



# FEDERAL COURT OF AUSTRALIA

## Federal Court Admiralty and Maritime Jurisdiction

The Federal Court of Australia wishes to inform members of MLAANZ and the profession in Australia interested in Admiralty and maritime matters of the following things concerning rule reform, poundage and availability of Marshals and Judges.

### Rule Reform

After consulting with the profession in states other than New South Wales and with its Marshals and Registrars in all its Registries across Australia about the September 2003 Sydney Users' Group Report, the Federal Court, on 4 April 2004, through its National Admiralty Committee, presented a submission to the Commonwealth Attorney-General's Department for provision to the statutory rules committee. A copy of the submission was provided to MLAANZ and all State Supreme Courts. **A copy is attached.** As can be seen from the submission, for consistency with prior work, it takes the form of a commentary on the September 2003 Sydney Users' Group report.

The National Admiralty Committee of the Federal Court (Ryan J, Lee J, Cooper J, Tamberlin J and Allsop J) is a standing committee of the Court concerned with Admiralty and maritime issues.

No further comments have been received by the Federal Court from any state or territory Supreme Court since the Users' Group report was present to the MLAANZ Conference in October 2003. Consultation took place between MLAANZ and the Federal Court about the views of the Federal Court's Marshals and Registrars before finalising the submission. If practitioners have views on the Court's submission, the Court would be happy to receive them and they will be considered and also passed on to MLAANZ and the statutory rules committee.

## **Poundage**

Allsop J stated at the MLAANZ Conference in October 2003 the Federal Court has made representations to the Australian government about poundage for some time prior to October 2003. The Court is hopeful that the Australian government will abolish *ad valorem* poundage in the near future.

## **Availability of Marshals and Admiralty Judges**

The Marshals of the Federal Court are able to arrest a vessel anywhere in Australia, on any day of the year. All registries of the Court are open at all times (24/7) in respect of Admiralty applications, including those concerning arrest or release. National video link facilities from and to anywhere in Australia are also available, linking parties with Judges of the Court who have Admiralty expertise.

The Federal Court has experienced and trained Marshals in every State and Territory. In addition to the Marshals based in each registry of the Court, suitably qualified staff from relevant agencies (usually Sheriff's Office or local police) in any part of Australia can be appointed as Federal Court Marshals. Such persons have been appointed in Victoria, Western Australia, South Australia, Tasmania and the Northern Territory. Steps are being taken to make similar appointments in regional Queensland. Many of these Marshals are based in regional and remote parts of Australia.

In addition to these ongoing appointments, there are arrangements in each registry for the urgent appointment of Marshals where necessary. A Marshal may be appointed, for example, where there is insufficient time for a registry-based Marshal to reach the vessel before it leaves the jurisdiction or where the cost of sending a registry-based Marshal to the vessel is excessive. Such appointments are strictly supervised by the Marshal in the relevant registry of the Court.

Please contact the District Court registry in your State or Territory for further information about the execution of an arrest warrant or other application anywhere in Australia should you wish to do so.

If any member of the profession wishes to raise any matter with the Court about what is in this memorandum or otherwise about the jurisdiction generally he or she should contact Allsop J as convenor of the Federal Court National Admiralty Committee or any member of the Committee more conveniently located in his or her own State.

Federal Court National  
Admiralty Committee