



FEDERAL COURT OF AUSTRALIA JUSTICE LECTURES AT IMLI

The Honourable Justice James Allsop of the Federal Court of Australia, Sydney, recently delivered a series of lectures at the 19th annual IMLI LL.M. programme covering the core topics of shipping law including charterparties, Hague and Hague-Visby Rules, enforcement of maritime claims and international commercial arbitration. Each of his lectures was taken from a specific perspective emphasizing the practical intricacies with which a judge is faced when hearing a case and bringing a decision which must be thoroughly reasoned in the circumstances where facts of the case and legal implications can be very complex. He started his series of lectures by a “structural overview of the contractual deployment of the ship (chartering) and its relation to bill of lading carriage”. Thereafter Justice Allsop discussed two particular issues in The Hague Rules or Hague Visby Rules carriage – first dealing with the relationship between Articles III and IV and the thereby inherent complicated system of shifting onus of proof, and the second dealing with Article IV rule 5 limitation of liability regime applied to container carriage. Moving from carriage of goods to the enforcement of maritime claims, Justice Allsop discussed the nature of the action in rem against the ship in international admiralty practice with a critical approach to the recent developments in English law brought about by *The Indian Grace* [1998] AC 878. Finally Justice Allsop spoke about the international commercial arbitration and its place in international dispute resolution. He discussed the operation and construction of arbitration clauses, including the doctrine of separability of these clauses in relation to the contract in which they are incorporated.



The Honourable Justice James Allsop lecturing to IMLI class of 2007-2008

The Honourable Justice James Allsop has been a judge of the Federal Court of Australia since May 2001, and since March 2005 the Convenor of the Courts National Arrangement for the carrying on of Admiralty Jurisdiction, the Convenor of the Court's Admiralty Committee advising the Chief Justice on Admiralty issues and the Sydney Admiralty List Judge. In 2005, he was appointed the Chair of the Statutory Rules Committee under the Admiralty Act to advise the Commonwealth Attorney-General on the Admiralty Rules.

Prior to his appointment for a Federal Court Judge, he had practised full time at the Bar, primarily in New South Wales, but also in other States of Australia, specialising in commercial law, including insurance law and maritime law.

Throughout his legal career, Justice Allsop has lectured in various fields of law including Equity and Real Property, Bankruptcy, Insolvency, Company Law and Accounting, both to undergraduate and postgraduate students of the University of Sydney. From 2005 Justice Allsop has, with colleagues, developed and lectured a post graduate course in Maritime Law at the University of Sydney. In July 2005, he was appointed a Governor on the Board of Governors of the World Maritime University.

Justice Allsop has published extensively on a wide scope of legal subjects.

This was Justice Allsop's first visit to IMLI for which the Institute is honoured and it is hoped that the cooperation shall continue in the following years.

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