

The Australian  
*Maritime Officer*



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# AUSTRALIAN MARITIME OFFICERS UNION

The Australian Maritime Officers Union (AMOU) was formed when the Merchant Service Guild and the Australian Stevedoring Supervisors Association amalgamated. With a proud history extending back to the 1880s the AMOU is uniquely placed to represent all professional, administrative, supervisory and technical employees in the maritime and stevedoring industries and in Port and Marine Authorities.

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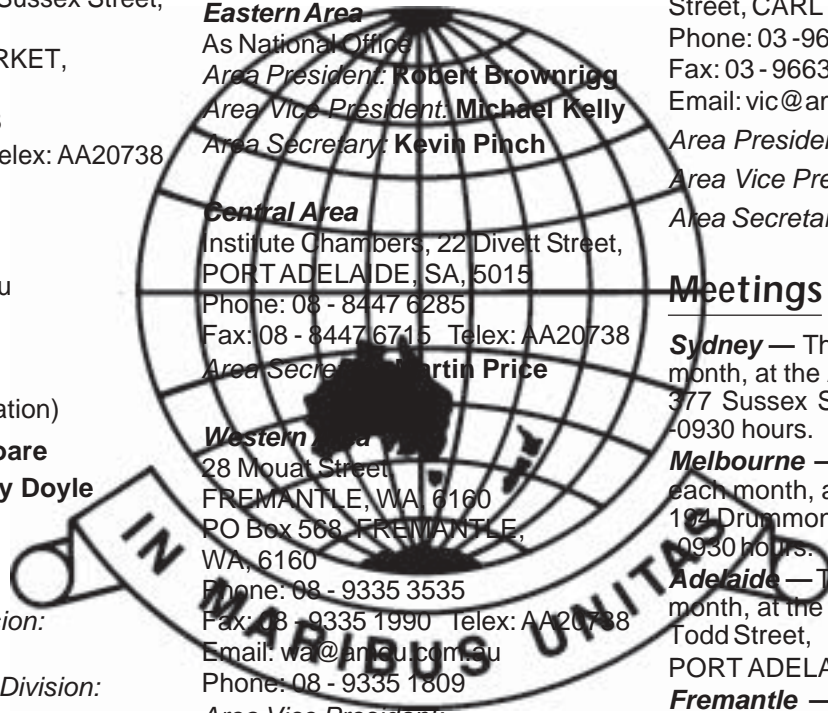
## Meetings

**Sydney** — The last Tuesday in each month, at the AMOU Office, 5th floor, 377 Sussex Street, SYDNEY -0930 hours.

**Melbourne** — The last Tuesday in each month, at the AMOU Office, 102 Drummond Street, CARLTON, -0930 hours.

**Adelaide** — The last Tuesday in each month, at the Port Dock Brewery, 10 Todd Street, PORT ADELAIDE - 0930 hours.

**Fremantle** — The last Tuesday in each month, at The Flying Angel Club, 76 Queen Victoria St., FREMANTLE - 1030 hours.



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**Front page:**

**Night drill "Aurora Australis"**

**Photo: Ken Dietz**

*The Australian*

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# PRESIDENT'S REPORT

**Richard Hoare**

**A**s this edition of the journal goes to print, the AMOU National Elections have been completed. The candidates for the majority of positions, of the Executive Council and Branches were returned un-opposed, however a ballot was required for the positions of Offshore Division delegates and Western Area President. The election results are listed, together with a summary of all positions held, on **page 9**.

The delay to the elections, as a result of the clash with NSW State elections, has of necessity delayed the Executive Council meeting this year. It is my intention to hold the Executive Council meeting as soon as it is convenient to councilors and the rules allow.

The Auditors financial report is included in this edition of the journal, which has been approved by the current executive council and will be submitted to the September Monthly meeting of members for approval.

Members are probably aware of the formation of a Shipping Review group (IRAS), comprising representatives from Government, Shipping Industry, Unions and other interested parties chaired by Peter Morris and John Sharp, both former Ministers for Transport. This committee was formed in the middle of 2002 on the ship-owners initiative. There have been a number of meetings through 2002 and 2003 with the draft report now being considered.

Fred Ross, Offshore Divisional Director is representing the AMOU in this forum and in discussions with him he has assured me that wages and leave are not agenda items.

At a recent forum, held in Canberra, attended by members of IRAS, Government Department heads and their staff the federal transport minister John Anderson clearly indicated that the Government was unlikely to make any changes to its Maritime policy during its current term of office and was of the opinion that "Australia is a shipper nation, not a shipping nation." He expressed sympathy with the industry and the negative perception that it had within the government.

On a positive note he made it clear that the Government was concerned and would consider some policy

initiative to solve the shortage of Officers who were needed to fill Marine related shore positions such as pilots and marine surveyors.

Whilst one can be critical of the Coalitions policy the Federal Opposition transport spokesman gave no indication of support saying that unless we made great changes the industry was finished. It would appear that shipping is not on the radar screen of either political party with policy firmly in the hands of the Department heads and bureaucracy.

When the document is released it will be put on the AMOU website [www.amou.com.au](http://www.amou.com.au), together with a full report to members, but from the reports I have received it will generate little excitement.

With the continuing proliferation of paperwork being generated under ISM, company requirements and safety inspections, in conjunction with normal duties, the hours of deck officers are reaching saturation point. In all EBAs the offshore division officials will insist the following clause be included:

*"Officers duties will be reviewed by the Master to ensure that an officer receives a minimum of 70 hours rest in a week in accordance with STCW 95 and the average hours per day of work do not exceed eleven over a period of one week."*

STCW 95 provides for 10 hours rest per day but all other hours are not to be considered work hours with the ten hours rest being the minimum not the maximum.

To achieve this it is anticipated that some industrial action may be necessary as whilst some owners are aware that excessive hours are being worked they prefer to turn a blind eye to officer's not recording those hours. (See page 19.)

This problem is not unique to Australia and to ensure the success of this campaign all officers must accurately record their hours of duty. It is anticipated that a draft of Marine Orders part 3 (certification) will be available early September and whilst controversy continues to surround the review, the AMOU believes that regulations must be reviewed and updated at regular intervals.

Qualifications whether professional or trade based despite the traditional and conservative views held by Seafarers will continue to change to meet the needs of an ever changing industry. It is not the intent of AMSA, Employers or the AMOU to reduce standards.

**Smooth sailing  
Captain Richard Hoare**

# Operation Rushcutter



Extracts from the diary of: Allan McCarthy  
Supernumerary First Officer - RSV Aurora Australis.  
Photos by Ken Dietz

## 2<sup>nd</sup> April 2003

The Australian Fisheries Management Authority (AFMA) Charter, codenamed “*Operation Rushcutter*” commenced on the 2<sup>nd</sup> April 2003 for approximately 40 days aboard *RSV Aurora Australis* – an Australian registered ice breaker ship under the command of Captain Murray Patrick Doyle – Australian Merchant Navy, the ship being owned and operated by P&O Polar. The object of the charter was to send an armed party into the Heard Island and McDonald Island Australian Exclusive Economic Zone (HIMIEEZ) to apprehend, if necessary, any illegal Patagonian tooth fish fishing vessel and then install a steaming party to navigate the vessel/s back to Australia. These vessels and their operators were referred to by all onboard as “tooth fish pirates”. April the 2<sup>nd</sup> and 3<sup>rd</sup> saw the *Aurora Australis* loading stores, charterers equipment, taking on fresh water and topping up her bunkers by road tanker. Forming part of the charterers equipment were two AFMA’s pursuit boats which were loaded aboard the *Aurora Australis*, one being fitted to the starboard davit usually reserved for *Aurora Australis*’s Fast Rescue Craft (FRC) and the other pursuit boat lashed in a cradle to the heli-deck on the port side. These pursuit boats being the primary means of boarding the “tooth fish pirates” vessel. The FRC was securely lashed in a cradle on the starboard side of the heli-deck.

## Heard and McDonald Islands

These subantarctic island groups form part of Australia’s external territories. Located about 2160nm SW of Perth in Western Australia, both island groups have volcanic history. Heard Island is about 27nm long and about 13nm wide with Mount Mawson at 2740m on Big Ben Mountain. Just about all the surface is covered with ice and snow. Discovered in 1833 by a British sailing vessel and later named after an American mariner, Captain John J Heard, some colonies of elephant seals and penguins on Heard



Heard Island

Island were hunted in the latter half of the 19<sup>th</sup> century. In 1947 Heard Island was transferred to Australian control from the British. Since then, science research groups have inhabited it intermittently. The McDonald Islands group is uninhabited and consists of rocky islets about 25nm west of Heard Island.



#### **4<sup>th</sup> April 2003**

The *Aurora Australis* sailed from Hobart at 13:00 hours local time on the 4<sup>th</sup> April 2003 with a volunteer crew of 21, all of whom being experienced Antarctic seafarers, an armed boarding party from the Australian Customs Service – National Marine Unit, one Signalman from the Australian Army to operate specialist electronic equipment designed to assist in locating the illegal fishing vessels, three Fisheries Officers from Australian Fisheries Management and eight supernumerary Australian Merchant Navy personnel, also volunteers for the operation, who comprised the “steaming party”. Myself and another suitably qualified Merchant Navy deck officer along with two Marine Engineers and four volunteer Integrated Ratings were tasked with the conduct of the safe passage of a captured illegal fishing vessel across the international waters of the Southern Ocean from the Heard Island-McDonald Island Exclusive Economic Zone to the nearest major Australian Port, that being Port Fremantle. The targeted vessels – mostly longliners, conduct illegal fishing operations inside the Heard Island and McDonald Islands Exclusive Economic Zone which is Australian Territory.

The *Aurora Australis* also sailed with a Hobart Marine Pilot who disembarked after we were safely away from Macquarie Wharf No.

Three and bid us farewell before we altered course to 180°(T) to begin our seaward bound leg down the Derwent River towards the Iron Pot, our next waypoint. Shortly after reaching the Iron Pot waypoint *Aurora Australis* headed into Storm Bay for the first of many boat launching drills. These drills were designed for the Customs crewed AFMA pursuit boats to familiarise themselves with their individual pursuit boat launching techniques as well as prepare themselves for their task ahead. Launching of the port side pursuit boat was carried out using the aft ships seven tonne crane that hoisted the pursuit boat over the port side and lowered it whilst moving forward along the side of the ship to the bunker door. The Customs crew boarded the pursuit boat via the bunker door.

When ready, the crew signalled to the crane driver to lower away whilst starting the outboard motors. Once in the water the coxswain drove away as the painter line was released. Recovery was the reverse operation.

