionnaire

The CMLA is currently finalizing a response to CMI's questionnaire on marine insurance which relates to mandatory insurance and international conventions. When the response is finalized it will be put on the website.

Hawaii - USA Canada Australia/New Zealand Joint Meeting

The United States MLA, the CMLA and the Australia/New Zealand MLA held a joint meeting at Ko Olina, Hawaii, December 3-7, 2011. Such joint meetings are traditionally held every two or three or years and are a great opportunity to network and socialize with colleagues from other countries. One of the more significant aspects of the joint meetings is the Ryder Cup style golf competition between the U.S.A. and "the World" (which normally means mostly Canada). This is usually a frustrating part of the joint meeting as we have always lost. But...

WE WON! The CMLA Dream Team appeared at Ko Olina led by the Big Kahuna himself, Bob Jette, and came home with The Challenge Cup. According to the markings on the Challenge Cup, 2011 is the first time the USA has been defeated. The cup now sits in the President's office recently, and proudly, engraved "2011 THE WORLD 12 ½ USA 5 ½ - HAWAII".

There are other things to report on about the Hawaii meeting. For example:

- It could be reported that a very enthusiastic Canadian contingent of 12 CMLA members plus accompanying spouses/partners attended the meeting at Ko Olina, Hawaii;

- It could be reported that the Hawaii joint meeting was extremely well organized and included a significant educational component;
- It could be reported that CMLA members Justice Marc Nadon and David McEwen participated in the education seminars and gave very well received talks; and
- It could be reported that everyone who attended had a wonderful time and made many new friends and acquaintances amongst our American, Australian and New Zealand colleagues.

But all of these things seem small, insignificant and irrelevant when compared with the colossal accomplishment of the CMLA Dream Team on the golf course. The Dream Team members were: Bob Jette (Team Captain), Chris Giaschi, Tom Hawkins, Graham Walker, Jeremy Bolger, Wendy Bolger, Peter Rozum and Justice Marc Nadon.

Justice Johanne Gauthier Appointed to Federal Court of Appeal

I am delighted to announce that The Honourable Johanne Gauthier was sworn in as a Judge of the Federal Court of Appeal on 4 November 2011. Justice Gauthier is a Past President and Honourary Life Member of this Association and a Vice-President of CMI. I sent a congratulatory letter to Justice Gauthier on behalf of CMLA and our Immediate Past President, Jeremy Bolger, attended her swearing in ceremony on behalf of CMLA.

Federal Courts Education Seminar

The Federal Court and Federal Court of Appeal celebrated their 40th anniversary October 27 and 28, 2011 in Ottawa with an Education Seminar. John O'Connor, the National Vice-President, attended on behalf of CMLA and participated in a panel discussion at the seminar.

Upcoming Events

Vancouver 2012 AGM and Seminar - May 11 & 12

The 2012 Annual General Meeting of the CMLA will be held in Vancouver this year on Friday 11 May 2012. A full day seminar is also being organized for Saturday 12 May 2012. Further details will be posted on the website but please reserve these dates now as we want a good attendance. The CMLA AGM is being held in Vancouver on these dates to coincide with the 18th ICMA Congress .

ICMA Congress 2012 - Vancouver - May 13-18

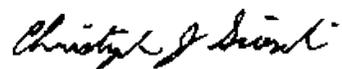
ICMA will be holding its 18th Congress in Vancouver from May 13-18, 2012. More details can be found on the ICMA Conference website www.icma2012.com.

CMI Beijing 2012

Finally, the 40th Conference of CMI will be held in Beijing 14-19 October 2012 with an additional seminar to be held in Shanghai 20-22 October 2012. The conference website, which is still under construction, is at www.cmi2012beijing.org. We strongly encourage as many as possible to attend the conference. We would like to see a strong contingent from CMLA there. If you are thinking of attending, please register on the CMLA website so we can keep you advised of our preparations for the conference and, hopefully, get you involved.

Other events and items of interest are posted on the CMLA website. We promise to keep it up to date and relevant and encourage you to consult it periodically.

Yours Truly,

A handwritten signature in black ink, appearing to read "Christopher J. Giaschi". The signature is written in a cursive style with a prominent initial "C".

Christopher J. Giaschi

President

The Canadian Maritime Law Association