



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



President's Message

Welcome to the 2023 winter 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.

CMI Colloquium in Montreal 14-16 June 2023

I recently had the great privilege of representing MLAANZ at the Comité Maritime International (CMI) Colloquium in Montreal, Canada, from 14 to 16 June. CMI 2023 brought together leaders in the field of maritime law from around the globe. Hosted by the Canadian Maritime Law Association, approximately 200 delegates attended, representing some 50 maritime law associations (MLAs), and included the welcoming of a new member, the Bangladesh MLA.

The CMI Colloquium was officially opened by president Ann Fenech, the first woman to hold this post. Other welcome speeches were made by:

- Paul Harquail, president of the Canadian MLA
- Kitak Lim, secretary general of the International Maritime Organization (IMO)
- Honourable Omar Alghabra, Minister of Transportation, Canada

The Berlingieri Lecture was delivered by the Honourable Sean J Harrington, former Judge of the Federal Court of Canada, who gave an engaging history of the development of Canadian maritime law throughout his distinguished career.

I am pleased to announce that at the CMI assembly, the MLAANZ nominations for CMI Titulary Membership were endorsed in acknowledgment of significant contribution to the work of CMI and the development of maritime law in Australia – namely, the Honourable Neil McKerracher KC, the Honourable Justice Steven Rares KC, and MLAANZ past presidents Dr Pat Saraceni and Professor David Goodwin.

A high point of the assembly was that CMI bestowed the honorary officer title of CMI President Honoris Causa on Stuart Hetherington. An outstanding ambassador for MLAANZ, Stuart's first attendance at a CMI event was in Paris in 1990. As president of MLAANZ, Stuart chaired and hosted the CMI conference in Sydney in 1994 and was elected president of CMI from 2012 to 2018. He has worked tirelessly to bring the Convention on the International Effects of Judicial Sales of Ships into being. Stuart was recognised for his instrumental role in convincing the United Nations Commission on International Trade Law to undertake the work to develop the Draft Convention on the Judicial Sales of Ships, and a lifetime of other works to promote the unification of maritime law internationally. In other prestigious presentations, the Honourable Justice Johanne Gauthier was awarded CMI Vice President Honoris Causa, and Alexander von Ziegler was awarded CMI Secretary General Honoris Causa.



MLA President's Breakfast – Michelle Taylor alongside Ann Fenech (second and third from left) and other MLA presidents

A further highlight of the assembly was that the 2022 CMI Young Persons' Essay Winner, Rosalie van Dael from New Zealand, presented an extract from her prize-winning essay "Relief in Cross-Border Insolvency and Maritime Law". Rosalie's presentation was nothing short of brilliant and was very well received by the audience. MLAANZ supported Rosalie to attend CMI in Montreal.

During the course of the Colloquium, I had the opportunity to attend the Marine Insurance Standing Committee meeting where the MLAANZ response from Australia to the questionnaire on "Rights of Direct Action Against Insurers" was acknowledged. In addition, I was able to attend the following conference sessions – Ratification of the Convention on the International Effects of Judicial Sales of Ships (chaired by Ann Fenech and Henry Li), Mobile Offshore Renewables Units (chaired by Shelley Chapelski and Lawrence Teh), Harmonising the Interpretation of Article 4 of LLMC 76 (chaired by John Markianos), Cyber Threats in the Maritime Sector – A Storm on the Horizon (chaired by Julian Clark); and the Collision Convention 1910: Is CMI's Oldest Convention in Need of Modernisation? (chaired by John O'Connor).

The work of the CMI is extensive and reports were given by the current International Working Groups (IWGs) including Cybercrime, Fair Treatment of Seafarers, MASS, Offshore Activities, Polar Shipping, Ratification of the Convention on the Judicial Sales of Ships, Restatement of the Lex Maritima, Revision of 1910 Collision Convention and Related Instruments, and the Unified Interpretation on the test for Breaking the Owner's Right to Limit Liability under the IMO Liability and Compensation Conventions.

Two new groups have been formed for the purposes of focusing on ratification of:

1. Judicial Sales – now that the Convention on the International Effects of Judicial Sales of Ships was adopted on 7 December 2022, this IWG will promote the ratification of the Convention
2. Rotterdam Rules – whilst the Rules were adopted in 2008, they are not yet in force, therefore CMI seeks to promote their ratification and Stuart Hetherington has agreed to chair a Standing Committee on the ratification of the Rules

A letter from CMI President Ann Fenech regarding these CMI initiatives is attached [here](#).

In addition, at the forefront of maritime law developments the following new IWGs have been formed:

- Mobile Offshore Renewable Units (MORUs) – to consider legal frameworks applicable to MORUs and whether it is appropriate to develop an MORU Convention
- Decarbonisation – to consider the long-term prospect of a possible Maritime Decarbonisation Convention



Stuart Hetherington receiving his award for CMI President Honoris Causa



Rosalie van Dael delivering her prize-winning essay, titled "Relief in Cross-Border Insolvency and Maritime Law"

At the conclusion of the assembly, Canadian MLA president Rui Fernandez ceremoniously presented the CMI flag to Paula Backden, president of the Swedish MLA, who will host the 2024 CMI Colloquium in Gothenburg next May. All MLAANZ members are welcome to attend the CMI Colloquium in Sweden next year.

MLAANZ 48th National Conference in Perth 4-6 October 2023 “Future of Shipping”

It is only three months until the MLAANZ annual conference to be held at the Parmelia Hilton Hotel in Perth from 4 to 6 October. Pat Saraceni, chair of the Western Australia Branch of MLAANZ, and the organising committee are to be congratulated on their planning and foresight to develop such an insightful program on current issues in shipping. The 2023 Dethridge Memorial Address will be delivered by the Honourable James Allsop AO.

The conference sessions include:

- sanctions and security
- maritime windfarms panning and installation, insuring for project and operational risk
- maritime changes afoot – energy transition/automation/greening
- digitalisation
- decommissioning
- maritime emergency
- automation
- carriage of cargo
- future trends
- admiralty users group discussion

In addition to the exceptional maritime law content on offer, the MLAANZ conference in Perth is a wonderful opportunity to reconnect with friends and make new connections in our region, both near and far.

I have always thought that as maritime practitioners and professionals we are privileged to belong to a group of colleagues who can be closely connected both locally and internationally. As always, MLAANZ extends a very warm welcome to Young MLAANZ members and we hope to see many of the next generation of maritime lawyers in Perth.

I hope to see you all soon in Perth.

Michelle Taylor
President
MLAANZ
Sparke Helmore Lawyers
Level 23, 240 Queen Street
Brisbane, QLD 4000
p +61 7 3016 5016
michelle.taylor@sparke.com.au

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