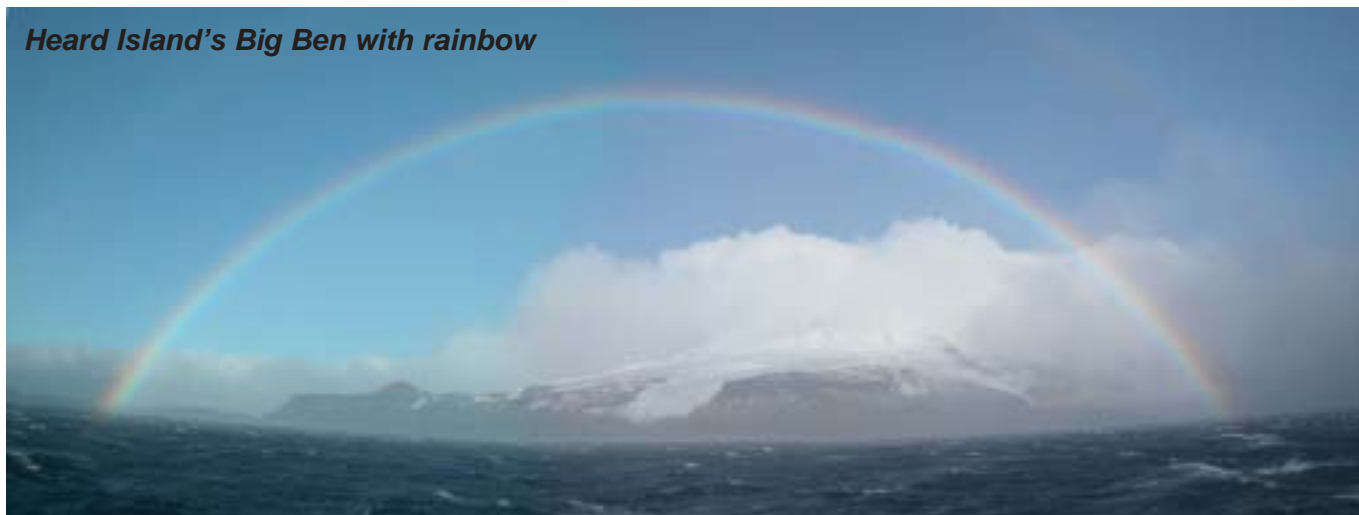
The pursuit boat mounted in the FRC davit on the starboard side by comparison was much easier to launch and took considerably less time as one would expect and so this pursuit boat was launched first beginning with the boat being lowered from its housed position to the embarkation level momentarily while the Customs crew boarded and set themselves up for launching. Night time drills were carried out that night, however the assessment made afterwards resulted in cancellation of future night time boat launching. During the evening of the 4<sup>th</sup> April the *Aurora Australis* made her way from Storm Bay to a position just inside the entrance of the D’Entrecasteaux Channel to conduct a personnel boat transfer the next day of personnel to shore. These personnel comprised one DSTO electronics technician and four Customs Officers. The Customs Officers formed the training assessment team and had been onboard to oversee the



***Another day at the office - Southern Ocean Transit***

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### **Heard Island's Big Ben with rainbow**



initial boat launching drills and make their assessment to the Senior Customs Officer who was embarked onboard the *Aurora Australis* for “*Operation Rushcutter*”.

#### **5<sup>th</sup> April 2003**

After more boat launching drills during the 5<sup>th</sup> April the *Aurora Australis* began to set course for a position at the boundary of the Heard Island-McDonald Island Exclusive Economic Zone. The next three days saw the ships crew and Customs Officers conduct more boat launching drills each afternoon, whilst on the 9<sup>th</sup> April the drills were cancelled due to a rising sea and heavy swell, as were the 10<sup>th</sup> and 11<sup>th</sup> April.

#### **12<sup>th</sup> April 2003**

The 12<sup>th</sup> April saw a window in the weather that allowed us to have another drill, this drill being different from the rest as it was a “full dress rehearsal”. Ships crew handled the crane driving and launching davits with precise timing and accuracy for the sea conditions, as did the crews of the pursuit boats dressed in their dry suits with their weapons and packs. Every detail of preparation was put into gear including recording of all events from the bridge, hoisting the appropriate international signal flags-SQ3, the Australian Customs Flag along with the Australian National Flag. At the request of the Senior Customs Officer an ALDIS signalling lamp for signalling by flashing light using international morse code was tested by myself and also placed at the ready inside the bridge.

From all observation angles the rehearsal went well with only one small incident when one pursuit boat crewmember lost the cap off his front tooth when he bit down on his glove whilst removing it after the rehearsal. No first aid was required however the ships doctor, a specialist Antarctic Medical Officer embarked for this operation, Doctor Karl Rollings, checked out the Customs Officer before giving him the all clear. The aim of the crew aboard is to keep the Doctor as unemployed as possible on voyages – *Safety first*, however some incidents occur.

#### **13<sup>th</sup>-15<sup>th</sup> April 2003**

No drills carried during this period whilst the *Aurora Australis* made her way towards a predetermined position at the edge of the HIMIEEZ (Heard Island-MacDonald Island Exclusive Economic Zone).

#### **16<sup>th</sup> April 2003**

Partial blue sky (“Dutchman’s britches”) appeared for a few hours today. Since departing Hobart the barograph supplied and serviced by the Bureau of Meteorology Hobart has been like a “roller coaster”, except on each downhill run it went deeper as *Aurora Australis* pitched and rolled her way through the cold fronts and associated sea conditions, as we had expected with our shallow cut across the parallels along our path. “Welcome back to the Southern Ocean – *Aurora Australis*”.

#### **17<sup>th</sup> – 19<sup>th</sup> April 2003**

The patrol continued for the “tooth fish pirates” in an area designated by Australian intelligence authorities as *Aurora Australis* pitched and rolled, day in day out through a constant heavy swell, frequent driving rain/sleet with a steady force eight/nine (over 40kts) for most of the time. Saturday the 19<sup>th</sup> was different however; Merchant Navy Sports day which meant we had an Emergency Muster Drill followed by instruction in pyrotechnics and Emergency rocket line-throwing apparatus. The Australian Customs Service – National Marine Unit team embarked aboard carried out shooting practice shortly afterwards with their M16 weapons.

#### **20<sup>th</sup> April 2003**

Safety rounds were conducted on *Aurora Australis* today, however due to the weather only internal rounds and other selected areas had the safety rounds carried out. An announcement was made later on today that we were going to Heard Island to drop the pick in Atlas Cove; the majority of people onboard were delighted to hear the news despite the heavy weather with pitching and rolling.

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## **21<sup>st</sup> April 2003**

The first part of the morning saw people get a glimpse of Heard Island in between breaks of the cloud and mist as *Aurora Australis* rounded the SW part of the island closing Atlas Cove towards the selected anchorage position; however anchoring was not to be as it was decided the weather was not conducive for either anchoring or sending people ashore. We sailed onto another area to continue the patrol for the “tooth fish pirates” to the North of Heard Island.

## **23<sup>rd</sup>-24<sup>th</sup> April 2003**

*Aurora Australis* continued patrolling north of Heard Island in accordance with instructions and advice from Australian authorities. During the afternoon of 23<sup>rd</sup> April the ship encountered fierce weather causing us to hove-to, head to wind for the afternoon. During the 24<sup>th</sup> the weather abated to the usual force seven-eight and we continued on the patrol.

## **25<sup>th</sup> April 2003 – Anzac Day**

The day opened overcast and cloudy. That did not stop almost all personnel onboard (stand fast some off-watch men) from turning out on the heli-deck for a short ANZAC day dawn service. A reading from the person in charge of the Australian Customs Service – National Marine Unit aboard was carried out and the ANF (Australian National Flag) raised in a short commemoration to all those who have been involved and those who have made the supreme sacrifice for Australia in all conflicts.

The *Aurora Australis* continued on with her patrol in the areas as designated by the Australian authorities responsible for supplying information to us for “*Operation Rushcutter*” in the Heard Island and MacDonal Island Exclusive Economic Zone.

## **26<sup>th</sup> April 2003 - Unknown contact**

Just after 05:00 hours a signal was received on the electronic detection equipment. The radars were switched to standby, speed reduced to six knots and extra personnel were called to the bridge. The ship was turned towards the contact and speed reduced to four knots. At 08:00 hours course was altered to 000° T (North).

08:20 hours – radars on for two sweeps, contact gained at range of 21nm bearing 084°



***Unidentified Fishing Vessel located just outside the HIMIEEZ***

T. *Aurora Australis* continued to shadow the contact throughout the morning until the contact was lost on radar around midday. After plotting the position/s of the contact it was determined that the unknown contact was steaming along the edge of the Australian EEZ. That night we conducted another boat launching to practice for night boardings, the sea state had abated somewhat and all went well throughout the drill.

## **27<sup>th</sup> – 30<sup>th</sup> April 2003**

*Aurora Australis* continued along its designated patrol lines inside the HIMIEZZ with no contacts on radar, visual or ESM (Electronic Support Measures).

## **01<sup>st</sup> May 2003**

05:30 hours: ESM detected a strong signal, radars on for two sweeps, target detected at range of 12.9nm bearing 072°T and



***Signalling the unidentified vessel using an Aldis Lamp with International Morse Code signals.***

## **"Aurora Australis" in the ice**



engine) after which we increased speed from 13 to 17kn to close in on the unidentified long liner for a closer look and to sight the vessels' name and registry as painted on the hull. Challenging the target vessel continued by one of the officers from Australian Fisheries Management Authority, no reply.

**08:36 hours:** Again it was decided to take a closer look at the vessel running away, although the vessel **had** been outside the HIMIEEZ we still wished to establish the vessels name and port of registry. The *Aurora Australis* began to close to within 1nm of the target vessel.

**08:45 hours:** *Aurora Australis* closed to within approx 0.3nm to

*Aurora Australis* altered course to 080°T and increased speed to 12 knots initially.

**06:39 hours:** Gained visual contact with a long line vessel, the vessels' position was about 65 nm outside the HIMIEEZ and suspected this was the vessel that we had been shadowing for days as it steamed southbound along the HIMIEEZ boundary S.E. of Heard Island.

**07:00 hours:** Although target vessel was just outside the HIMIEEZ it was decided to steam towards the vessel, establish communications with it using VHF radio channel 16 to announce ourselves and our reason for being in and around the HIMIEEZ and then request the name and port of registry of the target vessel. It was then that the target vessel increased speed and took off to the east to move further away from the HIMIEEZ.

**07:15 hours:** Target vessel now at 12 knots after slowly winding up her speed. At this time and after being notified by the head of the customs team aboard, I began signalling a challenge call to the target vessel using the ships ALDIS lamp. No reply, flags were also hoisted using the international code signal flags. No methods of attempting to communicate were successful until 07:20 hours a voice came over channel 16 VHF that spoke in Spanish and was not readable. The ships DF (Direction Finding) equipment indicated the radio was from the target vessel. Before leaving port I installed into the memory of the ships VHF Direction Finder, all the VHF channels frequencies in case it may be required to assist.

