



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Tribute to Derek Luxford

Derek Luxford retired from private practice in June 2020 after a long and successful career in law.

MLAANZ NSW Branch chair Alexis Cahalan paid the following tribute.

“Derek has been a member of MLAANZ since 1983 and was the NSW Branch committee chairman from 1992-1995,” said Ms Cahalan.

“Over the course of his career, Derek has made a significant contribution to the law, in particular in the area of marine insurance. He was a valued friend to many in the profession.

“On behalf of MLAANZ and the NSW Branch, we thank Derek for his hard work, service and friendship. We wish Derek all the very best in his retirement.”

Colin Biggers & Paisley partner Andrew Tulloch provided additional insight to Mr Luxford’s career and contribution.

“After initial training at Allens in Sydney, Derek spent three years working in London before returning to Australia,” said Mr Tulloch.

“He was at Phillips Fox (now DLA Piper) as a partner for around 20 years before joining Hicksons for a little over 15 years.

“Aside from his involvement in many of the leading marine cases in Australia, Derek also had some involvement in aviation law during some of his time at Phillips Fox and handled a wide range of international trade disputes.

“Throughout his career he developed a strong international network through his involvement in the activities of the Maritime Committee of the International Bar Association.”

Personal Reflections

Upon discovering this article was to be published in *Semaphore*, Derek expressed his appreciation for the “honour of the mention” and offered some personal reflections.

“I enjoyed my time with MLAANZ, especially during what for me was its heyday in the 1980s,” he said.

“I joined in 1983 after returning from London and the 1990s [saw] quite a few prominent non-lawyer members like John Lane, Derek Hentze, Brian Makins (all shipowning interests) and Brian Turner and people like Michael Hill at the national level. The branch dinners and annual conferences were highlights.

“I met many dedicated and interesting people at MLAANZ over my many years of involvement. My last annual conference was in Melbourne in 2017 I think it was and in the earlier years, in slightly different times, many of us took our young families to these conferences in interesting parts of Australia, New Zealand, Hawaii and Hong Kong, and there was always a very good mix of both intellectual stimulation, professional friendship and social interaction.



“I particularly enjoyed my time on the branch committee from about 1990 through to being the branch chair from 1992 to 1995. Sadly, some of my colleagues from those days including the late Ken Taylor, Murray Thomson and Ian Davis are no longer with us. I was always keen to encourage the young lawyers who worked with me to get involved in MLAANZ and several of them did so enthusiastically.

“In more recent times I was pleased to head the subcommittee including Stuart Hetherington, Neil Hiller, Paul Baxter and Sarah Derrington, which drafted an amended Marine Insurance Act in 2016-2017 and it was disappointing that the Attorney-General’s Department in Canberra was not interested in this timely would-be-reform after we undertook extensive industry consultations, but such is life.

“My experiences in MLAANZ were a good launching pad for my involvement in international maritime law and industry organisations such as the IBA [International Bar Association] from 1996 onwards, the International Marine Claims Conference in Dublin from 2005 onwards and others such as CMI [Comité Maritime International] from time to time – especially in Vancouver in 2004 in the general average sessions.”

Derek also offered his observations on a few important developments in the practice of maritime law during his involvement in MLAANZ between 1983 and 2020.

“The first is the significant increase in work for Australian maritime lawyers following the introduction of the Admiralty Act 1988 on January 1, 1989. After an initial fairly quiet start, there was an explosion of admiralty work from the mid-1990s – usually reflecting international economic and political developments affecting shipowners and logistics such as the break up of the USSR fleet, insolvencies of shipowners, charterers and bunker suppliers, and Australia’s proactive approach to adopting and enforcing a host of international maritime conventions.

“The second and closely related to the first is the emergence of the national Federal Court with significant admiralty expertise and procedures making ship arrest in Australia efficient and internationally attractive. This has been an ongoing development and is always being refined due to close co-operation between judiciary and the profession which I think sets the benchmark for such co-operation in the Australian legal system.

“Finally and very helpfully to practitioners, has been the increase of interest in the activities of MLAANZ by the judiciary – especially the Federal Court. In the 1980s I think it fair to say the only judge of a superior court in NSW with an active interest in MLAANZ was Carruthers J of the NSW Supreme Court, but since then many judges have showed a great interest in its activities – probably most notably in my own experience justices Cooper, Allsop and Rares, but many others have also been involved in this pleasing development.”

In parting, Derek wished MLAANZ and the NSW Branch in particular “every success going forward”.

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