



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

A Busy Year

2018 has been a busy year for MLAANZ and we have made good progress on a number of fronts, including on the judicial sale of the vessels, which is now on the UNCITRAL Working Group Agenda. The Association would like to thank the Federal Attorney General and the Federal Court for their support of this important initiative. We still have a long way to go, with an ambitious agenda for next year.

The Association aims to increase its engagement with industry participants, other representative bodies and relevant government authorities, consistent with its mandate to support and advance reform in maritime and admiralty law, facilitate the harmonization of maritime and commercial law internationally, and to provide a forum for discussion among stakeholders. As always, we welcome comments from our membership on issues of concern to them and any comments on how best to achieve the Association's objectives.

The past year has seen many changes in the maritime sector and there are many more on the horizon. Some of the hot topics for consideration in 2019 include: the inevitable advent of autonomous vessel and the topic of vessel operations; reform to the Marine Insurance Act — MLAANZ has proposed changes and continues to engage with industry participants and government on the need for reform; the Rotterdam Rules — should Australia ratify the Rules in the interests of modernising and unifying the carriage of goods regime; whether a convention is warranted to deal with cross-border oil pollution (especially in the wake of Deepwater Horizon and Montara); and cabotage to mention a few.

On behalf of the Board I would like to extend my thanks to each of the MLAANZ Branches for their active participation and engagement with members throughout the year. On a personal note I would also like to thank my fellow Board members for their patience and perseverance throughout the year.

Report on MLAANZ 45TH National Conference — October 2018 — “Communicate 2018”

Congratulations and special thanks to Maurice Lynch and his team at the New South Wales Branch of MLAANZ including Charles Street, Rob Wilson, Alexis Cahalan, Edward Cox, Tony Tesoriero, Richard Arrage and Peter Craney, for organising an excellent annual conference, which was held at the Hydro Majestic Hotel, Blue Mountains, from 10 to 12 October 2018. The feedback received to date has been extremely positive. The New South Wales Branch arranged an excellent array of topics for a diverse and interesting program with a high calibre of speakers (including a number of international speakers). This made for very informative, interesting and often thought provoking sessions. There were also many networking opportunities.

The Dethridge Memorial Address was delivered by Mr Stuart Hetherington, President, Comité Maritime International (CMI). Stuart gave a retrospective and prospective view of how we got here and where we're headed in a paper aptly titled “The Past, Present and Future”. We were delighted that Stuart accepted our invitation to speak, especially as his term as President CMI ends on 9 November 2018. On behalf of MLAANZ I would like to thank Stuart for his dedication, stamina and his endless enthusiasm with all things Maritime.

Other distinguished speakers included The Hon Justice Neil McKerracher who gave an overview of admiralty law in the Federal Court in the past 50 years; The Hon Burley who addressed us on the collision between cross border insolvency and admiralty, and The Hon Justice Sarah Derrington who gave us an insight into marine insurances in Australia. The Hon Justice Mike Gallacher spoke on coastal shipping.

We were delighted to welcome among our international speakers Dr Liang Zhao Liang, Assistant Professor at the School of Law, University of Hong Kong, who gave us insights on the conflict of jurisdiction over foreign related maritime disputes in China; and Nick Luxton of the Hong Kong Bar addressed us on enforcement of arbitral awards from a Hong Kong perspective.

We were honoured to welcome as speakers Captain Rod Nairn of Shipping Australia Limited who gave a very interesting presentation on pilotage and the relationship between pilot and master, Dr Robin Bowley of the University of Technology, Sydney, Michelle Tayler who addressed us on the Nairobi Wreck Convention, Clinton McKenzie, General Counsel of AMSA who gave a regulatory update, Dr Malcolm Caulfield who gave a stimulating paper on animal welfare and the law governing livestock export, Susie Kropman of the Department of Agriculture and Water Resources who addressed us on marine pest biosecurity, Kerryn Woonings, surveyor of Crawford & Co who gave us an insight of the life of the marine surveyor at the coalface, Matthew Flynn who spoke on autonomous vessels and whether they can ever be considered to be “seaworthy”.

On the technology front, we welcomed Brendan Sears and Rob Winter of Technical Assessing who gave a very informative talk on the use of drones in the maritime contexts, Richard Arrage who addressed us on block chain in the supply chain, and Amy Hando who dealt with hearings and the use of technology in courts.

Thanks also to Gregory Nell SC who posed the question why should admiralty jurisdiction not extend to inland waters, Angus Stewart SC who addressed us on whether slot charterers are really charterers, Charles Street who spoke of the ancillary admiralty and maritime jurisdiction, Kerryn Webster who gave us an insight into forfeiture in a New Zealand context, Peter McQueen who gave us an update on “the latest and greatest maritime cases”, Nick Wallwork who gave a case update, Matthew Harvey spoke to us on package imitation — did El Greco get it wrong? Phillip Bambagiotti SC addressed us on the opportunities and challenges of China’s belt and road initiative and arbitration under the Model Laws. We also welcomed Alison Cusack who gave an interesting discussion on “legalised cartels”. Our mediation panel session was also well received, thanks to our panellists including, Michael McHugh SC, Catherine Gleeson, Edward Cox and Alexis Cahalan.

Special thanks also to Heather and Rachel at MECCA Concepts Pty Ltd for their tireless efforts.

The Board would also like to extend its special thanks to all of our sponsors, without whom the conference would simply not have been possible. They include HWL Ebsworth (platinum sponsors), Australian Maritime Safety Authority and Ocean Law New Zealand (enhanced silver sponsor) and Clifford Chance, Norton White, Colins Biggers & Paisley, DLA Piper and Thynne Macartney (silver sponsors).

Thank you to all the delegates and in particular the maritime and associated industry participants who attended the 2018 conference. We welcomed and extend our thanks to the first time attendees and to our broader membership for their invaluable contributions, engagement and insight.

We trust you will join us in late 2019 for the 46th Annual MLAANZ Conference, which will probably be held in late September 2019 in New Zealand, (subject to confirmation). We will notify members of the proposed dates in due course and send a “save the date” stop the expectations that it will be.

Call for Papers for 46th Annual Conference

Planning has commenced for the 2019 Annual Conference, and we invite all parties interested in presenting at the 2019 conference to please submit an abstract of approximately 200 to 250 words on their proposed presentation. Submissions should be received by 28 February 2019.

On behalf of the Board I wish to extend our best wishes to all for a very Christmas and for a bright and prosperous 2019.

Kind regards

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