**07:35 hours:** A Customs Officer challenged the target vessel using VHF voice in the Spanish language, no reply, target vessel continued to head east – further away from the HIMIEEZ and still not replying to our requests for vessels name and port of registry, we identified ourselves again to the target vessel but still no reply.

**07:41 hours:** It was decided to start the ships main engine (we had been economically steaming around on the small

attempt to get a good visual identity of the vessel's name and some close up photography with film footage. It was then that the target vessel began to perform manoeuvres that would have made any "Grey funnel line" ship handler proud, hard over turns, part Williamson turns and opposite wheel manoeuvres. These manoeuvres continued with *Aurora Australis* following at a safe distance, (it should be noted that the *Aurora Australis* has very fast pick up speed from stopped in the water together with a quick stopping distance combined with tight turning capabilities that ice breaking ships must possess in their capabilities) so as not to interfere with the target vessel's keeping of a safe navigational watch.

As we closed in on the target vessel it was evident that the target vessel's port of registry on its stern had been painted over as had a part of the vessel's name along the side near the bow. Why any long liner who was innocently fishing outside the HIMIEEZ in international waters and not breaking the law would wish to paint over her registry and name to hide identification is something to consider.

After obtaining images of the targeted vessel by digital camera, video and still photography including sightings of ditched rubbish including ropes along with attempted photographs of an albatross that was flying around our ship with a rope hanging onto one of its' leg, we parted company with the unidentified long liner and headed back into the zone to continue on with our patrol. The target vessel was last seen heading on an NNE'ly heading.

### **2<sup>nd</sup> –3<sup>rd</sup> May 2003:**

*Aurora Australis* continued on with her patrol inside the HIMIEEZ until the 4<sup>th</sup> May whence the homeward transit towards Hobart commenced. The *Aurora Australis* arrived in Hobart on 12<sup>th</sup> May 2003 where the charter completed the following day.

**The end**



# Results of the 2003 Elections for the Officers of the Australian Maritime Officers Union

## National Office Positions

### **President:**

*Richard Hoare*  
Master, Teekay Shipping

### **Vice President:**

*Murray Doyle*  
Chief Officer/Master, P&O Polar

### **Secretary:**

*Wayne Moore*  
Master, Newfield

### **Secretary:**

*Michael Fleming*  
AMOU Official

## Eastern Area

### **Eastern Area President:**

*Bob Brownrigg*  
Master, Miss Piggy Barges

### **Eastern Area Vice President:**

*Michael Kelly*  
Tug Master, Adsteam Sydney

### **Eastern Area Secretary:**

*Kevin Pinch*  
AMOU Official

## Southern Area

### **Southern Area President:**

*Lance Morgan*  
Master, Hobart Ports Corporation

### **Southern Area Vice President:**

*Neil Hunter*  
Shipwright, TT-Line

### **Southern Area Secretary:**

*Stephen Groves*  
AMOU Official

## Central Area

### **Central Area Secretary:**

*Martin Price*  
Pilot, Flinders Ports

## Western Area

### **Western Area President:**

*\*\*Peter Broome*  
Tug Master, Fremantle Adsteam/  
*\*\*Gary Mather*  
Master, Offshore Adsteam

### **Western Area Vice President:**

*Robert Rawlings*  
Master, Fremantle Port Authority

### **Western Area Secretary:**

### **Offshore Divisional Delegates:**

*Robert Ashmore*  
Oil & Gas, Total Marine  
*Gary Mather*  
Oil & Gas, Adsteam

### **Port Services Divisional Delegates:**

*Greg Forrest*  
Master, Sydney Ferries STA  
*Louis Papaloukas*  
Tug Master, Melbourne Adsteam

**\*\* Tied vote - Results pending**

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# Commission Decision upheld by High Court

**E**xactly 3 months from the hearing, all seven Justices of the High Court of Australia, in a single judgment held the Australian Industrial Relations Commission (AIRC) had jurisdiction to consider an application to add CSL Pacific Inc (CSL), a company incorporated in Barbados, who is the owner of a Bahamian registered ship, crewed by Ukrainian nationals, to the Maritime Industry Seagoing Award (MISA).



**Left to Right: Nathan Keats, employed solicitor with W.G. McNally & Co; Joanne White, solicitor and National Legal Officer Maritime Union of Australia; Bill McNally instructing solicitor; David Jackson QC; Andrew Bell of counsel; John Wydell, solicitor and Industrial Officer Australian Maritime Officers' Union; Barbara Lu, employed solicitor with W.G. McNally & Co. Taken 7 May 2003 in front of the High Court of Australia, Canberra ACT.**

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## **The relevant facts are as follows:**

There are three companies involved. CSL Pacific Inc (CSL) the Bahamian company. CSL Australia Pty Ltd an Australian company. CSL Canada also known as Canadian Steamship Lines. One needs to distinguish between the entities.

As a result of changes to ANL, CSL Australia acquired part of the business of ANL involving the operation of two ships, the then *River Torrens* now the *CSL Pacific* and the then *River Yarra* later the *CSL Yarra* and presently the *Stadacona*. The two ships owned by CSL Australia traded on the Australian coast and were for all intents and purposes engaged in Australia's trade and commerce.

In about July 2000, CSL acquired the *River Torrens* from CSL Australia. The *River Torrens* was renamed the *CSL Pacific* and was registered at Nassau in the Bahamas. At the time CSL

acquired the *River Torrens* she was berthed up in Shanghai with no crew. CSL then arranged to recruit a Ukrainian crew who had signed articles in Odessa in the Ukraine. The ship had been what is often referred to as flagged out. In summary the Australian registration cancelled and flag removed, the ship re-registered in the Bahamas, flying a Bahamian flag, the Australian crew repatriated to Australia and made redundant.

In about October 2001, the now *CSL Pacific* returned to the Australian Coast from North America. The vessel was the subject of a wet time charter from CSL to CSL Australia. It should be noted that the time charter between CSL and CSL Australia could be terminated at any time by CSL Canada at the conclusion of any voyage.

The *CSL Pacific*, indeed the two CSL ships have continued to trade on the Australian coast. As a result of the flagging out, the ships are no longer entitled to trade on the Australian coast unless authorised to do so by Permit. The two CSL ships have been granted either continuous voyage permits (CVP) or single voyage permits (SVP) by the Minister for Transport.

CSL's arguments in the High Court went something like this. CSL contended that although there existed a law of Australia, which, when one simply read the law appeared to give the AIRC jurisdiction, then that law was unconstitutional and invalid. The Justices observed that that contention went against the settled law. If there was ever any doubt about section 5(3)(b) of the Workplace Relations Act 1996, it no longer exists thanks to this matter.

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CSL contended that if the law was valid then it should not apply to them on the grounds that the employer of the crew being CSL was not present within Australia, the employees were not engaged in Australia and did not reside here and the employees were not members of an Australian industrial organisation like the AMOU. The law applied to CSL and no amount of constructed circumstances on their part would see them escape. In other words, no loophole could be constructed.

CSL contended the Australian law was contrary to international law, specifically the “right of innocent passage” and the “internal economy rule”, and so the Australian law should be read down so as not to affect either. The High Court held the Australian law did not interfere with the navigation of the *CSL Pacific* through the Australian territorial seas for the purpose of proceeding to or from Australian waters and calling at Australian ports. As to the so called “internal discipline of the ship” or the so called “internal economy rule”, the Justices were of the view those statements fell short of a rigid formulation of customary international law.

The three Maritime Unions were pleased with the outcome of the High Court.

## ***Application to vary dismissed-industrial issue to be heard***

### ***On Thursday 14 August 2003, Raffaelli C handed down his decision in relation to the s.111(1)(g) application by CSL.***

In order to understand the significance of Raffaelli C decision, it is important to go over some of the background.

Initially the three maritime unions made an application to vary the Maritime Industry Seagoing Award 1999 (MISA) to add to the list of respondents to the Award, CSL in respect of its vessels the *CSL Pacific* and the *Stadacona*.

That matter was referred to a Full Bench of the Commission. The Full Bench made a number of determinations. Of particular importance was the determination of the existence of an “industrial issue” between the parties which gives rise to jurisdiction being vested in the Commission. The “industrial issue” is whether terms and conditions corresponding with some or all of the terms and conditions of employment applicable to maritime employees whose employment is covered by MISA should be accorded to maritime employees engaged on the ship *CSL Pacific* in respect of any class of, or all voyages to or from a port in Australia.

The Full Bench made a provisional determination that the parties show cause within 15 days before Raffaelli C as to why the Award should not be varied to insert in Schedule 1: *CSL Pacific Inc*, as the employer of the crew engaged

upon the ship *CSL Pacific*; and add a new clause 4.3: In relation to the ship *CSL Pacific*, this award applies in or in connection with voyages or operations within Australian waters or while operating under a permit or licence granted under the Navigation Act 1912 or on a voyage to or from a port in Australia.

In November 2002, CSL made application to the High Court of Australia. The application to the High Court was to deal with the assumption of jurisdiction by the Commission. The decision of the High Court is discussed above.

However before Raffaelli C could go on to deal with the provisional determination of the Full Bench, he first had to hear and determine the application by CSL pursuant to s.111(1)(g). A s.111(1)(g) application is an application to dismiss a matter or part of a matter or to refrain from further hearing or determining a matter if it appears that further proceedings are not necessary or desirable in the public interest.

In his decision Raffaelli C held in respect of the application to vary the Award to add CSL as a respondent he was satisfied no further proceedings were desired in the public interest. Raffaelli C was of the view that when consideration is given to the principal objects of the Act and the functions of the Commission any extension of MISA to CSL would seem to offend a number of the Act’s objectives. The evidence which led the Raffaelli C to that conclusion was: Australian crews are unwilling to undertake in routine ship maintenance; the crew swing is at odds with international standards; there is a refusal by Australian crews to dig out as part of their routine duties without additional payments; leave accrues at a rate of 0.926 of a day for each day served at sea, approximately six months leave in every twelve months; there is no monetary incentive to work overtime and thus it is resisted. To be fair, the point should be made there was no contradictory evidence before the Commission and in such a case it is entitled to make findings based upon unchallenged evidence. So in terms of the application to add CSL as a respondent to MISA in its entirety, as that application has been dismissed, CSL has had a good win there.

However the Commission has decided not to dismiss the hearing of the industrial issue. So it can be said the maritime unions have had a win there. The Commission will in due course list the industrial issue for further programming as to hearings.

Further reports will be available in the next journal and in the industrial report.

