



3 SHORT BLASTS

Just when you thought we were making headway...

THE OFFICIAL BULLETIN OF THE AMOU WESTERN AREA BRANCH

G'day,

By now all officers employed in the Offshore should have received substantial pay rises and back pay, a direct result of the efforts of the AMOU on your behalf.

For those of you who pay correct annual subscriptions, thank you for making this possible, be proud.

For those of you who are not financial and accept the payment along with the other improvements in conditions won through this EBA, thank the financial members of the AMOU, without them you wouldn't have received it.

Before you buy the new toy or book the holiday, think about where this windfall came from.

I can assure you it wasn't luck.

For those of you who have become un-financial for whatever reason, now is a good time to think about why you have chosen to be carried, get over it and get back with us.

For those of you who have never been members, we invite you to apply to become financial members of the AMOU.

Membership contributions are tax deductible.

This should be a topic of conversation among the deck officers on every vessel.

We have been working on ideas to get shipboard AMOU meetings up & running. "Not another meeting!" I hear you say.

The idea is not to make it another hassle, but to get officers talking more about AMOU issues, recording their thoughts and getting feedback to the officials.

There will be a mail-out soon with a guide to how we think these meetings will work.

As always, if you don't feel you're getting good feedback from the Freo Office, let me know on wapres@amouwa.com.

Like most of you, I spend half my life at sea and not always in email range, so there might be delays sometimes.

Cheers,

Al Heyne

Acting President

WA Branch, AMOU.



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GORGON GATHERS PACE

The Ancient - An excerpt from Encyclopedia Britannica describes the mythical Gorgons. “Quite terrifying in the main having little or no benefit for mankind.” **Classical** art the Gorgons were portrayed as winged female creatures; their hair consisted of snakes, and they were round-faced, flat-nosed, with tongues lolling out and with large projecting teeth. Medusa—who in later art is depicted as beautiful although deadly—was the only one of the three who was mortal; hence, Perseus was able to kill her by cutting off her head. From the blood that ran from her neck sprang Chrysaor and **Pegasus**, her two offspring by **Poseidon**. Medusa’s severed head had the power of turning all who looked upon it into stone. Carved masks of the hideously grotesque type of the Gorgon’s head were used as a protection against the **evil eye**.

The Present: A project with enormous potential to benefit mankind.

Following on from exploratory coring work I took part in onboard the vessel Shaheda in 2004, finally the Gorgon project is growing quite rapidly at Barrow Island. The “upstream side” which entails bringing the 9 pipelines ashore from the deep waters of the Indian Ocean is yet to fully get underway, though recently I took the Bhagwan K to become the first vessel committed to “upstream” conducting a series of bottom profile and geological surveys in the shallow water cross over location on the west coast of Barrow Island at White’s Beach.

Since the Final Investment Decision was made to give the project the “green light” in August last year, work downstream has accelerated, with Barrow Island now a WA Department of Transport controlled port, with 2 island based Harbour Masters and Port Controllers managing the daily activities of the port. They produce a Daily Activities Schedule which outlines vessel movements and work areas within the port and they maintain VHF radio contact throughout the port on a 24 hour basis. Due to the stringent quarantine restrictions placed on activities at Barrow Island, there are three quarantine zones enforced.

- a. A Quarantine Controlled Access zone from the High Water mark out to 500 metres,
- b. A Quarantine Limited Access zone from 500m out 2.5 km and:
- c. A Quarantine Reporting zone from 2.5 to 12 km from the island.

For MARPOL purposes, no waste is discharged into the sea unless vessels are more than 12 nm west of the national baseline which runs parallel to the west coast of the island.

The landing barge landing and land backed wharf at WAPET landing which were built to take the landing barges including Karawa 2 and Karinya 2 in the early 80s have been upgraded to take the 90 metre Armoured dumb barges alongside the wharf and space at the ramp for three landing barges. The three Armoured barges are being

Bhagwan Shaker



towed from AMC in Henderson by tugs owned by Pacific Basin Sea Tow and the landing barges include the Karawa 2 (She has been in almost continuous service at Barrow Island since being launched in 1982). The OMSA Ningau and Malu Explorer and from Bhagwan Marine, the Bhagwan Mover , now joined by the Bhagwan Shaker. The cargo generally carried by the landing barges is either RO RO (trailer or drive on) or containerized. If cargo planning goes to schedule each barge can discharge and backload for Dampier in a three hour tide window. At this stage the tidal windows are limited to daylight hours only and until recently the landing barges have not been permitted to take the ground to dry out over an ebb tide in case of hull damage causing a hydrocarbon leak.

The dumb barges are handled in the shallow waters by two small German built shallow draft tugs, the Christian and the Moin. Built with typical Teutonic efficiency they are proving their worth, but due to their size make living onboard over a protracted time to be a challenge for the crews.

