



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Australian Report

As we wrap up 2023 and look forward to 2024, there is much to appreciate in the work of MLAANZ over the past couple of months.

I first pay my respects to the Turrbal and Jagera people of the land where I work and live, Meanjin Brisbane.

MLAANZ 48th Annual Conference in Perth 4-6 October – “Future of Shipping”

The most important event since the last edition of *Semaphore* was, of course, the annual conference held in Perth between 4 and 6 October 2023.

The conference was a great success with two full days of speakers covering a broad range of topics, each with a connection to the central theme of the “Future of Shipping”. It is abundantly clear that technology and digitalisation (and their attendant cyber risks), energy transitions and greener fuels as well as how the maritime world deals with crisis management and emergencies are issues that are only going to become more prominent as the shipping world grapples with decarbonisation, climate change and an ever-changing security environment.

The Dethridge Memorial Address delivered by the Honourable James Allsop AC, former Chief Justice of the Federal Court of Australia, titled “Not a Land Girt by Beach and the Importance of Seeing Maritime Law as the Law of an Activity” was a particular highlight. His Honour reminded us all it is imperative for the future of shipping that maritime law be recognised for its distinctive character and sources of law, and he said:

“To deny maritime law’s international and maritime character as a branch of the law and its international and maritime sources (historical and contemporary) in the development of its principle, is ultimately to deprive it of the source of its coherence and to make provincial what is international, and non-marine what is marine, to the long term detriment of those whose law it is.”

A complete copy of the address is now available on the MLAANZ [website](#) (other presentations can be viewed on the official conference [website](#) – contact conference secretariat, [MECCA Concepts](#), to resolve any login issues). It is notable that this is the second time his Honour has been invited to deliver the Dethridge, which is a testament to the outstanding contribution he has made to the development of maritime law as a practice area.

At the conference, MLAANZ recognised several eminent members of the maritime law community for the contribution they have made to the association and the maritime legal profession during their careers by bestowing Honorary MLAANZ membership upon them. The recipients of Honorary MLAANZ membership were:

- Hon James Allsop AC
- Tom Broadmore



MLAANZ Australia vice-president
Naraya Lamart

- Hon Justice Sarah Derrington AM
- Emeritus Professor Nicholas Gaskell
- Professor David Goodwin
- Matthew Harvey KC
- Stuart Hetherington
- Fraser Hunt
- Ian Maitland
- Hon Neil McKerracher KC
- Peter McQueen
- Hon Mark Perkins
- Adjunct Professor Hon Anthe Philippides
- Hon Steven Rares KC
- Ron Salter
- Dr Pat Saraceni
- Tony Tesoriero

Special thanks again to the Western Australian Branch of MLAANZ for hosting and to the organising committee for putting together a great event.

We look forward to the annual conference next year in Queenstown.

MLAANZ Policies – Inter-Personal Harm and Alcohol and Drug Safety

The MLAANZ Board and a Board subcommittee have been working on developing a series of policies which will be applicable to members and guests attending MLAANZ events. The purpose of these policies is to bring MLAANZ into alignment with similar professional associations which co-ordinate and host events where people across the industry attend.

The purpose of these policies is to clearly set out MLAANZ's expectations of all people who attend MLAANZ events to ensure that all members and attendees feel safe and supported at those events, as well as providing a clear process for raising any concerns which may arise.

Given their specialised nature, the policies have undergone a review with a New Zealand workplace expert and are currently in the hands of an equivalent Australian expert for final review. Once completed, the MLAANZ Board will release the policies on the website and circulate a communication to all MLAANZ members so that they can access the policies online.

The MLAANZ Board intends to undertake a review of the policies in 12 months' time to incorporate any comments from members following the release.

The Honourable Justice Rares

On 14 November, the Honourable Justice Steven Rares KC was celebrated by the legal profession in a ceremonial sitting of the Full Federal Court presided by the Honourable Debra Mortimer, Chief Justice of the Federal Court, to acknowledge his Honour's retirement from judicial service.

It was fitting that his Honour was farewelled with addresses from the leaders of our legal profession, namely, Matthew Blunn (the Australian Government solicitor representing the Attorney-General for the Commonwealth), Peter Dunning KC (president of the Australian Bar Association), Dr Ruth Higgins SC (president of the New South Wales Bar Association), Luke Murphy (president of the Law Council of Australia) and Cassandra Banks (president of the Law Society of New South Wales).

In a standing-room-only event, many members of MLAANZ were in attendance to celebrate the substantial contribution – particularly in maritime and admiralty law – made by his Honour during 18 years of judicial service.

The CMI, Conventions and Consultation

As part of MLAANZ's mandate to seek to promote uniformity in international maritime law, the association continues to provide responses and feedback to the Comité Maritime International (CMI) on issues of interest.

Earlier this year, MLAANZ submitted its response on direct action against insurers and is currently working on a questionnaire on the Collision Convention in conjunction with the New Zealand Branch.

MLAANZ has participated in two meetings with the Shipping Consultative Forum, hosted by the Australian Maritime Safety Authority (AMSA) in Canberra since the start of the year, and our immediate past president Michelle Taylor was appointed as a permanent member of the AMSA Board in July 2023.

Through the Shipping Consultative Forum, MLAANZ has been at the forefront of discussions with Government departments and industry on issues that impact the matters of maritime law, including supporting maritime law reforms and the ratification of a number of conventions – most notably the Nairobi Wreck Removal Convention and Judicial Sale of Ships Convention. MLAANZ continues to seek opportunities to promote the ratification of these, and other, treaties with the relevant departments.

With Christmas fast approaching, we take the opportunity to wish you all a lovely holiday season – however, you may choose to celebrate it – and look forward to catching up with you all in the New Year.

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