By John Wydel I  
AMOU Industrial Officer

# Woodside Trunkline Systems Expansion Project

By Fred Lawrence  
Second Mate "BBC Portugal"  
RoI No 11845

**In May this year an armada of vessels began gathering in Mermaid Sound in WA in preparation for the laying of a second pipeline from Woodside's Withnell Bay LNG plant to the vicinity of the North Rankin production platform. A distance of approximately 134km, involving the laying of 10,950 12.2metre lengths of 42 inch ID concrete coated pipe. Each pipe weighing about 21.5 tonnes.**

The contract was awarded to Saipem(Portugal) utilising the lay barge *Castoro 2* from the beach to the 6.3 km point, with the larger semi-submersible lay barge *Semac 1* continuing the pipe lay to open water and beyond. Bertling Logistics (Australia) in co-operation with Seaconcert (Thailand) would provide the five 33,000 dwt geared bulk cargo ships (mother vessels) and three smaller feeder ships to transport the pipe.

Four of the mother ships chartered from the German Oldendorff company comprising, *Lily*, *Lucas*, *Edourd* and *Carl Oldendorff* were to make two voyages from Batu Ampur in Indonesia, while a fifth vessel, the *Bright Ocean*, would only make one. They would be laden with approximately 1300 pipes and mastic in bulk bags on each voyage.

The 86m, 3495 dwt feeder vessels, from W.Bocksteigel in Emden, Germany comprising the *BBC Portugal*, *Nils B* and *Lebasee*, loaded with pipe and mastic joint coating were manned in Singapore with crews provided by Adsteam Offshore. These UMS ships had been delivered from Europe to Singapore by their owners, each having a crew of seven – Master, Mate, C/Engineer and four ratings. Each ship had accommodation for 12. With the Australian manning requirement of Master, two mates, two engineers, eight IRs and a Cook, as well as initially retaining the owners Master and C/Eng on board as owners representatives, required additional bunks to be installed in ratings cabins, the sickbay and ship's office. They were modern, well equipped ships, *BBC Portugal* being only 18 months old, the others older. The small galleys and lack of freezer/chiller space and dry goods storage were hurdles to be overcome.



**The pipe end going ashore in Withnell Bay**

As the ships were being manned, the pipeline route had been surveyed by Adsteam's utility vessel, *Shaheda* and trenching was carried out by the dredges *Pelican* and *Queen Of the Netherlands*, manned by Total Marine Services. TMS would also man the rock dumper – *Jan Steen*. Other utility vessels such as the *Marella*, *Mermaid Raider* and *Mermaid Eagle* were provided by Mermaid Marine. The two lay barges would be towed from Singapore by the Swires vessels, *Pacific Frontier*, *Pacific Conqueror* and *Pacific Challenger*, who would also carry out AHTS functions, with *Pacific Spear* later joining for supply duties. On completion of the shallow section, *Conqueror* would tow the *Castoro 2* back to Singapore. The Adsteam vessels *Harrietta* (for feeder vessel berthing assistance) and the landing barge *Karinya 2* would also be employed.

Our Australian crew, comprising of, Master - Phil Lansbury, Second Mate Fred Lawrence, C/Eng Peter Carson, First Eng Tom Appel, IRs Spike Jones, John Rigg, Jason Reah, Don Joshua, Rob Morris and the cook Tony Brkulj joined *BBC Portugal* on Easter Sunday in Singapore. Mate, Craig Brooks and IRs Dave Chetwynd and Clive Laurenson would join on arrival in Dampier on the 29<sup>th</sup> of April. For the run south the owners master Sergiy Silla from Odessa would join the bridge team. Iltocho Dimitrov (from Bulgaria) the owners C/Eng would assist our Aussie engineers in learning the nuts and bolts of the engine room. The owners representatives willingly provided vessel knowledge and assisted in maintaining the company (German) QSMS system. We took on Australian standard food stores in Singapore, which required us to dispose of all the chiller and freezer goods which the ship had brought from Europe. The variety of food prepared by Tony the cook was vastly superior to the ships traditional fare and our owner reps made the most of it.

On arrival in Dampier we underwent a Port State Inspection, which required us to embark additional liferafts to give the capacity both sides for the increased manning. Unknown to us, the ships medical stores were all labelled in German, some overwritten in Russian. We had arrived in Singapore at the height of the SARS crisis,

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but on arrival in Australia were soon cleared by Immigration and Health, but rapidly succumbed to local seasonal head colds. Not knowing what German drugs were used for treating colds and flu, a hurried call home sourced some brand name tablets which soon got every one back on line. A later visit by the GL class surveyor sorted that problem, providing an English translation of the German medical scales, so that I as Medical Officer, resident in the Sickbay would not issue the incorrect medicine.

While *Castoro 2* was being put on location close to the beach we underwent a Bertling induction. JHA's were created for the cargo pipe handling and berthing operations and pipeline co-ordinates were plotted on the charts. The barge anchor spread and very shallow water conditions were going to make berthing approaches difficult. As always with these jobs, written procedure soon went out the window. In accordance with procedure we were to have a daylight practice berthing to allow the ship handlers the opportunity to test and try the approach method. This required the ship to enter the buoy pattern with the barge on the port bow, then turn at rest through 140 degrees and manoeuvre with the assistance of the bow thruster, Becker active rudder and the *Harrietta*, berthing starboard side to alongside *Castoro 2*. The *Castoro*, having a relatively low freeboard would provide a reasonable run for our lines, but the age old problem existed with no fairleads being given. Every where a line went to a bollard, there was a jagged chafing spot. Our deck crew splicing skills were soon in use. On 1<sup>st</sup> May our first call to go alongside came - Just before sunset near the bottom of a falling spring tide. Once alongside, preparations were made to cast off and clear the shallow

water area, when the instruction came from the barge master – “Open your hatches – we need some of the cargo”. This being the airpipe head sled for the beach pull. With excitable Italian barge masters, German berthing masters and intermittent radio comms, the scene was set for the next few weeks. Our Bertling co-ordinators had advised us that the job scope was planned over 60 days. Beastly easterlies and break downs had not been factored in. A major breakdown with the winch ashore for the beach pull was the first of many delays.

Initially cargo transfer from the mother ships to the feeder vessels was slow. SeaConcert were providing Thai/Philipino stevedores to work the ships gear. The MUA members lobbied their officials and gained ITF scales of pay for the stevedores and *Oldendorff* crews. Communication was difficult and the Mate of the *Lily Oldendorff* was run ragged trying to co-ordinate the discharge. A Super Cargo was employed and he and the stevedores would transfer from ship to ship as one emptied. Once procedures were settled a feeder vessel could be loaded in about 16 hours

Compressed living spaces, arduous and hazardous work conditions and European air conditioning systems in the ships saw four week swings negotiated for the feeder vessel crews. Air transport to and from Perth was going to prove difficult as QANTAS could not provide the regular block booking for the three feeder crews. Eventually Great Western Airlines were contracted to provide charter flights for the Adsteam Offshore crews. For the whole project the enormity of the distances involved in the supply line in country were yet to be realised. Owners representatives were required to leave the country, to return home to obtain Australian visas, as these had not been provided beforehand. Due to the length of time the job is taking our owners rep, Sergiy and his counterpart on *Nils B* must leave the country again at the end of July to renew visas in Singapore before being allowed to return to the ships.

The *Semac 1* arrived mid May and prepared to take over from the *Castoro*. The Saipem HSE team came to each vessel to conduct a further



**Above: Shallow water lay barge “Castoro 2” with “Pacific Spear ” alongside**

**Right: “Portugal’s” Deck Officers: Master Phil Lansbury, Owners Rep Captain Sergiy Sylla, 2 Mate Fred Lawrence, Chief Mate Craig Brooks**





**Semisubmersible pipe laying barge "Semac 1"**

induction. Somewhat like shutting the stable door after the horse had bolted. We had been working for three weeks. At this lengthy induction we were informed that the project cost was in the vicinity of \$880 million. Later during early June Channel 9 were to feature the project on 60 Minutes. The *Semac* being costed at \$18,000 a minute.

In shallow water the *Semac 1* was very high out of the water. Mooring ropes leading either down at a very steep angle to the pontoon or similarly very high up to the deck. As she moved out to deeper water and ballasted down, mooring ropes had to be run to her upper deck. Jagged fishplates and poor fairleads with very short runs on head and stern ropes had splicing parties very busy. *Semac* could work a feeder vessel on either side, however the starboard side was exposed to the easterly wind and swell, making discharge operations hazardous in the extreme. To compound the ship handling problem, she would heave forward to lay pipe while the feeder vessel was in the process of berthing or letting go. They were reluctant to slack the adjacent wire down to give the feeder vessel a bit more room in which to maneuver. During pipe pull operations *Semac* moves forward 25 metres at about 30 metres a minute. This action causes the feeder vessels to surge fore and aft similar to a horizontal bungee on each pull. Damage to the ships unfortunately cannot be avoided. Springs and head and stern ropes have been doubled in size, but the strain on bollards is enormous. For the crews in the hold great care has to be taken when fitting the pipe slings due to the constant surging and heaving. They have worked constantly and professionally in this ship to maintain a high cargo rate. Credit must also be given to the *Semac* crane drivers and dogmen who have performed admirably.

As the job has progressed the *Semac* has been beset with breakdowns. Because of the adverse weather and sea conditions on the *Semac*'s starboard side the AOS DP fitted supply vessel, *Lady Grace* has been brought into supply that side. Expected to lay two km of pipe per day, *Semac 1* had reached the halfway point by the 19<sup>th</sup> July, 80 days after starting the pipe lay on 1<sup>st</sup> May. As the Equinox approaches with its gale force wind patterns the next half of the job is going to prove just as demanding.

## Join us in celebrating World Maritime Day 2003

The Museum has, for many years, hosted the annual ceremony to recognise the contribution and sacrifices of merchant seafarers to the wealth and prosperity of the Nation, in times of peace and war. It is also an opportunity to look forward and promote an ongoing role for Australian commercial shipping.

I wish to extend an open invitation to your members to attend the Museum on Wednesday 24<sup>th</sup> September and join with us in celebrating World Maritime Day 2003. Join the procession which steps off at 1300 across the Pyrmont Bridge, led by the jazz band and the Red Ensign, from the eastern end. The procession will lead to the Vernon Anchors monument, adjacent to the Museum forecourt, for a wreath laying ceremony and addresses by the Director, Mary-Louise Williams and other invited guests. This is scheduled to commence at 1330 and you are invited to refreshments in the Terrace Function Room afterwards.

Please pass this information on to other shipmates and their families. Ring me for any further information you may require on 02 9293 3872 or 0408 408 258, email: [sadams@anmm.gov.au](mailto:sadams@anmm.gov.au).

**Steven Adams**  
**For the Organising Committee**

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# Book Reviews



## The Road to Parenthood, Adoption and Beyond

by Sam Henry

There are enormous positives with adoption, realistically though when adopting older children from an overseas country there are many emotional hurdles to overcome before this can be truly acknowledged. The word “adoption” in its most ideal of definitions conjures in one’s mind the matching of a needy child to a loving family, however this falls a long way short in reflecting the journey of all those involved in any adoption. The author speaks candidly regarding the frustrations and the events he and his family confronted before they could begin to absorb the joys of being a family. As the legacy of the past for each member of the family lost its significance, the family bond grew strong enough to challenge the obstacles that had been brought before it.

