

CML Research and Publications 2002

Research and Publications by CML Directors

Editorial Positions

Editor

White, M 2001 *MLAANZ Law Journal*, Journal of the Maritime Law Association of Australian and New Zealand, Annual Publication, 2002.

Member of Editorial Board

White, M 2001. *Journal of Maritime Law and Commerce*, Jefferson Law Book Co., Maryland, USA.

Honorary Correspondent

White, M 2001 *Selden Society*, London. Honorary Correspondent in Australia, Queensland (Co-correspondent with The Hon. Mr Justice McPherson, CBE, Queensland Court of Appeal).

Convenor

White, M: The Supreme Court of Queensland History Program Convenor (under the Supreme Court Library Committee). The Convenor assists the Supreme Court Library in its program on history collection, seminars and publications.

White, M: The Selden Society, Australia Branch, Queensland Chapter, for the annual meeting and paper (legal history society with Headquarters in London)

Books

White M & Rahemtula A (eds) *Sir Samuel Griffith: The Law and the Constitution*, Law Book Co, Sydney, 2002

Book Chapters

Derrington S, "The Law of Marine Insurance in Australia - Perspectives and Permutations" in D. Rhidian Thomas *The Modern Law of Marine Insurance*, Volume Two, LLP, 2002

White M, Chapter 10 "Marine Pollution from Ships: International Conventions and Australian Laws" in Lipman Z & Bates G (eds) Pollution Law in Australia, 2002, LexisNexis Butterworths, pp.382-422.

White M, Chapter 10 "QGSY Lucinda and its Significance to the Australian Constitution" in White M & Rahemtula A (eds) *Sir Samuel Griffith: the Law and the Constitution*, Law Book Co., Sydney, 2002

Conference Delegate

White M, International Law Association Conference, New Delhi, India, including participation in the discussions of the Committee on the 'Outer Continental Shelf', of which he is an Australian Representative, 2-6 April 2002.

White, M, APEC Regional Oceans Conference, Canberra, June 2002.

White, M, Submarine Institute of Australia Conference, Fremantle, June 2002.

White, M, Maritime Law Association of Australia and New Zealand, 2002 Annual Conference, Melbourne.

Conference Papers

Derrington S, *Maritime Law Update*, Norton White, Sydney, 21 February 2002

Derrington S, *The Duty of Utmost Good Faith - the Australian proposals*, Faculty of Law, University of Cambridge, 11 November 2002

Derrington S, *The Duty of Utmost Good Faith in Marine Insurance - Time for Reform?*, Panellist at Forum, The London Shipping Law Centre, 27 November 2002

White M "*MV Tampa Incident August 2001*", Australian and Canadian Ocean Research Network (ACORN), 29 May – 2 June 2002, Canberra. (Paper read by Dr Craig Forrest)

White M "*East Timor and Australia: Sea Boundary and Offshore Oil & Gas Issues*", Australian and Canadian Ocean Research Network (ACORN), 29 May – 2 June 2002, Canberra. (Paper read by Dr Craig Forrest)

White M "*International IMO; CLC & Fund Conventions*", Marine Oil Spills Claims Seminar, Centre for Maritime Law, UQ, 10 July 2002

White M "*Maritime Law Issues*", given in the 'Tampa Affair Panel', Annual Conference of the Australian and New Zealand Society of International Law, Canberra, 14-16 June 2002

White M "*Mounting an Oil Spill Prosecution*", Seminar on Marine Pollution Incident Investigations & Prosecutions, Australian Maritime Safety Authority, Brisbane, 9 July 2002

White, M "*Submarines in the Gallipoli Campaign: The Exploits of the AE2*", United Service Club, Brisbane, 13 March 2002

White M "*The AE2: Historical Importance to Australia*", Submarine Institute of Australia Conference, Fremantle WA, 7-8 June 2002

White M "*The Tampa Incident*", Australian Institute of International Affairs, Qld Branch, Brisbane, 11 June 2002

Journal Articles and other Entries

Derrington S & White M “Australian Maritime Law Update: 2001”, (2002) 33 *Journal of Maritime Law & Commerce* 275-290 (No. 3, July 2002)

Derrington S, 'The Marine Insurance Act 1909 (Cwlth) - One reform too many?' [2002] *International Journal of Commercial Law*

Derrington S, 'Marine Insurance Law in Australia - The Australian Law Reform Commission Proposals' [2002] *Lloyd's Maritime and Commercial Law Quarterly* 214

White M "M/V Tampa and Christmas Island Incident, August 2001", *BIMCO REVIEW 2002*, Policy and Law Section, pp.116-121.

