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ARTICLES**TAMPA INCIDENT: SHIPPING, INTERNATIONAL AND MARITIME LEGAL ISSUES****Dr Michael White QC**

It is now some time since the “Tampa incident” and a review of the circumstances surrounding it, the maritime consequences and the legal issues that arose from it, seems appropriate. There are, however, too many issues for the one article. This article will deal with the facts and some shipping, international, and maritime law issues, and a second article will deal with the cases in the Federal Court and High Court, the retrospective legislation, legal aspects of use of the armed forces and other legal issues that arose out of the incident. 101

A RIGHT TO PRIVACY?**Dr Robert Dean**

Darwin tells us that life’s forms evolve as Mother Nature’s forces respond to new pressures exerted by changes in the environment. The more dramatic the change, the greater the pressure, the faster the evolution. The law develops, particularly at the hand of equity (*Burke v LFOT Pty Ltd* (2002) 209 CLR 282 at 326), as courts respond to pressures exerted by changes in the community. Courts do not invent new law but uphold new applications for existing laws and declare new hitherto unexplored boundaries to existing causes of action. The most important demonstration, in the modern era of this principle is the courts’ development of laws which protect the problematic right by an individual to personal privacy. This article examines a most dramatic example found in pronouncements on privacy by Australia’s historically appropriately conservative High Court. These welcome, and by many, unexpected, comments in *ABC v Lenah Game Meats Pty Ltd* (2001) 208 CLR 199, unlocked the hitherto firmly bolted privacy door. It now remains to be seen how far and how fast that door will open under the considerable pressure to protect personal privacy in the modern community. 114

FROM CONTRIBUTION TO APPORTIONED CONTRIBUTION TO
PROPORTIONATE LIABILITY

James Watson

The Commonwealth and State Attorneys-General recently agreed to a model for the introduction of “proportionate liability” reforms for claims for economic loss across Australia. The reforms will mean that in a successful action for damages, the courts will apportion quantum between defendants and according to their respective responsibility for the loss. The apportionment is to be made disregarding a particular defendant’s solvency, thereby transferring the risk of insolvency to the plaintiff. Further, the courts may apportion the damage in the absence of a person found also to be responsible, and a plaintiff may bring subsequent proceedings to recover that proportion. Amongst other things, the reforms effect a significant change to the way in which the common law and equity historically dealt with those who together or separately were the cause of a plaintiff’s loss, and raise the real menace of collateral proceedings. 126

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5. Austin, n 4, p 56.

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- Odgers S, "Police Interrogation: A Decade of Legal Development" (1990) 14 Crim LJ 220.

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6. Sheehy EA, Stubbs J and Tolmie J, "Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations" (1992) 16 Crim LJ 220.

7. Sheehy et al, n 6 at 221.

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