This story of hope encompasses a married couple’s dream for Parenthood and how after moving through the disappointment of infertility they pursue the possibility of adopting children from an overseas country, Ethiopia. The journey reads from the viewpoint of the husband and adoptive father, thus adding another dimension to the current literature available on this most emotive of subjects.

The intention of the book is to provide invaluable information for those who are about to embark on their own journey towards parenthood, ideally enabling them to gain a first hand insight into some of the challenges, which may lie ahead. Importantly the book may prove a comfort for anyone who is struggling through their own adoption path, taking solace that they are not alone. Additionally close family and friends may see how important their support is to a couple travelling this adoption road. Detailed are some of the highs and lows experienced as well as the author’s thoughts and feelings as the journey unfolded. Some of these most inner thoughts are rational, others totally irrational.

In the long term it is hoped that the accumulation of people’s experiences with regards to overseas adoption will impact favourably on the relevant authorities responsible for facilitating adoption, thus fostering changes within the system that will benefit all within the adoption process.

*There is an undeniable need for such written honesty. Your purchase of this book ensures that all royalties are directed to the disadvantaged children in Ethiopia. Thank you for your generosity.*



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supplied by Rob Walsh



## Dark Victory

by David Marr and Marian Wilkinson

This is the story of Australia’s refugee “crisis” from the Tampa through the Pacific Solution to the Federal Election. It is a story of a Captain upholding the finest traditions of the seas against politicians who will do anything to get their way.

It is interesting to note that if Captain Rinnan had just steamed straight into Flying Fish Cove after picking up the refugees, which he did at the instigation of RCC Canberra, instead of standing five miles as he was requested to do with false promises the whole affair would have been over very quickly. He would not have had to endure the abuse and badgering from Australian officials and politicians and Australia’s international reputation would not have suffered so badly.

That the Australian government acted illegally, ignored pleas for medical assistance and RCC ignored PAN PAN and Mayday messages from the Tampa, does not say much for the moral fibre of some people when faced with political pressure.

As a mariner I feel Captain Rinnan’s statements quoted in the last paragraph say it all about the willingness of ships to save lives in the future, “It is a terrible thing to be out in a broken down boat. I’m afraid now there might be fewer rescues.” “It’s an unwritten law of the sea to rescue people in distress. I would do it again and I hope all my seafaring colleagues would do the same.”

supplied by Murray Doyle

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# Offshore Report

## **Seafarers Assistance Service SAS**

In May I attended my first SAS Steering Committee meeting. Of concern to the members of the Steering Committee was a reduction in the number of persons utilising the Seafarers Assistance Service. The Steering Committee Members are concerned that seafarers may have overlooked the service if for no other reason they forgot it existed or perhaps weren't sure if the service could assist them with their particular problem. Hence the reason for this article to remind seafarers the Seafarers Assistance Service is available should they feel the need to make use of it.

For those of you who may not be familiar with SAS the service is available to provide assistance to seafarers in relation to a range of issues. Some of the most common issues for which person generally seek advice or assistance relates to marriage and family problems, gambling problems as well as other work related problems such as stress.

The SAS is available to all full time Australian seafarers, employed by participating employers. The current participating employers include ASP, Cementco, CSR, ISM, Norwest, P & O Polar, Stolt, Teekay, Tidewater, Toll, Trident and TT-Line. The service is also available to the immediate families of seafarers employed by participating employers. Apparently the service has been extended to students undertaking the pre-sea course at college.

As you would expect the service is strictly confidential. Although statistics are collected, they are reported in such a way that individuals can rest assured their anonymity and confidentiality is maintained.

The service provided by the SAS to the seafarer or his immediate family is at no cost to them. The service is funded by the participating employers. Should a seafarer require assistance that is beyond the services which SAS is able to provide, in such a case SAS will refer that person to an outside specialist agency. The cost of the services provided by that outside agency will be the responsibility of that seafarer and depending upon the person's personal situation may be covered by their health fund.

The service is available 24 hours a day, seven days a week. The service is only a phone call away. One need only call 1300 366 789 and the person shall be connected to their nearest centre for the price of a local call.

There are posters, pamphlets and the small blue wallet cards (in the shape of a telephone), which provide



information about the service. If your vessel does not have any of the material displayed, then please contact the AMOU and we shall arrange for the materials to be forwarded to the vessel.

Perfectly normal people make use of these types of services everyday. Whether or not a person chooses to take advice or guidance offered by the service is a matter for them but the service does offer an objective listener, which can be a rare commodity in these modern times.

## **Seacare Authority Sea Safe Work Awards**

On 3 April 2003 I attended a Conference and Awards function in Melbourne organised by the Seacare Authority. The conference looked at Best Practice OH&S in the Australian maritime industry. That evening an awards dinner to present the inaugural Sea Safe Work Awards was held at the Melbourne Aquarium. There were six categories in which Awards were made.

### ***Best Solution to a Major OH&S Risk***

The Award for this category went to Teekay Shipping (Australia) Pty Ltd, Team Gemini for the Teekay Safety Lockout System. Apparently this new system came about after a near fatality on one of their vessels. The system of machinery isolation at the time of the near miss utilised a cardboard danger tag to warn persons not to activate the machinery. The new method of isolating machinery has seen tags replaced with colour coded, owner identified locks. Only the owner of the lock can remove it. So where machinery has been isolated only the person who isolated can re-activate it.

### ***Best OH&S Training Programme***

There were three finalists in this category. They were Australian Maritime Safety Consultants, CSR Shipping and P&O Maritime Services. The Award for the Best OH&S Training Programme was awarded to P&O Maritime Services.

### ***Seafarer OH&S Achievement Award***

This Award was presented to Cpt Kirk Whiteman and Cpt David Kemp for their safety leadership, which was instrumental in the *MV Pacific Triangle* achieving 1000 days without a Lost Time Injury (LTI).

### ***Offshore Employer OH&S Achievement Award***

This Award was presented to Mermaid Marine Australia. Mermaid undertakes a broad range of complex offshore

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marine activities, which are required to be carried out under rigorous time constraints. Ordinarily one might be entitled to conclude complex operations under strict time constraints can potentially lead to situations where OH&S objectives and processes may be compromised. Not so with Mermaid, who has achieved outstanding results in terms of health and safety.

#### ***Small Employer OH&S Achievement Award***

This Award was presented to Trident Shipping Services for its approach to OH & S which involves information sharing as well as very frequent reporting and auditing of the companies safety systems, which are in turn used to identify key areas requiring improvement and the implementation of prevention programmes.

#### ***Large Employer OH&S Achievement Award***

There were two finalists in this category, CSR Shipping and Teekay Shipping (Australia) Pty Ltd Team Gemini.

CSR Shipping were being recognised for the incredible reduction achieved in the lost time frequency rates from 45 to 4.4 in a remarkably short period of five years.

Teekay were being recognised for its broad commitment to OH&S demonstrated by training of all seafarers and senior staff through a maritime OH&S training programme, the use of incident cause analysis method and several other initiatives involving specific programmes.

*The Award was won by Teekay Shipping (Australia) Pty Limited, Team Gemini.*

### **P&O Maritime Services sale to Farstad Shipping ASA**

In 1997 P&O Maritime Services and Farstad Australia ASA formed a joint venture partnership known as Partrediet International Offshore Services ANS. P&O Maritime Services and Farstad Australia Shipping each owned a 50% share in the IOS partnership.

Under that arrangement P&O provided management, operation, maintenance and manning services to IOS in the Asian and Pacific region.

On 23 May 2003 P&O and Farstad announced they had concluded a Memorandum of Understanding under which P&O agreed to sell its interest in the IOS partnership to Farstad.

The P&O announcement stated “the sale is in line with P&O’s strategy of focusing capital in the businesses where it is a market leader”. Lord Sterling is reported to have said “the offshore business has made a strong contribution to P&O over a number of years. We have had an excellent relationship with Farstad since the formation of the joint venture in 1997 and both Farstad and our employees will benefit from the increased scale and global coverage resulting from this transaction”.

The announced sale price was approximately 127 million dollars Australian. The book value of P&O’s interest in

IOS was approximately 32 million pounds. The book value comprised P&O’s share of operation assets of 66 million pounds and net debt of 34 million pounds. P&O’s share in the operating profit of IOS for year ending 31 December 2002 was five million pounds.

The employees will transfer from P&O to Farstad Shipping (Indian Pacific) Pty Ltd. The AMOU and the MUA worked together with P&O to organise an orderly transfer of the employees with adequate protection for their accrued entitlements.

The maritime unions seem to be getting plenty of practice with the transferring of employees from one employer to another.

### **Creation of Cement Australia**

In other get togethers of which the maritime industry has an interest is the merger of Queensland Cement Limited (QCL) and Australian Cement Holdings (ACH).

Queensland Cement Limited or QCL also has a Division known as Cementco Shipping. Cementco Shipping of course has two ships, the *Cementco* and the *Alcem Calaka*. The *Alcem Calaka* replaced the *Warden Point*. Incidentally, the *Cementco* EBA was certified on 30 May 2003.

Australian Cement Holdings owns the *Goliath* (which featured in the last Journal with her nice clean bottom and her vec rudders). The *Goliath* is managed by CSR Shipping. CSR Shipping of course has two ships of its own the *Ormiston* and the *Kowulka*.

### **Spirit of Tasmania III**

On 3 July 2003 it was announced there shall be a new Superfast ferry service between Sydney and Devonport.

The purchase price of the vessel is \$AUD105 million. The vessel currently owned by Attica Enterprise and is called *Superfast II*. Attica Enterprise operates a passenger, passenger and vehicle, and freight service between Patras and Igoumenitsa in Greece and Italy.

The vessel was constructed in Germany in 1995. She is 137 metres long and is capable of speeds of up to 26 knots. She is able to carry 1400 passengers and has 2135 lane metres for transportation of vehicles and freight.

It is expected the service shall operate three times a week. Leaving Sydney at 3.00pm arriving at her home port of Devonport at 11.30am the following day. The service is expected to commence on 15 January 2004.

*We wish everyone involved well and it is a huge success. Book now!!!*

### **The Society of Superannuants SOS**

SOS has been invited by the Senate Superannuation Committee to make a submission in relation to portability of Superannuation.

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## **Australia lifts ban on Filipino tickets**

*The following story was contained in the Lloyds List on 9 July 2003.*

Australia has lifted its ban on the recognition of Filipino seafarers' certificates of competency.

