

## MARITIME

“There is no danger the Titanic will sink. The boat is unsinkable and nothing but inconvenience will be suffered by the passengers.”

Phillip Franklin, *White Star Line Vice-President*

*Maritime transport can be a risky business. Even the very best technology, planning and seamanship will not always overcome the power of the sea, the weather and plain human error. That's where we come in.*

History famously shows that the Titanic was no match for an iceberg looming out of the darkness. Less well known is the level of protection the ship's owners enjoyed against the ensuing legal consequences.

The lesson to be learned is obvious. Risk is a fact of life. Legal risk management should be too.

The outstanding Maritime team at Middletons can help you chart a course to manage the risks of marine endeavours.

In fact, our proud history of providing legal services and commercial advice can be traced through predecessor firms to the late 19th Century. We continue to view the sector as a key practice area.

A wealth of knowledge and experience and a commitment to ongoing professional development is integral to our position as a premier transport and trade practice in the Pacific Rim.

Our knowledge in all aspects of maritime law and commercial shipping sees us counsel long-standing liner and bulk ship operators and associated interests including P&I insurers, hull insurers, brokers and port agents. In addition, we act for financial institutions, terminal operators, port authorities, resources companies and bulk commodities traders.

In an era of better ship design, accurate charts and satellite navigation the waters have never been safer. Likewise, on the wharves a culture of safety has replaced the sometimes reckless work practices of the past. Even so, maritime risk and insurance have long gone hand-in-hand and we have built an unparalleled knowledge working for owners, managers and insurers in advising on liability, claim management and litigation.

The international character of our practice has enabled us to develop long-standing relationships with offshore insurers, foreign vessel owners, leading overseas law firms and prominent industry representatives in all major international transport centres. This worldwide network is an essential resource in an industry in which immediate access to expert advice in a multitude of jurisdictions may be critical.

With offices in both Melbourne and Sydney, we also offer a full suite of integrated legal resources in transport and trade, commercial litigation, and taxation and revenue.

When it comes to big law firms, you will find we talk your language but challenge your thinking. That's how we break the mould. We strive to provide you with the most pragmatic, cost-effective and commercially savvy advice possible.

Ensure that legal risks don't sink your interests. Enlist the help of our team in steering clear of the icebergs.

# Maritime

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## Insurance & OHS

No legal team anywhere is more familiar with the *Seafarers Rehabilitation and Compensation Act (Cth)* (the Seafarers Act) and the workings of the Federal Government's Seacare Authority. With more than 3000 Australian workers coming under the Seafarers Act – which applies to interstate and international shipping – this is an important piece of legislation involving operational issues of occupational health and safety, the return to work of injured workers and their compensation entitlements.

## Environment

Ship owners, operators, and terminal operators are exposed to ever-increasing liability for environmental pollution. We advise on all aspects of oil pollution, chemical contamination and general marine or land-based environmental incidents, including any clean up operations or proceedings commenced by Government agencies.

## Industrial Relations

Historically, volatile industrial relationships at the Australian waterfront have caused considerable disruption to ship owners, importers and exporters.

Our extensive experience involves all aspects of the *Workplace Relations Act* (sections 127 and 166A), negotiating with unions in enterprise bargaining, dealing with industrial disputes and union demarcation.

We advise on areas such as employment, terminations and redundancies, unfair dismissals, restrictive covenants, trade secrets and confidential information.

## Infrastructure

Port reform, redevelopment and terminal access/leasing issues affect every port operator, insurer and user. We have been deeply involved in advising on port corporatisation and the effect of statutory reform on the reallocation of responsibilities between port service providers.

## Ship Finance

Our experience in multi-jurisdictional ship finance and sales provides reassurance to clients involved in complex cross-border corporate finance and leasing structures. Generally such transactions are unique to the industry and subject to internationally accepted terms.

With a deep knowledge of the Australian regulatory framework in relation to coastal trades subject to cabotage, we also advise on project transactions.

## Distribution and Logistics

We have strong connections with insurers of service providers such as the Through Transport Club. Since the early-1970s we have assisted them, their insureds and numerous independent providers and users in developing standard form documents for use in Australian and elsewhere.

Our team was at the forefront of the introduction of TDL services into the Australasian market and continues to work with specialist international and Australian multi-modal and TDL service providers and users.

## Revenue

We work closely with our Revenue Law colleagues to advise on a range of revenue and commercial law issues including freight tax, GST, royalty withholding tax (RWHT), transfer pricing and stamp duty. We represented the Australian Shipowners Association, shipowners and operators in successfully challenging the ATO's draft ruling on the proposed application of RWHT to time charter parties.

Specialised advice is also provided on acquisitions and restructures, dealings with revenue authorities and compliance issues.



# About Middletons

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Middletons is a leading Australian law firm with offices in Melbourne and Sydney with around 60 partners, a further 190 lawyers and a total staff of more than 450.

We have extensive experience in acting for major corporates and industry leaders, and working on ground breaking transactions. Clients have chosen our firm because of our comprehensive skills, industry knowledge and approach to service.

Clients seek firms with industry knowledge and depth of experience to match. As a single service supplier of legal expertise, we offer our clients a broad range of legal services, including:

- » anti-counterfeiting
- » commercial & corporate advisory
- » commercial litigation
- » commercial property
- » competition & regulatory
- » corporate recovery
- » dispute resolution
- » franchising
- » industrial relations
- » intellectual property
- » patents, trademarks & designs
- » planning & environment
- » taxation & revenue
- » technology commercialisation & biotech
- » workplace relations.

Middletons has expertise and knowledge in specific industries and markets we see as integral to the Australian and world economies to ensure we understand our clients' businesses. Markets such as:

- » banking, finance & insurance
- » capital markets & M&A
- » energy & resources
- » manufacturing & retail
- » projects & infrastructure
- » property, construction & development
- » sport, media & entertainment
- » technology, telecommunications & innovations
- » transport, trade & logistics.

Middletons breaks the mould when it comes to big law firms. Our lawyers talk our clients' language but challenge their thinking. Our approach is different to others – we offer advice and services built on intellect, inspiration, influence, involvement, integrity and individuality.

Middletons is large enough to provide detailed business advice, yet small enough to ensure cost effectiveness and guaranteed partner access.

## Further Information



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