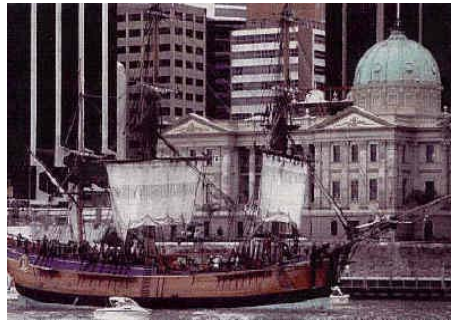


# CENTRE FOR MARITIME LAW NEWSLETTER

T C BEIRNE SCHOOL OF LAW  
UNIVERSITY OF QUEENSLAND



## ISSUE 6, December 2001

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### CML Activities

#### World Maritime Day 2001

On September 27, 2001 the CML celebrated World Maritime Day in style by hosting seminars on the protection of underwater cultural heritage and Australian shipping issues.

The focus of the first seminar was on the provisions of the UNESCO *Convention on the Protection of Underwater Cultural Heritage*. Particular attention was paid to the Convention's implications for the management and practice of underwater archaeology in Australia, the continuation

of salvage of historic wrecks, and the effect of the Convention on the law of the sea and admiralty law. Papers were given by Ms Lynden Ayliffe (Environment Australia), Dr Craig Forrest (T.C. Beirne School of Law), Mr Graeme Henderson (W.A. Maritime Museum), who also read the paper by Dr Mr William Jeffery (James Cook University), Ms Constance Johnson (Queensland Premier's Department) and Dr Michael White (University of Queensland). A lively discussion followed the papers.

The evening was on 'Shipping'. Mr Lachlan Payne, Chief Executive of the Australian Shipowners Association, delivered a paper entitled 'Government Impositions Inhibiting Australian Shipping.' Mr Barry Vellnagel, Chairman of the National Bulk Commodities Group, was caught by the air transport crisis and his paper; 'Australia – A Shipping Nation?' was read for him. Transcripts of the papers are available on the CML website.

<http://www.law.uq.edu.au/cml/>

A World Maritime Day seminar is to be an annual event.

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## **LAWS 7867**

### **The Marine Environment & Marine Pollution**

During July 2001 the CML convened 'The Marine Environment & Marine Pollution' Course. The course was conducted intensively over 5 days and its topics included the delimitation of maritime zones, navigational regimes, indigenous sea rights, international conventions, as well as federal and state legislation protecting the marine environment.

The course was delivered primarily by Dr Michael White QC and Commodore Sam Bateman, AM. Additionally, several guest lecturers delivered presentations on their areas of expertise; Mr Jeff Hardy (Queensland Transport), Dr Ian Tibbets (Centre for Maritime Studies, UQ), Professor Ove Hoegh-Gulberg (Centre for Maritime Studies, UQ) and Dr Ian McPhail (Queensland Parks and Wildlife).

The number who attended the course (26 students) reflects the growing importance of marine environment and marine pollution law.



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## **LAWS 7866**

### **International Law of the Sea**

International Law of the Sea was offered in an intensive format during September, 2001.

The course began with an overview of international law and the historical background to the law of the sea.

Lectures were given on the law of the sea treaties, zonal delimitation, piracy, the legal implications of the MV Tampa incident and the subsequent asylum seeker crisis, amongst other issues.

The course provided those who attended with a broad overview of the economic, environmental and political importance of the law of the sea in the international law arena.



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## **Future Courses**

In 2002 the CML looks forward to presenting an array of courses relating to maritime law. Several of the 2002 offerings are new additions to the CML curriculum whilst others are back by popular demand.

## **LAWS 7877**

### **Legal Aspects of Naval Operations**

The first course will be 'Legal Aspects of Naval Operations' in late January 2002. It will run intensively between 29 January and 1 February and will be co-ordinated by Dr Michael White QC and mainly presented by Commander Robin Warner, RAN and Professor Ivan Shearer, AM, RFD.

The object of the course is for registrants to develop an understanding of the international and Australian domestic law that affects the conduct of naval operations. Included amongst the various areas that will be covered in lectures will be

several topics that are of particular significance at present, such as the illegal trafficking of migrants by sea, methods and means of naval warfare, international environmental law regimes, fisheries enforcement operations and counter-drug operations.

### **LAWS 5160/7160 Maritime Law**

The Law School will present 'Maritime Law' during Semester 1 2002. The course is primarily for undergraduate students, although Masters students with no prior knowledge of maritime law often find it useful. (Not intensive)

Maritime Law provides students with a basic understanding of aspects of admiralty and maritime law and the law of the sea. It includes an overview of marine pollution conventions and laws, constitutional background, shipping law, marine insurance, carriage of goods, charter parties, UNCLOS and other related topics.

### **LAWS 7865 General Maritime Law**

The CML will present this new course intensively between Friday 3<sup>rd</sup> and Monday 6<sup>th</sup> May, 2002.

The course will focus on the 'wet' aspects of marine law. It will encompass shipping organizations and structures, marine pollution from ships, port state control, salvage, collisions and groundings, the limitation of liability for loss and damage, pilotage, towage and prize. Several guest lecturers will also speak.

### **LAWS 7867 The Marine Environment & Marine Pollution**

Back by popular demand in late July 2002 is the CML's annual course on the marine environment and marine pollution. An overview of material covered in the course is provided on page 2.

### **LAWS 7862 Advanced Marine Insurance Law**

This is another new offering by the CML. This course will be conducted intensively in late August or early September - the precise dates will be published on the web site.

Advanced Marine Insurance Law aims to develop a thorough understanding of the law and practice of the modern marine insurance market. The core content of the course includes a study of marine insurance origins and history, effecting insurance cover, agents and brokers, forms of insurance and types of policies, the *Marine Insurance Act*, insurable interest, duty of utmost good faith and duty of disclosure, misrepresentation, warranties, insured value, loss, ordinary wear and tear, inadequate maintenance, loss of class, unseaworthiness and breach of safety regulations, change of flag, ownership and management, ISM, cargo and hull insurance peculiarities, P & I Insurance and comparative perspectives.

Dr Sarah Derrington is the course co-ordinator and there will be guest lecturers.

For more information regarding any of the 2002 offerings, check the CML website (under).

## International Maritime Law Arbitration Moot

The CML conducts the International Maritime Law Arbitration Moot annually. This year it was held in Hong Kong between June 22<sup>nd</sup> and 27<sup>th</sup> 2001. Six university teams competed. The factual matrix on which the problem was based involved a commercial shipping transaction in which cargo was damaged.

Competition was fierce, as was reflected by the competition results with all of the major prizes going to different universities. The University of Queensland team were knocked out in the semi-finals, however, they were the only team to survive the general rounds undefeated. The National University of Singapore won the oral competition and the University of Technology Sydney was runner-up.

Participants embraced the opportunity to hone their advocacy skills and refine their knowledge of international maritime law. The CML is grateful to those who made the competition possible, in particular, the sponsors and adjudicators.

In July 2002 the CML looks forward to hosting the IMLA Moot in Brisbane.

## Research Assistants

In July 2001 Ms Vicki Tzimas was appointed research assistant to the CML. Ms Tzimas completes her undergraduate studies this year and will graduate with a BA/LLB (Hons). She will commence a graduate program at Blake Dawson Waldron in 2002 and the Centre is grateful for her contribution during 2001.



Mr Jonathan Ketcheson will takeover as research assistant to the CML in January 2002. He is currently completing B Sc/LLB degrees and is also a member of the T.C. Beirne School of Law Moot Court Bench.



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*Happy Christmas to all and 'bon chance' for year 2002.*