The chairperson of the Philippine Professional Regulation Commission, Antonieta Fortuna-Ibe, confirmed that she had been informed by Australia Maritime Safety Authority (AMSA) manager for ship operations and qualifications John Briggs that Australia is restoring recognition of Philippine seafarers' certificates of competency. This was temporarily suspended because of a cheating scandal in the June 2002 licence examinations in which exam questions were leaked to a number of examinees. She said that "Australia had imposed the suspension pending the completion of an investigation". "As a result of the investigations an examiner has been forced to resign and appropriate charges have been filed against him," Ms Ibe said. "These had all been well publicised in the local dailies".

The results of the June 2002 examinations for the ranks of master mariner, chief mate and officer in charge of a navigational watch were also invalidated and all examinees have to retake the tests this month. The regulation commission is revamping the system of examinations for deck officers and marine engineers to ensure that the anomaly does not recur, she said.

**By John Wydel I -  
Industrial Officer, Sydney**

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## **Four Vanguard/Woollybutt FPSO**

The Four Vanguard FPSO, located west of Barrow Island is now in full production mode and producing 40000 plus barrels per day. The newly created Second Mate/Production Technician positions have begun their cross training program and Sue Vaughan and Phil Shearer have assumed the roles of Facility Master. The parties are yet to conclude EBA negotiations due to some outstanding matters involving other parties.

## **Glomar Jack Ryan**

Global Santa Fe's, *Glomar Jack Ryan* concluded its drilling program during July and demobilised to South Africa. The campaign in Australian waters produced a significant find in the Janzs field but unfortunately the Woodside gamble in the Gnarleyknots field in the Great Australian Bight did not yield the expected results.

## **Blacktip Gas**

Woodside Energy Ltd, Eni Australia BV and Alcan Gove Pty Limited have signed an exclusive heads of agreement specifying key commercial terms for the supply of natural gas from the Blacktip gas field in the Joseph Bonaparte Gulf to Alcan's alumina refinery and bauxite mining plant at Gove in the Northern Territory.

The plan is to pipe gas ashore southwest of Darwin and then across the Northern Territory via Katherine and north to Gove. The gas supply will be 40 petajoules a year over 20 years from 2007. The agreement is conditional on Alcan and the Blacktip partners each making a final investment decision, obtaining regulatory approvals and concluding pipeline arrangements to transport gas from the Joseph Bonaparte Gulf to Gove.

Blacktip, which is more than 100km north of Wyndham in the Joseph Bonaparte Gulf was discovered in September 2001. Its scope for recovery is 1.1 trillion cubic feet of gas.

## **Enfield FPSO**

Woodside Energy Ltd. has let the construction contract for the hull of its Enfield floating production, storage and offloading (FPSO) vessel to Samsung Heavy Industries Co Ltd, of South Korea.

The 260-metre long vessel will have a double-hull, deadweight of about 150,000 tonnes, and storage capacity of 900,000 barrels of oil. It will be self-propelled and able to leave location in bad weather.

The Enfield Project about 40km north-west of the North West Cape includes the Enfield, Vincent and Laverda discoveries. Production from the field is expected in the fourth quarter of 2006.

## **Otway Gas**

The Otway Gas Project which is due to commence production in 2006 has moved to the next phase of the development following the recent selection of the preferred development concept. The Otway Gas Project covers the Geographe and Thylacine gas fields, which were discovered in the offshore Otway Basin 55 – 70km respectively south of Port Campbell Victoria in mid 2001.

The proposed concept includes the installation of a wellhead platform with five production wells on the Thylacine reservoir, a subsea manifold and three production wells on the Geographe reservoir, a subsea pipeline linking the Thylacine wellhead platform and the Geographe subsea facilities to the Victorian coast, a short onshore pipeline from the coast to the gas plant and, an onshore gas plant located near Port Campbell.

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## ***Gorgan Gas***

The vast reservoirs of untapped natural gas found in the Greater Gorgan area off Western Australia's Pilbara coast contain in excess of 40 Tcf of gas, representing some 25 per cent of Australia's total known gas resources and almost double the size of reserves held by the North West Shelf Project. Over the past 20 years, the Gorgan Joint Venture Participants have spent more than \$800 million on exploration, development and marketing to prepare the Gorgan area for ultimate development.

ChevronTexaco are trying to gain approval to use Barrow Island (120km west of Dampier) for the Gorgan gas development. The major problem here is that the island has been a Class A Nature Reserve since 1910 and is one of the most important wildlife refuges in Australia. It is home to a rich suite of wildlife, some of which are listed as threatened.

Establishment of gas processing infrastructure on Barrow Island would provide a catalyst for the future development of other Greater Gorgan area fields. Gas would be processed at that facility and transported through a gas pipeline to shore. Barrow Island is the nearest landfall to the Gorgan gas field and lies directly between the field and the mainland. Siting a gas processing facility on Barrow Island would involve the construction of pipelines to the island and from the island to the mainland.

The use of Barrow Island for the Gorgan gas development would represent a strategic long term transition from the production of oil to clean natural gas on the island. The oilfield has declining production and the current life expectancy is 15-20 years. As operator of both the oil and gas ventures ChevronTexaco would continue to hold overall management responsibility for operational activities on the island and for operating in a manner that protects the conservation values of Barrow Island.

Between now and the mid-2020s would generate extra export income of \$2.5 billion annually. The development would stimulate 6000 jobs nationally, of which 1700 would be in the Western Australian workforce.

For the past 40 years the oilfield operation has underpinned conservation best practice in managing quarantine and the protection of the island from unauthorised visits. A zero tolerance policy will be applied to quarantine risk practices. The workforce management approach will be modelled on the practices used in an offshore operation, which include designated passive recreation areas and the implementation of a multi barrier protection system which provides procedures for prevention, controls, inspection, response and contingency management.

The Gorgan Venture believes there is a market window of opportunity for deliveries of gas from the Gorgan gas fields to commence in the 2008 to 2010 timeframe. This timing is specifically to meet the currently identified LNG and industrial gas market opportunities.

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## **Oil and Gas Duties, Hours of Work and Rest Periods Explained**

The current Oil and Gas EBA's have introduced obligations on employers and Officers to comply with STCW 95 and stamp out fatigue in the industry. To this end the AMOU has attempted to draft a clause in your EBA's that provides for the provision of safe working hours and our interpretations of STCW 95 within a flexible but enforceable framework. Members should be aware that the STCW 95 is the minimum standard and that all other hours over ten are not to be considered work hours.

It is the AMOU view that all EBA's should contain the following clause; "Officers duties will be reviewed by the Master to ensure that an officer receives a minimum of 70 hours rest in a week in accordance with STCW 95 and the average hours per day of work do not exceed eleven over a period of one week."

With the increasing workload caused by additional functions and duties outside our traditional duties the manning levels of certain craft are now being questioned. This is not to suggest that we are looking for additional employment but rather a manning outcome that provides for reasonable working hours.

Limiting duties to seventy seven hours per week when operating craft often in difficult conditions should not be seen as unreasonable although to achieve this will in all probability require some full on discussions.

In saying all this the oil and gas employers are endeavoring to meet their commitment to the EBA and consequently apart from the occasional bump we are collectively working our way through this problem.

When the Hours and Duties clause was negotiated and agreed the parties knew that it wasn't an instant answer but the beginning of a process that in the end would result in changed working conditions. The key points in the process of making the clause work and are compliance with the following items:

- ➔ Maximum Daily Hours to be worked are 12.
- ➔ Minimum Daily Hours of rest are 10.

The remaining two hours per day are not to be used for vessel related duties.

The period of rest should not be broken into any more than two parts and one part should be a minimum of six continuous uninterrupted hours. This then begs the question, where in an industry that has made it's mark using the six on six off Master and Mate system work, what happens now?

The least complicated way to look at this matter is to consider operations in half and full day formats. Firstly daylight only or 12 hour operations eg inshore daylight survey, can operate in accordance with the preset manning levels subject to the Mate being able to operate without supervision of the Master. Secondly continuous 24-hour

operations eg deep water anchor handling will require three deck officers. Within the framework of the EBA, the period of 24 hours operations should be considered over a seven day cycle. In a seven day period the officer must achieve 70 hours of rest. Again that term "rest" means "uninterrupted" and at least one part of that rest per occasion must be a minimum of six hours duration.

Therefore when an operator mobilizes a vessel for a job that is programmed to take seven or more days duration they must determine the manning so that it complies with the maximum work hours and minimum rest periods as noted above. Further the operator is required to provide for (before the mobilization/commencement) and enforce (during the job) the use of a work and watch roster (see below). Each officer is required to maintain a full and accurate record of hours worked and rested. Examples viewed by the AMOU vary dramatically, and show anything from a simple cross to indicate an hour was worked to a full blown description of each hour of the day. Our expectations on this are expressed below.

The AMOU expects officers, and especially Masters to manage vessels in the way prescribed by the EBA. This means that sailing a vessel with the knowledge that the deck officer manning is deficient for the operation identified is illegal and the vessel can be detained. It is not as though you are working in some third world environment where you have no protection but rather in an environment where the union and employer have negotiated an agreement to promote modern work practices.

So what about STCW 95? The EBA provides that when you are required to work beyond 12 hours day because of immediate operational requirements that STCW 95 Chapter VIII (Fitness for Duty) is to be complied with and that your hours are then shortened every day thereafter to ensure that your average hours over the swing reduce to 12 per day.

It is not appropriate for a vessel to be deliberately manned in such a way that it becomes necessary to use the lowest common denominator provisions, being the same provisions used by third world seafarers. Overriding operational conditions (STCW 95) or immediate operational requirements (EBA) do not in the AMOU's view constitute planned activities, foreseeable activities or the activities for which the vessel was originally contracted to undertake. Nonetheless in the scenario where the STCW 95 hours are used then, you may work beyond 12 hours on two consecutive days as long as you have a minimum six consecutive hours rest on both days and your hours for the seven day period are reduced to allow you to have 70 hours rest in the seven day period.

In the third quarter of 2003 the AMOU will commence a campaign of inspections to review compliance with the EBA. That means the compliance of the company and of officers. Above we referred to officers' records of hours worked and rested. To be of any use at all the record of each officer should be such that it indicates each individual or block of hours worked and rested. It needs to show clearly interruptions to rest that are work/vessel related.

Finally it must be understood that it is the Masters and Employers responsibility to ensure that STCW 95 and the EBA is complied with.

**By Brad George  
Industrial Officer - WA**

## Port of Yamba Historical Society

### **150<sup>th</sup> Anniversary – Yamba Pilot Station**

The Sesquicentennial (150 years) of the appointment of Captain Francis Freeburn to Clarence Heads will be celebrated on 25 and 26 January 2004. An invitation is extended to all ex-station workers and interested persons to join us and celebrate this important anniversary.

Captain Freeburn came to Yamba accompanied by his wife, child and boatmen. They lived in tents and carried out their duties under extreme difficulties. The Port of Yamba Historical Society wishes to honour these gallant pioneers and hopes you can join us on Pilot Hill Yamba.

