Book reviews

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ADMARILTY JURISDICTION: LAW AND PRACTICE – AUSTRALIA, NEW ZEALAND, SINGAPORE, HONG KONG AND MALAYSIA


This work has now become the standard reference book for admiralty law in Australia and its neighbours. Its third edition was reviewed in (2009) 83 ALJ 774. It was then 506 pages long because it set out verbatim the applicable statutes and regulations of each jurisdiction in full. I criticised this in my review. The size of the fourth edition has been reduced to a more manageable 297 pages because this material has been deleted.

Admiralty law comes from a different stream than most of the civil law of Australia. Because of this, some of the fundamental rules are quite different to what a lawyer would expect. Thus, there is a requirement that parties file a preliminary act, a document which includes a statement of the facts of the case made shortly after the event. Moreover, ships can be arrested and may be able to have their liability limited by a formula based on their tonnage. Most of the law now administered in admiralty courts is statute law. However, the statutes in the various nations mainly derives from a common source, English Acts, though, in turn these picked up the rules worked out by the merchants of Europe.

The book contains four chapters plus a selection of precedents. Chapter 1 is introductory, Ch 2 deals with the courts administering admiralty law, Ch 3, which extends from pages 43 to 128, is the core of the book dealing with the law applying to the various claims that are made in an admiralty court and Ch 4 deals with practice and procedure.

This edition is really an update of the 2008 edition with the omission mentioned above. This edition does spend time on the definition of “ship”. However, there does not appear to be that many significant cases decided since the previous edition of 2008, but there may be developments in the governing statute law which is hard to discern from a simple reading of the text. The book would be handy, not only for those practised in the field, but also to the practitioner confronted with his or her first admiralty case.

Acting Justice Peter W Young AO

(2016) 90 ALJ 443