

Till the boss beneath the cart woke me up
with such a start,
Yelling, "Clancy, where the hell are all the
sheep?"

traditional bush song,
The Drover's Dream

admiralty reform

A ship in dock, surrounded by quays and
the walls of warehouses, has the appear-
ance of a prisoner meditating upon freedom
in the sadness of a free spirit put under re-
straint.

Joseph Conrad, *The Mirror of the Sea*

The colonial experienced men of the VLRC and the Regulation Review Unit (Vic) have just released a timely report on The Sheep Owners Protection Act. The report is tastefully decorated with a picture of an empty sheep truck and some shears.

The report deals with the extent to which sheep carriers and sheep skin buyers should be regulated. The regulation is through a system of licences renewed annually through the Magistrates Court or the police. Licences are granted only to 'fit and proper persons'.

The report examines such basic questions as

who are sheep carriers?
should they also carry log books?

and contains detailed information about the extent of rustling in Victoria from 1983-1987. It would appear that there are a number of Godfathers operating in Victoria since well over 400 horses' heads were stolen over that period. Of these, however, only about 100 were ever recovered. No information is available on the fate of the rest of the horses (the report does not examine the hamburger meat industry).

The report concludes by recommending repeal of the Act and a slight modification of police powers to allow questioning of livestock carriers and farm-produce carriers. No recommendations are made on the difficult question of distinguishing sheep from goats.

admiralty act proclaimed. On 1 January 1989 the Admiralty Act 1988 (Cth) came into force. The need for reform of admiralty law has been generally recognised for many years. Previous legislation, inherited from England, restricted admiralty jurisdiction to matters within the admiralty jurisdiction in England in 1890. In November 1982 the Government asked the ALRC to review and report on all aspects of the Admiralty Jurisdiction in Australia and to make recommendations on provisions to be included in an Australian Admiralty Act. The new Act follows the recommendations contained in the Commission's report entitled Civil Admiralty Jurisdiction (ALRC 33).

second reading speech. In his second reading speech the Attorney-General, the Honourable Lionel Bowen said

the proposed Admiralty Bill will give Australia, for the first time, a comprehensive, up to date, locally enacted and uniform law governing the exercise of Admiralty Jurisdiction by Australian Courts. . . . Australia is principally a country of shippers rather than ship owners and is dependent upon foreign shipping for much of its import and export trade. It is, therefore, in Australia's best interest to support a broad admiralty jurisdiction, which is dependent principally on the presence in the jurisdiction of the ship or sister ship in relation to which a maritime claim arises.

significant features of the act. The significant features of the Act were outlined in the second reading speech

- A distinction is made between proprietary maritime claims and general maritime claims. Proprietary claims involve claims relating to ownership or possession of a ship. General maritime claims include a wide range of claims arising from the operation of a ship.
- The legislation retains the existing distinction in admiralty law that exists between actions in REM based on maritime liens and statutory rights of action in REM based on causes of action arising under the general law and involving the ownership or operation of ships.
- Provision is made for the first time in Australian law, for arrest of surrogate or sister ships.
- Admiralty jurisdiction in personam is conferred with respect to maritime claims and in addition with respect to claims for damage done to a ship.
- Concurrent jurisdiction in admiralty is conferred on the Federal Court and State and Territory Supreme Courts.

reaction to the new legislation. The Commission's report and the subsequent legislation have been received enthusiastically by academics and practitioners alike. A distinguished British commentator, Brian Davenport QC said

The report is not only a model of what such a report should be, but ought to be compulsory reading for anyone concerned with the jurisdiction of a court hearing maritime claims. It is based on immaculate scholarship and sound common sense.

In a foreword to the Annotated Admiralty legislation, (S Hetherington, *Annotated Admiralty Legislation*, The Law Book Co Ltd, Sydney 1989) the Honourable Sir Lawrence Street said 'the new

legislation is generally acclaimed by shipping lawyers'.

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the staples affair and judicial independence

Will no one revenge me of the injuries I have sustained from one turbulent priest?

King Henry II, of St Thomas Becket
(1170)

reform of industrial relations: legislative background. In 1988 the Commonwealth Parliament enacted the Industrial Relations Act 1988 (Cth) which restructured the Commonwealth's machinery for settling industrial disputes by conciliation and arbitration. It repealed the Conciliation and Arbitration Act 1904 (Cth), which had governed Commonwealth activities in industrial matters for over 80 years, and which established, as its principal dispute settlement body, first, the Commonwealth Court of Conciliation and Arbitration, and later the Commonwealth Conciliation and Arbitration Commission. The presidential members of this Commission were appointed by the Governor-General and had the same status, rank and salary as Judges of the Federal Court. They held office until they resigned or reached the age of 65 and could be removed only by the Governor-General after an address from each House of the Parliament passed in the same session, on the ground of proved misbehaviour or incapacity.

The Industrial Relations Act 1988 not only repealed the Conciliation and Arbitration Act, but also established the Australian Industrial Relations Commission. This Act contains provisions similar to the former Act governing the appointment, status and conditions of appointment and