### **Our program is as follows:**

*Sunday 25 January 2004*

11am – 3pm Ferry boat excursion – lunch available

Cost \$16.00 adults

\$14.00 pensioners-Children ½ price

4pm Pilot Hill – view sail-by of craft then witness the unveiling of a plaque by Captain White, a descendent of Captain Francis Freeburn, followed by his address. Previous captain, Gordon Grey, will also speak as will Captain Alan Jones the current Pilot/Harbour Master. We will then enjoy a twilight picnic BYO or enjoy a Lions Club sausage sizzle.

Entertainment will follow by local artists – come along and meet the current station members and swap salty yarns.

*Monday 26 January 2004 –  
Australia Day*

9am Raising of the Flag in Story Park cnr River and Queen Streets opposite Golf Club on the restored, relocated Flagstaff from the Pilot Station.

Australia Day address by Captain White. Morning tea and open house at Story House Museum.

Luncheon at the Golf Club.

### **For information contact:**

**Trevor Phillips: (02) 6646 2001**

**Elaine Garven: (02) 6646 2316**

# Retirements



**Jeff Fair Retirement Function**

On behalf of the Australian Maritime Officers Union and its members we would like to pass on our best wishes to the following members in their retirement and good health for the future:

- Jeff Fair, Adsteam Newcastle Tugs**
- Bruce Lachlan, Adsteam Port Kembla**
- Keith Rosser, Sydney Ferries**
- Roger Smith, Sydney Ferries**
- George Taylor, Sydney Ferries**

**\*\* If any member knows of an impending retirement of a member, who has been an active member for many years like the people above, please put pen to paper and share it in the Journal with other AMOU members.**



**Tug delegate Alan Hanneman congratulating Bruce Lachlan on his retirement**



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**Remember** always have your Union Membership details available when ringing Union Shopper.

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A few great member savings made in June:

Item	Member Price	U/S Savings*
Fujitsu R/Cycle Airconditioner	\$1780	<b>\$125</b>
LG Microwave	\$799	<b>\$107</b>
Bosch Dishwasher	\$1049	<b>\$100</b>
FP Refrigerator	\$1485	<b>\$120</b>
LG Airconditioner	\$3100	<b>\$186</b>
Whirlpool Double Oven	\$1650	<b>\$230</b>
Phillips Television	\$5000	<b>\$400</b>

\*examples of actual savings made by members, current to Jun 03. Savings are unique to individual.

**\*\*\*\*\*Important Notice:**

Queensland members should call either 3859 999 for Brisbane Area or for the Queensland Region phone 1300 360 033\*\*\*\*\*

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# Port Services Report

## Marine Pilots-AMOU Activity

**The AMOU has an extensive and active agenda in support of Marine Pilots, particularly those employed by private and publicly owned Port Corporations.**

**M**ost Pilots employed by Port Corporations now manage and control the key port operations functions and in several ports the Duty Pilot has the responsibility as a Duty Harbour Master.

Negotiations are currently underway by the AMOU with Port Corporations in Port Kembla, Darwin, Gladstone and Cairns – Mackay (the former Ports Corporation of Queensland Pilotage Service). Negotiations are also expected to commence shortly for the Townsville Pilots. The AMOU is a Party, together with Marine Pilot members, to collective agreements in these ports.

The AMOU believes that a Maritime Industry type employment package together with the expansion of the Pilots' port operations management functions, captured in AMOU negotiated Enterprise Agreements, will be attractive for AMOU Offshore members and will attract back to Australia AMOU members now working outside Australia.

If you wish to find out more about Marine Pilots' employment packages please contact Michael Fleming Director of the AMOU Port Services Division.

### **Newcastle Pilots**

After several months of negotiations concluding with Deputy President Harrison of the Australian Industrial Relations Commission acting as an agreed Mediator, Newcastle Pilots in late June approved a new three year enterprise agreement.

The following are extracts from a report to all staff by the Managing Director of the Newcastle Port Corporation:

*"I wish to advise you that the Newcastle Port Corporation's Marine Pilots Agreement 2003 was certified in the Australian Industrial Relations Commission. Agreement between the Corporation and the Australian Maritime Officers Union, who represented the Pilots.*



**The 2003 AMOU Newcastle Pilots Negotiating Team from left to right: Franz Van de Nadort (Pilots' Representative) Michael Fleming (AMOU Director Port Services) Stuart Noble (Pilots Representative)**

*The certification marks the end of many months of negotiation and the assistance of Deputy President Harrison was necessary to reach a mediated outcome. During the mediation process the Judge made a very clear statement to the Corporation that the market value for Pilots had changed significantly in the last three years and that these changes needed to be recognised.*

*The Agreement incorporates a large adjustment to the total package paid to an unlimited Pilot. The adjustment represents an increased total package of about 28 percent in the first year with four percent increases in each of the last two years of the EBA.*

*As part of the Agreement both parties have agreed to a refined performance management system and a review of the training program for Pilot's to obtain an unlimited license.*

*The Agreement represents a reasonable and fair outcome for the Pilots and the Corporation. I look forward to the ongoing and very valuable contribution that the Pilots make to the port."*

Deputy President Harrison in his decision when approving the NPC – AMOU agreement wrote:

*"These proceedings were commenced by notification pursuant to s99 of the Workplace Relations Act 1996*

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by the Newcastle Port Corporation. The notification advised of industrial issues in connection with the employment by NPC of Marine Pilots and sought the assistance of the Commission.

At the time of the notification the parties had been engaged in lengthy and difficult negotiations concerning review of a certified agreement. During the course of the proceedings the parties negotiated in earnest, arriving at an agreement which Mr Maddison, on behalf of NPC, supported by Mr Fleming on behalf of the Australian Maritime Officers Union (AMOU), subsequently described as providing as enhanced management performance system which fairly rewards good performance and provides positive support for the future of NPC.

The parties were able to address these circumstances in respect to the uniquely qualified position of Marine Pilot by adoption of a one-off market adjustment recognising relevant factors in respect to Pilots in the Port of Newcastle and at large, with wage movement forward at 4% per annum, an amount frequently encountered in wages settlements.

The Agreement is comprehensive. A Certificate was issued by the Commission on 30 June 2003."

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## **Port Control - VTS Report**

### **VTS Training in Queensland**

The AMOU represents Vessel Traffic Services (VTS) Operators employed by Maritime Safety Queensland in the Port Control centres of Whyte Island – Brisbane, Gladstone and at Reef Centre – Hay Point. A new VTS/Port Control centre is opening up in Cairns and when MSQ advertised for the five new VTS Operator positions it received over 120 applications. The AMOU is negotiating a new enterprise agreement for Queensland VTSOs which will continue the campaign for Maritime Industry salaries for these members. Training (and linked to Salary Levels) is a key element in the discussions.

Pivot Maritime International has been contracted by Maritime Safety Queensland to audit its Vessel Traffic Services (VTS) procedures in the ports of Cairns, Brisbane, Gladstone, Hay Point, and Townsville and to develop and deliver VTS training courses for VTS operators in Queensland.

Two courses, the VTS Operator Course and VTS Advanced Operator Course, have been developed by Pivot Maritime International and Wide Bay TAFE (Bundaberg). The VTS Operators Course is a certificate 3 level course of four to ten weeks duration depending



**Vessel Traffic Service Operator Geoffrey Doohan highlights details of the VTS radar display in Gladstone. Training under way for Maritime Safety Queensland's VTSOs will enhance safety and efficiency in Queensland ports.**

on the previous qualifications and experience of participants. The VTS Advanced Operator Course is a certificate 4 level course of three weeks duration. Both courses are nationally accredited within the Australian Qualification Framework (Certificate Levels III and IV).

The courses are based on the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) model but tailored to the specific needs of the individual VTS Centre thereby ensuring that they meet the needs and requirements of the region.

The courses cover the following VTS functions:

- Nautical knowledge
- Traffic management
- VTS radio communications
- VTS equipment
- Emergency Management
- Human Behaviours
- Communication and Coordination

Both courses are highly practical, providing a lot of hands-on experience using VTS simulators and real equipment.

The first VTS Operators Course started on 21 July 2003 in Cairns to train the new operators for the recently established Cairns VTS Centre. All other Queensland VTSOs will over the next six months attend the Advanced Training Course.

**By Michael Fleming -  
Director Port Services Division**

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## Lighthouse to the Rescue

The diligence of a communications officer at Point Lonsdale Lighthouse has recently helped rescue the skipper of a boat thousands of kilometres away off Lord Howe Island.

Point Lonsdale local, AMOU Member - Peter Saunders, who works as a Communications Officer for the Victorian Channels Authority, was on watch at the Point Lonsdale Lighthouse Signal Station when he heard a "PAN-PAN" call on the long-range high frequency transceiver.

"The caller said his vessel was taking water and gave his position as north east of Lord Howe Island," Peter said. Lord Howe Island is 600 kilometres east of the Australian mainland.

"The National Rescue Co-ordination Centre in Canberra advised me that the previous day they had arranged to have the boat's crew removed, however, the skipper had decided not to leave his vessel claiming that he could 'nurse' the boat back to Lord Howe Island."

Not long after, Peter heard a second call from the skipper indicating that he was abandoning his boat. Peter passed the information and boat's position to the Rescue Co-ordination Centre, which then directed rescue operations.

"I was advised by the Rescue Coordination Centre later in the day that the cargo ship *Nelly Maersk* bound for New Zealand had picked up the sailor from the raft and he was safely on his way to Auckland," Peter said.

"He was a lucky fellow – it seems that I was the only Coastal Radio Station that heard his last two distress calls. High frequency signals often 'skip' the immediate area and can only be heard at a much greater distance. The radio signals that I received at the lighthouse were very weak and it seems that he was not able to hear my return messages."

*continued on page 30*



**Peter Saunders - VCA**

## Toll Shipping Supervisors Agreement

Negotiations for the renewal of the enterprise agreement covering AMOU members employed at Toll's Port Melbourne and Burnie Bass Strait shipping terminals has been delayed as a consequence of the company's review of its terminal operating hours.

The Company also sought, it claims consistent with the review of the terminal hours, a re-calculation (lowering) of the supervisors base salary rate based on what they claim are errors in the original assessment of rostered shifts, hours of duty worked and the award overtime penalty rate provisions. Given the AMOU has rejected the company's calculations etc, negotiations are now concentrated on minor changes to and flexibility within the shift duty hours, productivity bonuses, leave provisions and salary packaging. Negotiations are expected to conclude with a new 3-year agreement prior to the end of July. Toll has utilised the services of ex MUA official Michael O'Leary to advise on industrial matters relevant to their port and stevedoring operations.

