



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## President's Message

Dear Members

Welcome to the new look MLAANZ newsletter. The plan is to publish the newsletter quarterly.

Neil Beadle has been the driving force in having the newsletter in this modern form. I'm sure you'll agree that it looks great. I thank him for his hard work.

### ***Annual Conference – Queenstown 2014***

As you should now know, this year's conference will be held at the Millennium Hotel in Queenstown, New Zealand, from 10 to 12 September 2014. Please keep the dates free in your diary.

The Honourable Justice Alan MacKenzie of the High Court of New Zealand has agreed to deliver the Dethridge Memorial Address. Some of the international speakers who will be presenting at the conference are Professor Robert Merkin of the University of Exeter and Mr Michael Chalos, who was the Defense Attorney for the Captain of the Exxon Valdez.

The programme is close to finalisation. It will follow a similar format to last year's conference, giving attendees the opportunity to obtain most, if not all, of their CPD points for the year in all general areas. Because Queenstown is renowned as an action holiday destination, we are encouraging delegates to wear smart casual – no suits and no ties!

### ***Maritime and Shipping Law Unit – Short Course***

The University of Queensland, Maritime and Shipping Law Unit, is offering a three day course entitled International Trade and Shipping: Law and Practice. It will be presented by Professor Nick Gaskell (MASLU) and Dr Filippo Lorenzon (Southampton Institute of Maritime Law).

MLAANZ members receive a 25% discount on the course fees. More details are contained in the link from the newsletter.

### ***Branch Conferences***

The New Zealand branch held its annual conference at Lake Taupo from 10 to 11 April 2014. Neil Beadle's report of this successful conference can be read in his message.

The New South Wales branch mini conference is being held at the City Tattersalls Club, Sydney, on 1 May 2014. The theme of the conference is "Casting a Wide Net" and the speakers include the Honourable Justice Rein of the Supreme Court of New South Wales and Mr Marcus John of Thomas Miller.

### ***Asian Maritime Law and Arbitration Conference***

The Maritime Law Association of Singapore and the Singapore Chamber of Maritime Arbitration held the

Asian Maritime Law and Arbitration Conference from 10 to 11 April 2014 in Singapore. MLAANZ members were eligible for a discount on the registration fee.

The theme of the conference was the life cycle of a ship. Starting with ship building contracts and ending with conversion contracts, the conference covered various issues that arise in the life of a ship. Most sessions comprised a panel of lawyers or industry representatives who spoke about the law or practice in their own jurisdiction on particular topics. The various perspectives were fascinating, not so much for the differences but for the similarities.

The last half of the last day of the conference was devoted to two moots: the first was a hearing before an arbitral tribunal about the effect of an arbitration clause, the second was an application before a judge of the High Court of Singapore for an injunction preventing the enforcement of a refund guarantee.

I'm pleased to say that MLAANZ was well represented at this conference. The Honourable Don Ryan QC sat on the arbitral tribunal. Derek Luxford of Hicksons spoke about enforcement of arbitral awards in Australia. I spoke about refund guarantees in ship building contracts. Among the delegates were Geoff Farnsworth of M + K Lawyers, David Goodwin of the Victorian Bar and Chris Quennell now at Campbell Johnston Clark, Singapore.

#### ***MLAANZ and the Admiralty Act 1988 (Cth)***

In March 2014, Nathan Cecil and I met with representatives of the Commonwealth Attorney-General's Department in Canberra. Following a questionnaire that was sent to Australian members in 2012, we made a submission that the Admiralty Act should be amended to give the Marshal an exemption from liability for damages in civil claims. This also followed a similar submission made by the Admiralty Marshals. The effect of a statutory exemption from liability for civil claims should reduce the cost of arrest by removing the need to pay the Marshal's insurance, taken out on the arrest of a ship. We await to see the outcome of our submission.

#### ***CMI Hamburg 2014***

This year's CMI conference will be held in Hamburg and Berlin from 14 to 19 June 2014. The principal issue will be the finalisation of the Instrument on the Judicial Sale of Ships. Neil Beadle and I will be attending on behalf of MLAANZ. I also hope to see as many members as possible attending this conference. It is an excellent opportunity to meet maritime lawyers from all over the world and to discuss the maritime issues that arise in our jurisdictions and regions. Neil and I will report back to the members in the next newsletter.

I hope you find the newsletter an informative and enjoyable read. If there are any matters you would like to raise in the next newsletter, please send me an email at [mharvey@vicbar.com.au](mailto:mharvey@vicbar.com.au).

Kind regards

Matthew Harvey  
President  
MLAANZ  
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