



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

Welcome to the June edition of Semaphore from Mianjin (Brisbane). I respectfully acknowledge the traditional custodians of this land, the Turrbal and Jagera/Yuggera peoples, and I pay my respects to all Elders past, present and emerging.

The winter season has arrived with fervour as we brace for the end of financial year and the guarantee of uncertainty in the year ahead. In a world that is increasingly fragile – economically and environmentally – the importance of taking care in all respects is not idealist, but necessary.

In this vein, the MLAANZ board has resolved to take action in its social responsibility to members and implement a suite of policies and procedures to promote and foster a safe, supportive and healthy environment – free from inappropriate behaviour. The first step taken by the board is to form a policy sub-committee (PSC).

The PSC met during May and June to begin work on the first MLAANZ policy – a sexual harassment prevention policy. I would like to acknowledge the work of Naraya Lamart, David Goodwin, Stacey Fraser and Hamish Fletcher on this essential project.

It is timely that this week, the International Bar Association (IBA) published two comprehensive reports designed to aid the global legal profession's ongoing efforts to address bullying, sexual harassment and discrimination. These reports are titled "Beyond Us Too? Regulatory Responses to Bullying and Sexual Harassment in the Legal Profession" and "A Global Directory of Anti-Discrimination Rules Within the Legal Profession: Main Findings".

IBA president Sternford Moyo, of Zimbabwe, commented: "Achieving and maintaining a safe, supportive and healthy professional environment, free from inappropriate behaviour, is an ongoing undertaking. Collaboration is key to achieving positive, genuine change in this regard. These reports underscore the IBA's enduring commitment to addressing bullying, sexual harassment and discrimination, which have no place in our noble profession."



MLAANZ president Michelle Taylor

In 2018, the Australian Human Rights Commission found that 23% of Australian women and 16% of Australian men had experienced workplace sexual harassment in the preceding year. Two years later, in December 2020, the Law Council of Australia published a national action plan to reduce sexual harassment in the Australian legal profession. In the national action plan, the Law Council noted that the legal profession is no different to the general workforce, because available statistics and anecdotal evidence suggest that sexual harassment within the Australian legal profession is a prevalent and persistent problem.

MLAANZ is an increasingly-diverse organisation. It encompasses a range of professionals in the

maritime industry as well as maritime lawyers working in sole practice, within firms, as corporate counsel, in the public sector and as barristers. All MLAANZ members are entitled to attend MLAANZ events and feel they are in a safe and inclusive environment, where people are valued and treated with respect.

The Law Council's national action plan recommends measures to be implemented within the legal profession to drive cultural change through regulation, development of model policies, training, complaints processes and support measures. However, some of the barriers to cultural change are low reporting, lack of action when reporting occurs and the onus remaining on the victim to report and initiate action.

The PSC accepts as a premise that MLAANZ is not immune to these challenges. The PSC is mindful that shifting cultural trends through policies and processes is only part of the solution but considers that a sexual harassment prevention policy is a good place to start.

The PSC will circulate a draft sexual harassment prevention policy before the Brisbane federal conference (October 12-14, 2022) to enable members to comment on and provide feedback either prior to or at the Annual General Meeting to be held at the conference.

Brisbane Conference 2022 – Sustainability in Shipping

We are excited to again soon be hosting an in-person federal conference in Brisbane – the first since Auckland in 2019 – this year at the University of Queensland, St Lucia.

The 47th Dethridge Memorial Address will be delivered by Emeritus Professor Nicholas Gaskell (University of Queensland), on the topic of “LLMC [Convention on Limitation of Liability for Maritime Claims] – Living with Limitations”.

In keeping with the conference's “sustainability” theme, Professor Sarah Dunlop (director of Mindaroo Foundation's health and medical research, plastics and human health), will be a speaker on the topic of “Plastics in the Ocean and the Effect of Plastics on Human Health”. It is well known that ship-sourced pollution is not limited to hydrocarbons. This topic will consider the United Nations Environmental Programme (UNEP) Treaty on Plastic Pollution, the complexity of establishing harm from micro and nano plastics, as well as how little is understood about chemicals that leach out of plastics. Issues canvassed will include challenges faced by the insurance industry and developing maritime laws.

The Honourable Justice Sarah Derrington is presenting a topical and thought-provoking paper on “Maritime Law and Class Actions – Litigation Funding & Role of ATE [after-the-event] Insurance – Cruise Liner Class Actions After COVID-19”.

In addition, from Swansea University, Dr Zoumpoulia Amaxilati is presenting a paper on the topic of “Modern Slavery and the Maritime Labour Convention”.

Also worthy of mention is the hypothetical session on the “Ever Given” incident which will be moderated by Matthew Harvey QC.

Admiralty User Group Session

All maritime legal professionals are invited to attend an Admiralty User Group Session at 3.30pm on the final day of the conference to be held by Federal Court of Australia Admiralty Judges, the Honourable Justice Steven Rares, the Honourable Justice Sarah Derrington and the Honourable Justice Angus Stewart.

This session will also be accessible online for those practitioners who are unable to attend in person.

Arbitration Paper

There will be a paper delivered at the conference on “Practice and Procedure in Arbitration” by Adrian Duffy QC.

In addition, the board is interested to hear from members as to whether there is interest in an open forum on arbitration in Australia at the conclusion of conference. Suggested agenda items for this discussion include:

- the potential to promote a consolidated approach to maritime arbitration within Australia; and
- whether there is merit in merging MLAANZ rules with Australian Maritime and Transport Arbitration Commission rules.

If this discussion is of interest to you, please get in touch.

I look forward to seeing many of you in October at this year’s conference.

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