Members who have been to Barrow and WAPET landing in particular will remember the small breakwater which provided protection for the Miss Barrow and gave small boat / dinghy access to the island. This is undergoing a massive reconstruction, with a berthing slot comprising an abutment and mooring dolphins being built to accept 10,000 tonne dumb barges. A floating pontoon and walkway has been built for personnel transfer nearby. A construction barge, Westsea 7 and tender, Mercator are the principal vessels in this part of the project. A huge concrete base /pedestal has been constructed on the hillock overlooking the land backed wharf to take a 300 tonne crane which will be used for cargo operations.

In between Boomerang and Double Island are a number of small craft moorings for the pusher tugs, personnel/ crew transfer boats and other survey vessels.

South of Double Island and the existing oil export line, Boskalis are dredging the LNG tanker berth pocket and turning basin and closer inshore to the misnamed Town Point where the Gorgon Lease is situated, dredging the channel in to the area where the Materials Offload Facility is to be built. (Town Point is the point to the south where the WAPET (WA Oil) main camp is situated) The Boskalis spread includes

the suction hopper dredge, Cornelius Zanen, the backhoe dredge, BHD Baldur and the cutter suction dredge, Taurus. Numerous small tugs and workboats /multi cats are involved in other work, towing spoil barges, running anchors and laying moorings in the area. For vessels approaching Barrow Island from the East, extreme caution must be exercised because of the numerous mooring buoys and environmental monitoring buoy stations in the area.

Further out to the southeast is the accommodation ship, the Finnmarken, secured on a mooring with a flat top barge with a crawler crane on it secured on the starboard side. Personnel transfer from the Finnmarken is undertaken by a number of crew change vessels, some of which are capable making the trip to or from Dampier with about 20 passengers onboard. The Finnmarken is being supported by the supply boat Wise Tide 2, which performs all standard supply boat functions.

About six weeks ago, the top section of a new communications tower was being lifted in to place just south of WAPET landing. The birds were there to make their mark. A pair of Ospreys ready to lay claim to a penthouse nest as the steel fixers were bolting the sections together. In the late 80s a documentary was made – Barrow Island, The Caring Island which showed the diversity of wildlife which cohabited with industry. With the safeguards in place on this project there is no reason to believe that the wildlife will not continue to live as before and will be there long after Gorgon ceases to exist. We as professional seafarers need to ensure that we do nothing to endanger this unique environment.

Fred Lawrence
Roll# 11845



OMSA Ningai



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TROPICAL CYCLONE HUBERT (April 2006)

An oily swell, a leaden sky;
The glass down twenty points from
high,
An uneasy quiet throughout the ship,
Can we give the blow the slip?
A tropical low forms in the north east,
Slowly deepening, an untamed beast,
Rigs and platforms shutting down,
Sending crews ashore to town.

Cyclone watch along the coast,
Towns tying down, the winds they fear
most,
Flights are full to towns afar,
Will it stay dry in Marble Bar?

In the ports, ships prepare to slip,
Find some sea room, that's the tip.
Some to moorings, they will go,
Their crews ashore to await the blow.

Those at sea are battening down,
Securing all from flying around,
The cyclone chart upon the bridge,
A constant reminder of where it is.

Positions plotted - develop the track.
Will the cyclone double back?
Buys Ballot Law comes to mind,
Face the wind for the low to find.

To your left in southern waters,
The winds spiral inwards, clockwise
turning,
Feeding the eye - the cyclone engine,
Now Cat 4 - of huge dimensions.

Increasing wind, increasing swell,
Low scudding cloud with rain as well,
From the south east - now Force 9,
Turn and put the wind behind.

On the port quarter, there it's best,
The safest course is to the west.
Steam at wave speed, occasionally

pooping,
Adjusting course as the wind is
veering.

The vessel shakes, screws are racing,
Yawing, rolling, shaking, straining.
Not much sleep for those onboard her,
Can this old tub hold together?

Lookouts posted, nav lights on,
HF static - aerial's gone.
Radar's useless in long ranges,
Hope it detects the close in dangers.

A seismic ship with ten long streamers,
In the dangerous quadrant steaming.
Cyclone deepening, strength
increasing,
Pitching, heaving, gear breaking.
Six streamers gone - no more dollars
making.

A rugged night - crew are weary,
Dawn is breaking, vis is clearing,
Unseen by radar, a bulky looming,
Out to starboard, rolling, smashing,
Through the winds and waves she's
crashing.

Wind westerly now and decreasing,
The cyclone has past, the dangers
easing.
It's made landfall over country
stations,
The towns are spared on this occasion.

Climate change, for whatever reason,
April isn't normal cyclone season.
Observant masters watch for signs,
Cyclones can form from clear blue
skies.
Unlike a passing frontal storm,
The spinning cyclone can do more
harm,
So stay alert, look far and wide,
God and the bureau are on our side.



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Unfair dismissal – not an easy road

By Carl Young

An employer has the right to terminate your employment. All an employer needs to do is inform you that your employment is terminated & refuse to pay you – you must then fight to retain or regain your job. The employer doesn't need to go to Fair Work Authority to ask it if you can be terminated. And the process of getting your job back via 'unfair dismissal' is a difficult and demanding one.

