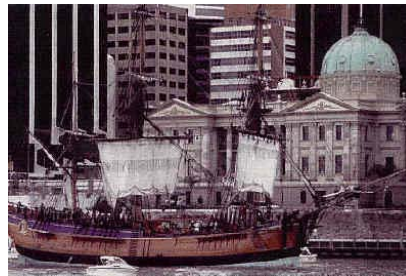




T C BEIRNE SCHOOL OF LAW

CENTRE FOR MARITIME LAW NEWSLETTER



Issue 9, August 2004

Michael White

Sarah Derrington

Introduction

In introducing this Newsletter we should mention how pleased Michael White was on recent sabbatical leave to meet with colleagues in Singapore, at the IMO in London, IML Southampton, IMTL at Wales Swansea, ITLOS in Hamburg and at the CMI in Vancouver in May. Sarah Derrington has also travelled to Singapore and England to meet colleagues, again with beneficial results. It is always a pleasure to meet and greet maritime lawyers in various parts of the world.

As the distances are so great there is added pleasure for those of us from Australia to get to the major maritime centres elsewhere and we always enjoy it.

This Newsletter contains information about research and teaching activities at the CML. We have been very pleased to have been productive over this year to date and have many to thank for that. The names and the details of the people involved are set out below.

Recent CML Papers and Publications

Gold, E. "From Privilege to Peril: The Shipmaster's Current Legal Rights and Responsibilities" (2004) *WMU Journal of Maritime Affairs* 51-66

White, M & Knight, S, 'Australian Maritime Law Update 2003' (2004) 35 *Journal of Maritime Law and Commerce* 313

White, M, 'Tampa Incident: Shipping, international and maritime legal issues' (2004) 78 *Australian Law Journal* 101

White, M, 'Tampa Incident: Some subsequent legal issues' (2004) 78 *Australian Law Journal* 249

White, M, 'Illegal Fishing in the Southern Ocean', Paper delivered at the University of Wales Swansea, May 2004

White M 'Background to the RAN Submarine AE2', Paper delivered at the AE2 Workshop, Istanbul, Turkey, May 2004

White, M, 'The Collision between Profit and Ethics', Paper delivered at the Greek Conference, Rythamon, Greece, May 2004

Recent Events & Courses

Law of the Sea (LAWS7866)

The postgraduate 'Law of the Sea' course provided a detailed examination of the United Nations Convention on the Law of the Sea 1982 along with an assessment of the impact of that convention on Australian sea boundaries, regional relationships and international legal institutions. It was held from 9-12 February and was co-ordinated by Michael White.



Participants in the Law of the Sea Course in February 2004

Sea Carriage Law (LAWS7876)

The postgraduate 'Sea Carriage' course covered the finer points of contracts of affreightment for transport of goods by sea including bills of lading, charterparties and an introduction to the arbitral proceedings used to resolve disputes arising under such contracts. It was held from 13-16 of April and co-ordinated by Sarah Derrington.

Seminar on "Fisheries and the Law"

This seminar was held jointly with the International Law Association and the

Maritime Law Association of Australia and New Zealand at the University of Queensland on 31 March 2004.

Specific topics to be touched on included the changes being made to the rules governing the Great Barrier Reef Marine Park as well as the problem of illegal fishing by foreign vessels in Australian waters in the Southern Ocean.

Seminar for Federal Court Judges

On Wednesday 31 March 2004, Edgar Gold and Sarah Derrington delivered the second in the series of Maritime Law Seminars for the Judges of the Federal Court of Australia in Sydney. The seminar dealt with maritime collisions and salvage and a practical perspective was given by Captain Kenneth H. Ross, AM, FNI, one of Australia's most respected maritime specialists.

Marine Environment & Pollution Law (LAWS7867)

The postgraduate 'Marine Environment & Pollution Law' course offered an overview of the international conventions, Australian laws, regulations and policy in relation to protection and preservation of the marine environment.

This year the course was held from 12-15 of July and was attended by persons from government, private practice and from a number of different countries. The course was co-ordinated by Michael White.



Participants in the Marine Environment and Pollution Law Course in July 2004

International Maritime Arbitration Moot Competition

The Fifth International Maritime Arbitration Moot Competition was held from 2-6 July in Singapore. The competition is a joint initiative of the Centre for Maritime Law and the Australian Institute of Foreign and Comparative Law and is coordinated by Sarah Derrington.

Eight universities participated in the 2004 competition with representatives from universities in Hong Kong, India, Singapore, Indonesia, Australia and Thailand submitting written memoranda and competing in the oral rounds.

The moot problem was based around issues of cargo and container damage suffered by a vessel at sea but also raised issues relating to demurrage, detention and the settlement of a claim for taxation compensation.

The teams from the University of Queensland (UQ) and the National University of Singapore (NUS) were the only undefeated teams after the general rounds. Unfortunately, the UQ team lost to the University of Technology Sydney (UTS) in the Semi Finals.

UTS went on to defeat NUS in the Grand Final of the Competition. A member of the UQ team, Tony Brennan, was awarded the prize for being the runner-up best speaker in the final rounds.



The UQ team (from left): Anca Butcher, Anusha Gonnemilleke, Mr Russell Hinchy (Coach), Zara Spencer and Tony Brennan.

Thanks must be given to all those who gave up their time to sit as arbitrators on practice moots for the UQ team. The competition will be held again in Brisbane in June 2005.

Coming Courses

Shipping Law (LAWS7865)

This course provides comprehensive coverage of legal topics that are fundamental to the operation of ships at sea. These include vessel registration; actions in rem, arrest of ships, port state control, collisions and groundings, pilotage, salvage and maritime mortgages. It will be held from 27-30 of September and will be co-ordinated by Michael White.

World Maritime Day Seminar

This year World Maritime Day will be held on 23, not 30, September and is in conjunction with the Nautical Institute (Qld) A seminar will be held on the themes of ship and port security and will be attended by speakers from government, the shipping industry and the legal profession. The seminar will be overseen by Michael White and Edgar Gold.

Naval Operations Law (LAWS7877)

This course provides an opportunity to examine the international law principles and Commonwealth legislation applicable to peacetime naval operations, naval operations pursuant to the UN Charter and the laws of armed conflict at sea. The course will be held from 7-10 February 2005 and will be co-ordinated by Michael White.

People of the CML

Indonesian PhD candidate Mrs Dhiana Pusipitawati has spent the last 12 months in Indonesia carrying out fieldwork relating to her thesis on the legal regime applicable to Indonesia's archipelagic waters by consulting with Indonesian legal experts and senior officers of the Indonesian Navy. The CML was pleased to welcome Dhiana back in June 2004.

The CML would also like to congratulate two recent law graduates, Gary Lucias (MAppL) and Vuttinan Temeesrisuk (LLM), who specialised in maritime law areas during the course of their degrees.



Gary Lucias and Vuttinan Temeesrisuk at their graduation ceremony in July.

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Edgar Gold
CM, QC, BA LLB (Dalhousie), PhD (Wales)

PhD Research Students

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Topic: "The Concept of the Container and its Legal Implications"

Mrs Dhiana Pusipitawati

Topic: "Indonesian Archipelagic Sea Lane Passage and its Implementation"

Mr Paul Willee QC (part-time)

Topic: "The Interdiction of International Sea Piracy"

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Additional information regarding any of the courses or events set out above can be obtained directly from Stephen Knight, CML Research Assistant, using the contact details listed on this page.

A complete schedule of all courses and activities scheduled to be held by the CML over 2003-2005 may be found at: <http://www.law.uq.edu.au/index.html?id=1769&pid=1630>.

