

CENTRE FOR MARITIME LAW
NEWSLETTER
T C BEIRNE SCHOOL OF LAW
UNIVERSITY OF QUEENSLAND



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Introduction

The Centre for Maritime Law has had another busy period since the last Newsletter. As well as the courses which have been run, there has been a great deal of post-graduate scholarship. We are very pleased to welcome increasing numbers of overseas post-graduates and visiting fellows.

This pace is set to continue over the next few years. The *Offshore Energy* course (3-6 Feb. 2003) is a venture into a new area, mainly taken because of the increasing profile of offshore oil and gas in the Australasian and Indonesian regions. We have rationalised other courses to allow a more specific focus on the 'dry' and 'wet' aspects of maritime law and to ensure that one post-graduate course in each area is offered every year. We propose to continue to run the more specific courses as part of the Continuing Education Program of the Law School. We are also very pleased to continue to welcome new PhD students who contribute enormously to our intellectual resources. We would like to

thank our many supporters and, in particular, the Guest Lecturers, without whose assistance we could not offer the services of our Centre.

Michael White Sarah Derrington

LAWS7877

Legal Aspects of Naval Operations

In January 2002 the CML ran the 'Legal Aspects of Naval Operations' course. The course covered a wide range of topics including the rules of armed conflict, UNCLOS, the MV Tampa Crisis, Border Protection as well as naval operations in East Timor. The course was extremely well attended and included a large number of defence personnel.

The course was presented by Dr Michael White QC, Professor Ivan Shearer, AM, RFD, Lieutenant Commander Cameron Moore, RAN and Lieutenant Colonel Paul Muggleton.

LAWS 5160/7160

Maritime Law

During Semester 1 of 2002, 'Maritime Law' was offered as part of the annual course offerings in the elective program for the LLB and JD

students who have had no previous exposure to maritime law. Some Masters students took the opportunity to attend the classes and gave presentations on particular aspects of maritime law.

Maritime Law provides students with a basic understanding of aspects of admiralty and maritime law and the law of the sea. The course included an overview of marine pollution conventions and laws, constitutional background, shipping law, marine insurance, carriage of goods, charter parties, UNCLOS and other related topics. We were also grateful to Dr Edgar Gold CM, QC, an Adjunct Professor of our Law School, who was a Guest Lecturer before returning to Canada.

LAWS7865 General Maritime Law

In early May this course was offered by the CML for the first time. The course covered the wet side of shipping.

Students benefited from an impressive collection of lecturers including Hugh Ellis (AMSA), Ian Hoskison (United Salvage), Ernest Van Buuren (Blake Dawson Waldron), John Kavanagh (Queensland Transport), Steve Pelecanos (Brisbane Marine Pilots), Chris Thompson (Adsteam Harbour), Peter McDermott (TC Beirne School of Law), Margaret Stephenson (TC Beirne School of Law) and the course coordinator Michael White.

International Maritime Arbitration Moot

The Third International Maritime Moot was held in Brisbane this year from 28 June to 3 July. Eleven universities competed in the competition, including teams from Australia, Hong Kong, India, Singapore and the United States. The problem involved a dispute arising out of delivery of a bulk oil cargo.

The competition was a great success with the University of Queensland winning the Norton White Prize for Best Team Mooters. Hong Kong University was the runner-up. The National University of Singapore won the General Round of the Competition as well as the prize for the Best Memorandum for the Claimant. The National Law School of India University won the prize for Best Memorandum for the Respondent. Anna Byrne (University of Queensland) won the prize for the Best Speaker in the Final Round and Tham Wei Chern (National University of Singapore) won the prize for Best Speaker in the General Rounds

The Final of the competition was held at Brisbane's Customs House. The arbitral tribunal for the Final was chaired by Mr David Martin-Clarke, from the UK, joined by the Honourable Des Derrington QC and Mr Drew James, Partner, Norton White.