Pre-hearing process

You have to lodge an application with FWA within 14 days of your dismissal and pay a lodgement fee of \$59.50 FWA notifies the employer of the application. If the application is lodged 'out of time' or the applicant isn't an 'eligible employee', the employer may decide to have a preliminary hearing to determine these issues. If successful the application is immediately dismissed (subject to appeal). If the application is lodged 'out of time' there may be a hearing to decide if the time to lodge the application can be extended. The applicant needs to show some compelling reasons why time should be extended.

An employer may also seek a preliminary hearing that the applicant isn't an 'eligible employee'. An eligible employee is one who:

- has worked for at least 1 year (a small business employer) or 6 months; and
- if you earn more than \$108,300 either an award or enterprise agreement applies.

Conciliation

If the application is lodged in time (or an extension is granted) & the applicant is an eligible employee, the matter will be referred to conciliation by FWA. The conciliation conference time is listed on the FWA website & in various newspapers. This may take several months depending on the workload of FWA and the availability of the parties. Conciliation is an informal, private & usually confidential process where the applicant & employer try to resolve matters by agreement with the assistance of FWA. The applicant needs to decide if he/she wants their job back (reinstatement) or if the issue is really only about compensation (i.e. \$\$).

In my experience this usually boils down to a cash settlement. Sometimes a reference, a post-dated resignation, a 'no-badmouthing agreement' or a Deed of Settlement forms part of the final deal. Members often insist or demand a written apology from the employer. In my many years before the industrial tribunals I've never seen or heard of an employer issuing a written apology.

The initial conciliation conference usually lasts at least 1 ½ hours but may go for much longer. Employers often stretch the truth during conciliation & make unfounded accusations of poor work performance, a significant occupational health & safety breach, or misconduct. This is a very stressful & challenging time for the applicant who must keep their cool. People I've represented in the past have often left conciliation feeling very angry, confused and bewildered by the statements of their ex-employer. It may take several conciliation conferences to hammer out the final terms and if you are represented by a lawyer the legal fees often outweigh the payment from the employer. If conciliation is successful then application is discontinued. If not, the applicant may take the matter to formal hearing.

Hearing

FWA will notify the parties of a hearing date. The hearing date & time is listed on the FWA website & in various newspapers. Again, this may take several months depending on workload & party availability. At this stage it may be some 6 months since the dismissal and you are only now going to hearing.

Some members of FWA like to have 'evidence in chief' on affidavit (with written outline of issues) provided some time prior to the actual hearing (including an Outline of Submissions & copies of any case law to be relied upon).

The time taken to prepare this material usually amounts to 3 days for each hearing day. Others prefer to have all oral evidence (given under oath) without the supporting written material. This is a formal court-like hearing with the proceedings being recorded and evidence given under oath. Often, this is the first time somebody has appeared in a court-like setting & the stress & pressure are very draining.

The FWA member must determine, based on the evidence presented, if the dismissal was harsh, unjust or unreasonable and must take into account the following:

- was there a valid reason related to the persons capacity or conduct;
- was the person notified of that reason;
- was the person given an opportunity to respond to that reason;
- employers unreasonable refusal to allow the person to have a support person present;
- if the dismissal relates to unsatisfactory performance, any prior warnings;
- size of the employers enterprise;
- any HR role in the business;
- any other matters that FWA considers relevant.

And the onus of proof is on the applicant to prove their case (eg: must demonstrate that the employer had no valid reason to terminate their employment). Depending on the number of witnesses a hearing usually takes a minimum of a day but I have been involved in cases that have taken 3 or 5 days.

Outcome of the hearing

You will either win (as in have a determination that you were unfairly dismissed) or you will lose. If the application has been instituted frivolously or vexatiously the employer can pursue you for its costs. Even if you get a positive ruling from FWA, the tribunal may not order reinstatement or indeed compensation the next step is reinstatement and/or compensation.

Personal note

Before I started working for the AMOU I was employed as an appointed (ie: not elected) Industrial Advocate with the Electrical Trades Union. I worked for them for 10 years or so. Immediately after an election I was summarily dismissed. I was given sufficient time to clear my desk and leave the building.

I made an unfair dismissal claim and lost.



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I know recently, this newsletter hasn't been as frequent as we would have all liked. The WA executive understands the importance of information flow to the members and we hope that we will be able to issue "3 Short Blasts" on a monthly basis. Al, (acting WA branch president), and I are now working with Dan, (WA branch secretary), to help spread the load but we need YOUR HELP. We will try and bring you information and goings on which we think is both, important to our members and also to the industry as a whole but if you have any suggestion, stories or ideas, please, forward them on to us. This would be a tremendous help. I would like to thank the contributors of this issue and look forward to reading more submissions real soon.

Until the next issue I wish you all safe passage.

Nathan McNee
Acting WA branch vice president
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