



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

This edition of *Semaphore* takes a look back at some of the papers and presentations delivered at last September's MLAANZ Annual Conference in Auckland. Presentations from that conference have recently been uploaded on our Website www.mlaanz.org.

The Auckland conference, the 46th National Conference held by MLAANZ since its inception in the early 1970s, was one of our best ever. Our New Zealand Branch did a great job in organising the conference and mapped out a terrific program of topics and speakers around the theme of "Sea Change – Navigating the Future". To explain the forward-looking nature of the topics covered we need only refer to the titles given to the various sessions:

- uncharted waters (dealing with the evolution of shipping, MARPOL and port developments)
- does admiralty law need to change or do we need it at all?
- ethical issues for marine industry participants – future and present
- technology in industry – what's going on?
- changing technology – are we ready?
- future state (covering regulatory issues)
- back to the future (which embraced topics as diverse as caps on damages, shipwrecks and legal history)

We've decided to profile a selection of the papers presented at the Auckland conference here in *Semaphore* as a way of illustrating the complexity and variety of subject matter occupying the maritime lawyers in our region.

There's an article summarising the paper delivered in Auckland by His Honour Justice Angus Stewart of the Federal Court of Australia headlined "Writ or Wrong? Protecting against a change in ownership before the vessel is arrested". This focused on the English authority *The Monica S*. We are grateful to His Honour's associate Sharangan Maheswaran for submitting this article.

A thought-provoking presentation by New Zealand Branch member Tomasz Glowicki challenged MLAANZ members to recognise the weighty responsibility we all share to protect freedom of navigation and care for the world's oceans. His presentation was titled "Navigare necesse est".

Professor Kate Lewins from Murdoch University in Western Australia delivered a comprehensive update on the regulation of air pollution from ships, dealing with MARPOL Annex VI and new measures regulating particulate emissions.



MLAANZ president David Goodwin

Additionally, we have reports from Professor Kate Lewins on the recently-concluded International Maritime Law Arbitration Moot competition and from Professor Craig Forrest of the University of Queensland on the July edition of the *Australian and New Zealand Maritime Law Journal*, which he edits.

COVID-19 and the associated restrictions on travel and large-number gatherings are continuing to create complications in arranging seminars this year, especially for members in Victoria at the current time. Our thoughts go out to everyone who has been affected.

In this atmosphere we've been grateful for the leadership shown by our Western Australia Branch, which has held two highly-successful online events as part of its new "virtual presentation" series and opened them up to participants from the eastern states of Australia and New Zealand. Its first seminar, on June 25, was titled "COVID-19 – what does it mean to the maritime sector?" Speakers were Tony Pegum of Mitsui OSK Lines and Professor Kate Lewins of Murdoch University.

A second seminar, held on July 23, involved a presentation by an esteemed practitioner from Malaysia, Philip Teoh, who is head of the shipping, international trade and insurance practice of the firm Azmi & Associates. Mr Teoh covered a range of factors relevant to maritime arbitration from a Malaysian perspective and shared insights on the kinds of disputes that are now escalating in the region in the wake of the COVID-19 pandemic.

On another front, we've noticed that there are still a large number of 2020 membership renewals currently unpaid. Reminder notices are about to be sent out. If you haven't yet renewed your MLAANZ membership, please give attention to this. From next month, we'll be limiting circulation of this newsletter to paid-up members.

We hope you are travelling well in these troubled times and that you enjoy this latest edition of *Semaphore*.

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