The competition is a joint initiative of the Centre for Maritime Law and the Australian Institute of Foreign and Comparative Law. Next year's competition will be in Singapore hosted by the National University of Singapore.



Above: The University of Queensland Team. Back row, from left to right Anna Byrne, Rebecca Tube, Ryan Goss (Student Coach), Siobhan McKeering (Student Coach), Raphael Touze (Student Coach), Russell Hinchy (Coach) and Ben Fox. Front row, from left to right: Kristen Hui, Vaishakhi Rajanayagam and Kate Deere.

AMSA Seminar - 'Oil Spill Prosecutions'

On 9 July the Centre for Maritime Law hosted an AMSA seminar entitled 'Oil Spill Prosecutions'. The seminar was presented by Paul Nelson (AMSA), Michael White (CML), John Leeder (Leeder Consulting), Mike Hawley (Australian Federal Police), John Kavanagh (Queensland Transport) and Gerard Breen (Abbott Tout Solicitors).

The seminar provided a forum for sharing expertise on the enforcement of oil pollution prevention regulations under MARPOL 73/78.

The seminar was very well attended. Participants primarily consisted of representatives from various Commonwealth, State and Territory agencies.

CML Seminar - 'Handling Oil Spill Claims'

On 10 July the CML hosted a seminar on 'Handling Oil Spill Claims'. The seminar was presented by Michael White (CML), Paul Nelson (AMSA), Pat Dunworth (Qld Transport), Sasha Turloff (White Young & Williams, Lawyers), Norman Lopez (Normarine Services), Frank Turner (Thynne & Macartney) and Rick White (Plumley Pearson & White).

LAWS7867 The Marine Environment Pollution Course

This course was conducted from Monday 22 July to Thursday 25 July 2002. Topics covered include 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 presented primarily by Michael White and Mike Julian. (IMO). Guest Lecturers included Mr Jeff Hardy (Maritime Agency), Professor Ove Hoegh-Guldberg (Centre for Marine Studies, UQ) and Dr Ian McPhail (Qld EPA).



Above: Marine Environment Pollution course

VISITING PROFESSOR

Professor Marko Pavliha, Faculty of Maritime Studies and Transportation, University of Ljubljana, Slovenia



The CML was pleased to welcome Professor Marko Pavliha during August and September. He is Head of the Maritime and Transport Law Department at the University of Ljubljana and is a visiting Professor at IMLI in Malta where he teaches Marine Insurance Law. He undertook his DCL at McGill University under the supervision of Professor Tetley QC, worked in marine insurance industry in Slovenia and is a Consultant to and Board Member of several

insurance and reinsurance companies. He is widely published.

LAWS7862 Advanced Marine Insurance Law Course

Professor Pavliha and Dr Derrington presented the course in Marine Insurance from 6-9 September 2002 to 15 students from diverse backgrounds including underwriters, reinsurers, claims managers and insurance law practitioners. This made for lively debate throughout the course. We were grateful that Marcus John from Thomas Miller in Sydney was able to speak to the class about P&I Insurance and, in particular, the impact of September 11 on the marine insurance market.



Above: Advanced Marine Insurance Law Course

FOREIGN STUDENTS AT THE CML

The CML welcomes an increasing number of overseas students who have come to the university to specialise in maritime law.

Pierre-Jean Bordahandy from Bayonne, France is doing a PhD on 'The Legal Implications of Containerisation of Goods'. Dhiana Puspitawati has come from Indonesia to study an MPhil in 'Indonesian Archipelagic Sea Lanes and their

Implementation' and is applying to upgrade it to a PhD. Jean-Raphael Touze from Marseille, France is currently undertaking an LLM in Maritime Law. Kurnia Jaya, also from Indonesia, is studying an LLM(Adv) in maritime law and Justine Wene from Sweden is completing a JD specialising in maritime law.



Above (Left to Right): Kurnia, Justine, Raphael, Dhiana and Pierre-Jean.

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