



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

One of the major items in this edition of *Semaphore* is a tribute to His Excellency James Crawford, who passed away on May 31. His passing was a moment of great significance, and some sadness, for many members of our association. Professor Crawford was the primary architect of a report of the Australian Law Reform Commission on Civil Admiralty Jurisdiction, published in the mid-1980s, which led to the passage of the Admiralty Act 1988. The "Crawford Reforms" created the modern-day framework for the exercise of admiralty jurisdiction in Australia. Stuart Hetherington, a past-president of MLAANZ and of the Comité Maritime International (CMI), has penned a tribute. We appreciate Stuart's eloquent words in honour of this major figure in Australian maritime history. Our thoughts are with the Crawford Family.

Speaking of the CMI, of which our association is a member, its Annual Correspondence Assembly Meeting is being held remotely on June 30, 2021 (see www.comitemaritime.org). MLAANZ has voted in favour of CMI's 2020 accounts for the year ending December 31, 2021, which show a surplus of 61,902 Euros (compared to a budgeted surplus of 58,400 Euros), and in favour of the postponement of its reprogrammed Tokyo Conference by six months to April 5-8, 2022. CMI is currently seeking responses to its Questionnaire on Uniform Interpretation for Breaking Limitation under the IMO Liability Conventions and its Questionnaire on the Limitation of Classification Societies, both of which can be accessed on the CMI Website. If any members of MLAANZ have views on this you would like to see communicated to CMI, please reach out to Australian vice-president Michelle Taylor or myself.

Our dialogue with governments on shipping policy and maritime law issues is an ongoing priority for MLAANZ. I've included in this edition a summary of our participation in a new initiative of AMSA (the Australian Maritime Safety Authority): its Shipping Consultative Forum. MLAANZ is a member of that forum.

We have a particular focus in this *Semaphore* on the annual conference enjoyed by members of our New Zealand Branch on May 14, which was held in New Zealand's famous Beehive Parliament building in Wellington. A message from our New Zealand vice-president Hamish Fletcher reviews that conference. In addition, we feature summaries of six of the presentations made at the New Zealand conference, delivered by Natalie Jagusch, Zane Fookes, John Burton and Bevan Marten, Matt Flynn, Mike Knowles and Daniel Jackson. Their presentations ranged across topics as diverse as cargo care in export supply chains and the challenges of Antarctic shipping.

Congratulations to the team in New Zealand for arranging such a successful event.

With COVID-19 issues now relatively under control, compared to 2020 – despite the occasional flare up such as the recent Lockdown #4 in Victoria and this week's lockdowns in Sydney and Brisbane – it's pleasing to see fresh rounds of seminar activity underway amongst the MLAANZ membership. This has not just been in New Zealand; over the past few months successful online seminars have been conducted by our Victorian and Western Australian Branches.

The Victorian Branch seminars in April and May, on "COVID and Insurance in the Maritime and Transport Industries" and "Salvaging Treasure from Wrecks: Public and Private Law Issues" respectively, featured an array of interesting speakers.

On June 17, the Western Australian Branch conducted the latest event in its online seminar series, on the topic "Ever Given – Where to From Here?". Pat Saraceni, chair of the WA Branch, has shared an item wrapping up this successful seminar.

Our New South Wales Branch has been active too, planning for the “Winter Seminar on Marine Insurance” it will be hosting on the evening of Wednesday July 14 at Greenway Chambers, with speakers Edward Cox (Greenway Chambers) and Peter Craney (Kennedys Lawyers).

We’re delighted to now be able to announce that the 2021 Annual MLAANZ Conference will be held in Brisbane in partnership with the University of Queensland on September 30 and October 1. This will incorporate our Annual General Meeting, which will be held on the evening of September 30 (members not in Queensland at that time will be able to dial in to the AGM, which will be conducted via Zoom as occurred last year). That same evening, at a dinner to be held at Brisbane’s historic Customs House in the City’s central business district, this year’s Frank Stewart Dethridge Memorial Address will be delivered by Emeritus Professor Nick Gaskell.

We are also delighted that Her Honour Justice Sarah Derrington has agreed to provide the keynote address to open the conference, on Friday October 1.

There’s a notice from Matthew Hockaday, chair of the MLAANZ Queensland Branch in this edition of *Semaphore* providing some preliminary details of the planned events in Brisbane. More information will be distributed next month.

In an effort to control costs and risks (given the probability continuing quarantine and other restrictions on ease of travel will curtail the number of people able to participate in person) we’ve decided to limit the Brisbane Conference to a Thursday night/Friday format.

As members will be keenly aware, we were unable to conduct a conference in 2020 due to the exigencies of COVID-19, so on behalf of MLAANZ members I would like to express our appreciation to the Queensland Branch for taking on the responsibility of arranging this event. With Queensland’s positive track record in curtailing virus outbreaks, we’re optimistic that the planned conference will be an opportunity for long-overdue, face-to-face dialogue amongst a significant number of our members. There will be contingency plans in place for flipping to an online conferencing format should that become necessary, and the conference sessions on October 1 will be broadcast, allowing those unable to travel to Queensland at that time to register as online delegates and participate remotely.

Arbitration is in focus. Matthew Harvey SC, the chair of our Victorian Branch, shares with us his recent experience of upgrading his membership of the Chartered Institute of Arbitrators (CIArb), which involved completing CIArb’s Accelerated Route to Membership. Professor Kate Lewins of Murdoch University updates us on the planned revitalisation of the IMLAM arbitration mooting competition after a one-year pause.

There are also quirky articles on a Saildrone vessel which washed up on a Victorian beach in April, an historic lifeboat discovered in Western Australia and new measures introduced by the Australian Government to protect the country from the Khapra Beetle.

I hope you find this edition of *Semaphore* interesting and informative.

Please keep safe!

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June 2021

