



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## President's Message

Welcome to the September edition of *Semaphore*. I am writing this message from London on World Maritime Day on the 29th of September. It has been an interesting time to travel, and even more so during recent historic events.

Whilst in London I have been fortunate to connect with maritime law colleagues from all around the globe. Building international relationships is the cornerstone of our industry, and it is increasingly relevant as our challenges progress from going "green", to managing disruptions and now, geopolitics.

The 47th National MLAANZ Conference is only two weeks away and it is the hope of the MLAANZ Board that the programme and events will provide members and all attendees opportunities to connect and build lasting relationships.

The conference is themed "Sustainability in Shipping" but it is more than a theme – sustainability underpins our reality and will shape our future, in the same way that technology has in recent decades. This resonates with the International Maritime Organization (IMO) World Maritime Day theme of 2022-2023 which is "New technologies for greener shipping".



MLAANZ president Michelle Taylor

This year's conference Dethridge Address will be delivered by Emeritus Professor Nick Gaskell of the University of Queensland on "LLMC – Living with Limitation". This is a pertinent topic in light of the recent determination of the Court of Justice of the European Union (CJEU) in *London Steam-Ship Owners' Mutual Insurance Association Limited v Kingdom of Spain*, whereby the CJEU ordered compensation of \$US1 billion as a result of the infamous "Prestige" incident in 2002. It is relevant to note that almost a year before this decision, the IMO Legal Committee agreed on a unified interpretation of the test for breaking a shipowner's right to limit liability under the Convention on the Limitation of Liability for Maritime Claims (LLMC) in addition to other liability conventions, in an attempt to reduce the fallibility of the LLMC.

I would like to highlight the conference topics, they include:

- Towards a Sustainable Marine Environment – with keynote speaker Professor Sarah Dunlop PhD, head of plastics and human health at the Mindaroo Foundation. Other notable speakers in this session are –
  - Hon Anthe Philippides SC, former Justice of the Court of Appeal of Queensland
  - Hon Professor of TC Beirne School of Law at the University of Queensland
  - Roger King, special casualty representative, TMC Marine

- An ESG Panel – dealing with environmental, social and governmental issues impacting shipping with a discussion by –
  - Peter Keyte, chief operating officer, Port of Brisbane
  - Stephanie Derrington, ESG [environmental, social and governance] analyst, Allan Gray Contrarian Investing
  - Associate Professor Pierre-Jean Bordahandy, University of South Pacific
  - Richard Palmer, ABL Group
  - Geoff Farnsworth, partner, Holding Redlich
- Corporate Responsibility and Liability in the Maritime Industry – with keynote speakers Hon Justice Sarah Derrington AM on litigation funding and cruise liner class actions, and Mick Kinley, chief executive of the Australian Maritime Safety Authority (AMSA), on alternative fuels. Other notable speakers in this session are Dr Lia Amaxilati from Swansea University, and Surani de Mel, head of claims, Singapore Office, The Shipowners' Club, speaking on the Maritime Labour Convention
- A Grounding Hypothetical – entitled “The Grounding of the MV Scomi in the North-South Canal” facilitated by Matthew Harvey KC
- Australia's Coastlines Past and Present – with presentations on how Torres Strait Shipping Shaped Queensland Aboriginal Protection Legislation by Associate Professor David Goodwin; marine conservation and decision science in the Great Barrier Reef by Professor Hugh Possingham and carbon abatement in marine areas by Associate Professor Justine Bell-James
- Maritime Updates – with a presentation on challenges for flag states at IMO by Professor Craig Forrest, director of the Maritime and Shipping Law Unit, University of Queensland, and an overview of Australia's role in the United Nations Commission on International Trade Law (UNCITRAL) Convention on the International Effects of Judicial Sale of Ships by Loretta Benson, legal officer, Office of International Law, Commonwealth Attorney-General's Department
- Young MLAANZ – with presentations on cross-border insolvency by Rosalia Van Dael of Lowndes Jordan and plastic pollution by Stefanie Andresek of Sparke Helmore
- Admiralty and Arbitration – with presentations from Adrian Duffy KC and Charles Street of counsel
- Admiralty User Group Session – chaired by Hon Justice Steven Rares, Hon Justice Sarah Derrington AM and Hon Justice Angus Stewart
- Arbitration Forum – with a discussion on the unification of arbitration rules in Australia facilitated by Gregory Nell SC

The Board of MLAANZ recognises and thanks this year's conference corporate sponsors: AMSA, Hemmant's List, Oceanlaw New Zealand, Pacific Maritime Lawyers & Consultants, Port of Brisbane, Sparke Helmore, Thynne+Macartney, TMC Marine, TT Club and Wotton+Kearney.

I would also like to acknowledge the tireless work of the conference organising committee: Matthew Hockaday, Craig Forrest, Naraya Lamart, Paul Baxter, Samuel Walpole and Hon Justice Philippides SC.

The conference will be held in-person at the Global Change Institute at the University of Queensland in Brisbane from October 12-14, 2022 – but if you would like to attend online, that is also always an option.

### ***Connections with the Pacific***

MLAANZ is interested in fostering relationships with maritime lawyers and professionals in the Pacific to build in-country capability and grow the depth of maritime expertise in the region.

As a first step in this initiative, MLAANZ has sponsored a maritime law student from Fiji to attend the MLAANZ conference in Brisbane.

We look forward to developing this initiative in the future.

### ***CMI Update***

At the Comité Maritime International (CMI) Conference to be held in Antwerp from October 18-21, 2022, CMI president Christopher Davis will complete his tenure and a new president will be elected. The Board of MLAANZ had the privilege and honour to nominate Ann Fenech (current vice-president of CMI) as the next president.

Ann's contribution as an executive councillor and vice-president can only be described as exemplary. To mention two: the chairing of an International Working Group (IWG) into the Cape Town Convention and most recently, her work on the Judicial Sales Convention. Ann has shepherded this Convention, from the organisation of the highly-successful CMI Colloquium in Malta on Judicial Sales (which resulted in UNCITRAL placing the topic on its agenda), to the finalisation of the Convention on the International Effects of Judicial Sales of Ships which attained UNCITRAL approval on June 30, 2022. Ann's diplomacy, dedication and determination achieved this result. Ann's work is an exemplary illustration of CMI accomplishing unification of maritime law.

I was fortunate to meet Ann at the CMI Colloquium in Mexico in 2019. Ann warmly welcomed me into the CMI fold and took great effort to ensure all who attended were able to connect and enjoy the best-possible experience. Ann selflessly makes every effort to create harmony within the international maritime law community. It is timely that CMI should appoint its first female president.

In other CMI news, MLAANZ recently completed submissions for the following CMI questionnaires with the dedicated assistance of Ashwin Nair and Naraya Lamart:

- Refugee Migration at Sea and Maritime Law Questionnaire
- Direct Contribution against Insurers

The ongoing work of the CMI in seeking to achieve unification of maritime laws is an important objective that MLAANZ continues to support.

I look forward to seeing familiar faces and meeting new people at the conference in October.

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](mailto:michelle.taylor@sparke.com.au)

September 2022