White, M. "M/V Tampa Incident and Australia's Obligations-August 2001" (2002) 122 *Maritime Studies* 7-17.

Case and other Notes

Derrington, S, *Frost v Warner* (2002) 16 *MLAANZ Journal* 145

White, M "Appointment of Senior Counsel in Queensland 2001", (2002) 76 *ALJ* 88

Annex 2

Research and Publications by CML Scholars

(Dissertations by Master and other Degree Scholars in the T.C. Beirne School of Law in marine courses)

Al-Suood H, *Port State Control – with special emphasis on the Maldives.*

Baker E, *The Salvage of the ‘Iron Baron’.*

Campbell P, *MV Tampa: Keeping the Boats at Bay (or out of them).*

Collins M, *What are the key issues that confront assimilating civilians into the Australian Navy: An International perspective.*

Dickson M, *The Australian Defence Force: Domestic & International Laws of the Sea.*

Fischer M, *Historic Shipwrecks under International and US-American Law.*

Glister B, *The Impact of Electronic Commerce on the traditional Bill of Lading.*

Glister B, *Pilotage and the Application of Liability in the 21st Century.*

Heinemann F, *The Torres Strait: A Customs Perspective.*

Heiser A, *The Australian Maritime Boundary with East Timor and the Joint Petroleum Development Area.*

Heiser A, *Border Protection and the United Nations Convention on the Law of the Sea 1982.*

Heiser A, *Section 23 of the Marine Insurance Act 1909 (Cth): the duty of utmost good faith after the formation of the contract*

Jackson H, *Who is liable for Marine Pollution? An Examination of Liability for Ship Based Oil Spills in Four Australian Jurisdictions.*

Jaya K, *Comment on forthcoming Ballast Water Management Convention: Is it enough with two-tier approach?*

Jaya K, *The Development of Maritime Collision Law in Indonesia.*

Jaya K, *The Development of Pilotage Law in Indonesia.*

Jaya K, *Indonesian Marine Insurance Law: The Practice and Current Legal Issues*

Johnstone L, *Utmost Good Faith and the Duty of Disclosure in Marine Insurance Law.*

Kulasingam A, *Arrest of Ships and Arbitration Proceedings.*

Kulasingam A, *The duty of utmost good faith, material disclosure and the mind of a prudent insurer are vital factors that determine the validity of Marine Insurance Contracts. A comparative analysis of the potential problems faced by Marine Insurance Law and Practice in Australia and Malaysia.*

Lim G, *Piracy in the Straits of Malacca.*

Loder S, *The Duties, Liabilities and Rights of Police in Maritime Casualties.*

Maddern, D *Competing Interests in Formulating International Guidelines for the Provision of Places of refuge to Ships in Distress.*

Michaelsen C, *Maritime Exclusion Zones in Times of Armed Conflict at Sea; Legal Controversies Still Unresolved*

Mierendorff R, *Marine Casualties: Grounding and the salvage of the vessel MV. Bung Teratai Satu on Sudbury Reef, Queensland.*

Mierendorff R, *Marine Regulation of Shipping Operations for the Prevention of Pollution from Sewage.*

Moss D, *Leashing the Scurvy Dogs – Suppression of Piracy at Sea by Naval Forces.*

Rajadurai A, *The ISM Code - some implications for contracts of marine insurance*

Shanon D, *Stamp Duty and Policies of Marine Insurance*

Sheean J, *Does the Requirement of "Utmost Good Faith" in s.23 of the Marine Insurance Act 1909-1973 elevate the relationship of insured and insurer to a fiduciary relationship?:*

Sheean J, *What is the future of indigenous sea rights and marine Native title in Australia?*

Sheehan A, *The Right of Innocent Passage of Warships through the Territorial Sea and the validity of Coastal States claims for prior notification and/or authorisation.*

Speyer D, *Salvage, Salvors Negligence and Public Policy.*

Touze J, *Coastal State Jurisdiction over Foreign Flag Vessels threatening its Marine Environment.*

Touze J, *The Current Status of the Law of Prize.*

Touze J, *The Limitation of Liability of the Shipowner under Australian and French Law.*

Touze J, *The Ocean Shipment of Japanese Irradiative Nuclear Fuel: The Legal Issues.*

Touze J, *The "Pay to be Paid" Rule*

Wene J, *Marine Perils: A Study of General Principles and War Perils in relation to the principles of Causation and Burden of Proof*

White S, *International Law and the Navy's Enforcement Powers under the Border Protection Legislation.*

Yeh A, *The legal aspects of collisions in Australia: including references to actual collisions that have occurred along the Australian eastern seaboard.*

Yuen S, *Pilotage in Sydney Ports: The legal framework, plus responsibility and liability issues.*