

## BOOK REVIEW

**Michael White, *Australian Maritime Law*. Federation Press, Sydney (3<sup>rd</sup> ed, 2014). 700 pp.  
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Over seventeen chapters this book covers a wide range of maritime issues. It has been 14 years since the previous edition, which was written by a number of authors, and the fact that this edition has now been written by one author (albeit with some assistance which is generously acknowledged) is an impressive feat. For one author to have the expertise to deal with all the areas covered in this book is rare. Equivalent books on English law, such as *Maritime Law* edited by this author and published by Informa Law from Routledge (now in its third edition) are written by numerous authors each specialising in their own particular areas of research. This gives the advantage that new editions can be written relatively quickly if one author is only doing one or two chapters and therefore the authors do not have to contend with too much change while the writing process is going on. Whereas Michael White has no doubt had to face the problem that over the period of writing there have been numerous changes and, therefore, there is a constantly shifting seascape which all has to be crystallised at one moment in time. It does, however give the great advantages that the style throughout the book is consistent and it is easier for the author to cross-reference throughout the book, both of which have been achieved here.

The author modestly states that ‘the purpose of the book is to set out for legal practitioners, academics, regulators and for the maritime industry a short summary of the Australian current law on maritime matters and to guide the reader as to where to look for more detailed information.’ This, the author undoubtedly delivers. It is not easy to provide a good summary of complex material, but the author does this and more. Each chapter seeks to provide a good understanding of the development of the law. Indeed the whole of Chapter 1 on Admiralty Jurisdiction and the Australian Constitutional Background does so culminating in the *Admiralty Act 1988* (Cth). Chapter 2 considers Admiralty Jurisdiction; Admiralty Act 1988; Actions in Rem; Arrest of Ships; Maritime Liens; and Priorities.

Chapters 3 and 4 discuss charterparties and carriage of goods. The case law, both English and Australian, is discussed to illustrate key points. As the author says a whole book could have been written on each chapter. Throughout the book the reader is referred to the leading works and journal articles which may assist them. For example the chapter on charterparties refers to John Wilson’s excellent book on *Carriage of Goods by Sea*,<sup>1</sup> and S. Girvin, *Carriage of Good by Sea*.<sup>2</sup> New books have been published since such as Paul Todd’s *Principles of the Carriage of Goods by Sea*<sup>3</sup> and the latest edition of *Scrutton on Charterparties* is expected shortly.<sup>4</sup>

The text, which is well written and easy to read, is enlivened by some colourful examples. This is certainly the case in the fifth chapter on carriage of passengers which gives some good illustrations of problems which have occurred in the cruise ship business, such as the *Costa Concordia*, and which could occur in the future. The chapter is international in its scope but also relates specifically to Australia and the type of business found there together with some useful statistics and references to websites.

Chapter 6 covers marine insurance and refers to the reform of marine insurance in England (the *Insurance Act 2015* (UK) comes into force in April 2016). It is explained that, as a result of the reform of English marine insurance, further reform may be seen in Australia. Australia did not previously want to make changes which were too radical to their marine insurance in case it affected the ability to obtain reinsurance in the London market.

Ownership; Registration; Securities is the title of Chapter 7 which is followed by Navigation; Shipping; Safety in Chapter 8. Chapter 9 covers Marine Labour Law and Chapter 10 Marine Collisions and Groundings; Marine Inquiries. Chapter 11 discusses Salvage; Wreck; Underwater Cultural Heritage. Chapters 12 and 13 are relatively short chapters on Towage and Pilotage. The chapter on pilotage addresses the requirements for

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<sup>1</sup> (Longman, 7<sup>th</sup> ed, 2010).

<sup>2</sup> (OUP, 2<sup>nd</sup> ed, 2011).

<sup>3</sup> (Routledge, 2015).

<sup>4</sup> Sir Bernard Eder, *Scrutton on Charterparties and Bills of Lading* (Sweet & Maxwell, 23<sup>rd</sup> edition, forthcoming).

pilotage in the Great Barrier Reef and the Torres Strait and the Australian cases on a pilot's liability for negligence. Limitation of Liability has a chapter to itself in Chapter 14.

Chapter 15 deals with Marine Pollution: Ships and Offshore Platforms. It ends with the *Montara Platform* blowout in 2009, the Commission of Inquiry and Report which followed and the consequential legislative changes. It draws parallels with the *Deepwater Horizon* oilspill in the United States and concludes with the possibility of international regulation of the offshore oil industry.

Further evidence of the wide coverage of this book is that Chapter 16 deals with Criminal Jurisdiction; Piracy and finally Chapter 17 deals with Prize; Prize Salvage; Bounty and Ransom. Despite this, it might be argued that the book could also have included shipbuilding, ship sale and finance and maritime competition. There is some discussion of conflict of laws.

This book is at very least a good starting point for a reader who wishes to familiarise themselves with Australian law on an area of maritime law. It is eminently readable and interesting and will no doubt inspire the reader to enquire further. However, it is also a good source for maritime lawyers from all over the world to see the Australian approach to maritime issues and, in particular, the international conventions on these issues, which confront us all.