## Dredging Industry Enterprise Agreement

Meetings have been scheduled to commence mid July for the negotiation and renewal of the Maritime Industry Dredging enterprise agreement. It is anticipated that in addition to the existing employers, Ballast-Ham, Boskalis and Total Marine will become respondents to the new agreement. AMOU has informed the parties that it intends to pursue significant changes to past agreements to accommodate the higher certificate requirements etc, employment opportunities and industry/qualification salary relativities.

## Port Phillip Channel Deepening Project

Updating previous reports, detailed investigations into the feasibility of deepening the shipping channels are continuing with the latest press reports claiming the estimated cost to deepen the shipping channel into Melbourne and including the *Rip* are now expected to be in excess of \$400m.

Whilst part of these investigation involve core sampling which is currently being carried out using the Ballast-Ham Dredging jack-up drilling platform *Supply* deepening dredging is not likely to commence before the end of next year. *Further updates and information on this major project can be obtained from the Victorian Channels Authority website – [www.vicchannels.vic.gov.au](http://www.vicchannels.vic.gov.au)*

As part of an ongoing program minor maintenance dredging in Melbourne and Geelong carried out under contract by Westham/Boskalis is expected to commence during August and is expected to take between three to four months to complete.

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## **Hobart Ports Corporation**

In what some claim as “normal business practice” in moving forward, after protracted enterprise agreement negotiations including delays due to a review of services provided and management restructuring at the Hobart Ports Corporation, the employees should have had reason to assume their recently certified enterprise agreement provided some security of employment. Not necessarily so. Almost before the ink was dry on the agreement, the Tasmanian Government decided to undertake an investigation into the value of retaining all of the assets owned by the Hobart Ports Corporation.

Whilst in typical political speak the Government claims no decisions have been made other than to establish a steering committee to undertake an analysis of the Corporation’s assets and services. This committee is to produce a report on “potentially saleable assets that are not core to ongoing operations of the port business”. Although the AMOU has sought ongoing employment assurances, the Government has only been prepared to date to give a commitment to keep the union and employees informed on the process. Discussions are continuing with the Corporation.

**By Steve Groves -  
Industrial officer, vic**

## **Geraldton Dredging Project**

The project has been the subject of more delays and is now set for completion in the third quarter of 2003. This has seen the current EBA expire simultaneously with the Contract Dredging EBA. This means that the AMOU options for negotiating a replacement EBA have increased and include an industry wide agreement that includes the remainder of the Geraldton project.

## **Fremantle Port Rail Terminal**

Detailed planning for a new rail loop into North Quay is being progressed with a view to completing construction by the end of 2004. Associated with the new rail loop will be a new rail terminal to service the North Quay container terminals. This terminal, which will be constructed in two stages, will link with the proposed new rail loop. Stage One of the new terminal will enable a direct interface between freight rail operations and container terminals at Fremantle. The aim is to achieve improved container handling and operational efficiency.

The terminal will enable larger trains to be used, and will facilitate increased use of rail for containers. This will help reduce the volume of port-related truck traffic on access roads to the port.

**By Brad George  
Industrial Officer - WA**

## **EBA Coastal Tug and Barge (Darwin Tugs)**

Masters working on the Darwin Tugs have unanimously voted in favour of a new EBA. The EBA delivers a 7.5% pay increase, together with increases to allowances and a move from 11% superannuation to 12% of the Masters Aggregate Wage. It is anticipated that the Agreement will be signed and lodged and hopefully Certified by the Australian Industrial Relations Commission in August.

## **EBA Port Lincoln Tugs**

Discussions regarding a new EBA for AMOU Tug Masters in the Ports of Port Lincoln, Port Pirie, Thevenard, Whyalla and Wallaroo have taken place. The unions will be meeting again early August to consider a draft EBA from the company and will be reporting back to members shortly after.

## **Australian Maritime Services**

In June Australian Maritime Services (AMS) announced that HUD (Swires and Hutchison Whampoa joint venture Hong Kong United Dockyard) had taken a 55% stake in AMS. AMS had previously chartered the *Yarra* and *Flinders* (Melbourne) and the *Yamo* and the *Ngan Chau* (Brisbane) from Hong Kong Towage and Salvage a subsidiary of HUD. AMS intends to expand its tug fleet and Port operations by bringing two tugs to Australia over the next few months to start its operation in Botany Bay NSW.

The three maritime unions are currently negotiating with AMS for an EBA for its Brisbane operation and will also discuss an EBA for its intended New South Wales operation. A dispute is looming however with AMS over the issue of using foreign crew for the delivery voyages of the Tugs to Australia. On Tuesday 29<sup>th</sup> July the three Maritime Unions notified the Australian Industrial Relations Commission of a dispute.



**AMS Tugs Brisbane “Ngan Chau” and the  
“Yam-O”**



**Adsteam Tug Brisbane "Austral Salvor"**

said, "the Board recognises it has been a difficult 12 months for shareholders.

"With the appointment of John Moller as Managing Director, and the rapid and wide ranging review of operations just completed, the Board has moved to address the Group's disappointing performance.

"Through John and his management team, the Board is committed to the re-alignment of Adsteam's strategic and operational priorities."

*Key outcomes of the review include:*

- Re focusing on Adsteam's traditional, core ship assist business,
- The disposal of non core assets, with the divestment process to commence immediately,

## **Adsteam Marine**

On Friday the 29<sup>th</sup> June 2003 a very first was established by having a combined Union Workplace Council meeting.

The unions (AMOU, AIMPE and the MUA) each had nine Workplace delegates attend the Workplace council meeting along with their respective Union official. The purpose of the meeting was to hear a report from the new Managing Director and Chief Executive Officer John Moller regarding Adsteams direction for the future. This followed announcements by John Moller to the media in May about the outcomes of their Operational Review.

***The Media release was as follows:***

### ***Adsteam Marine announces outcomes of Operational Review***

Adsteam Marine Limited has commenced a major restructuring of its global operations and will dispose of assets that are not directly complementary to its traditional ship assist business, that is its towage operations.

Details of the restructuring plans were announced today as part of the comprehensive review of the company's operations undertaken by new Managing Director, Mr John Moller. Mr Moller, who joined Adsteam Marine in January this year, announced the review in February when releasing the company's results for the 2002/03 first half. Chairman of Adsteam Marine, Mr Bruce Corlett



**Adsteam Tug Townsville "Werra"**



**Left and below right:  
Adsteam combined unions  
Works Council**

- A strategy to reduce debt, including using proceeds from non core asset sales,
- One off write downs and provisions effective in the current financial year, associated with the refocus on the core ship assist business,
- The establishment of a centralised operating centre in each of the key Australian and UK markets, replacing the distributed operating network,
- Significant operational earnings improvement for 2004/05 and future years, and
- The resumption of dividends during the 2003/04 financial year, with no final dividend to be paid for the current financial year.



Mr Corlett said, "These outcomes represent a low risk strategy which will capitalise on the company's existing capability. The initiatives are not reliant on revenue growth".

**Strong Businesses**

"Despite challenging market conditions, Adsteam's fundamental businesses remain strong, and can generate significant and reliable cash flows," Mr Corlett said.

"John Moller has the Board's full support to immediately implement significant change. His extensive and decisive review has identified areas in which the Group can deliver tangible operational improvements in order to deliver increased shareholder value."

"This restructuring is already underway, and while some of the necessary remedial action will not deliver immediate benefits at the profit line, we believe Adsteam Marine will be in a much stronger position as a result of this business plan."

Mr Moller said Adsteam has grown strongly through acquisitions since 1998 to be one of the world's largest ship assist and maritime services operators.

"As a result, the Group has considerable scale, strong market positions in key ports and significant advantages in terms of our maritime services knowledge," he said.

Mr Moller commented further and said:

"Previous acquisitions have not been effectively integrated,

We have yet to extract the significant benefits from our substantial operations, and

We have diluted our focus on our core ship assist business."



## **Sydney Ferries**

“Given the size and quality of our businesses, the restructure will put Adsteam in a position to derive significant efficiency gains from our operations whilst building the platform for future growth.”

### ***Concentration on strong core tug operations***

“Adsteam’s core tug operations would now focus on providing best practice, low cost, efficient ship assist services only in strategically important ports, where we have a significant market presence,” Mr Moller said.

“By virtue of our scale and market knowledge, we are in a relatively strong strategic position and are capable of becoming the lowest cost and most efficient and competitive operator in each of our key markets.

“There are substantial efficiency savings to be extracted from Adsteam’s business units. As part of the drive to become the lowest cost provider of ship assist services we must standardise processes and functions and operate as a single global business. We have now implemented a new organisational structure to reflect this and have initiated significant operational change.

“An enhanced and re-oriented focus on our customers is required in order to become the operator of choice in each of our key markets. Flexibility and adaptability in servicing customers, in addition to being a low cost service provider, will augment our competitive advantage.”

### ***Sale of non core assets and restructuring costs***

Non core operations and assets not directly complementary to Adsteam’s core ship assist business will be sold. They include the 50% investment in North American based ocean barging and fuel distribution company, Northland Holdings, fuel bunkering businesses in Australia and

overseas, and an investment in a stevedoring business in Australia. The assets sales will be conducted in an orderly manner, with Mr Moller adding, “We intend to set up a process to achieve appropriate value for the business with the proceeds to be used to retire debt.”

Complementary ship services such as lines and mooring, deep sea services, salvage and tug barging will be retained, as will our investment in Flinders Ports. The company will write down A\$64m in goodwill and provide A\$24m for restructuring costs as a result of the operational review this financial year. The restructuring is expected to deliver recurring cost savings of A\$3m in 2003/04 rising to A\$10m in 2004/05.

### ***Debt reduction***

Mr Moller said paying down the Group’s debt to a more appropriate level in a relatively flat operating environment was a clear priority for the Group.

“The strength of the Group’s cash flows and the nature of the business allows us to service reasonably high debt levels. Our target is to achieve an interest coverage ratio (EBITA/interest expense) of at least 3.0x in the medium term compared to 2.1x currently,” he said.

“We have presented the business plan to our bankers and they support our strategies.”

### ***Earnings outlook***

Adsteam’s results for the current 2002/03 financial year will include the effects of write offs and provisions detailed today. The underlying performance of core operating businesses in Australia and the UK will be similar to that of last year. Operating performance in the US business continues to disappoint. Therefore earnings for the six



**STA Rivercat "Marlene Mathews"**

months ending 30 June 2003 prior to write offs will be around A\$10m.

"The impact of these measures will result in negative retained earnings for the Group at June 2003," Mr Moller said. "At this early stage, we expect operating earnings for 2003/04 to be slightly higher than the expected 2002/03 earnings. The substantial positive impact on operating profits arising from the operational review, start to kick in during 2004/05," he said.

### **Dividends**

Mr Corlett said shareholder dividends are a major priority going forward. "our intention is to place the company in a position to pay reliable dividends to our shareholders reflecting the underlying operating performance of the business.

"However, as a consequence of the substantial write downs to be effected during the current financial year, Adsteam Marine will have negative retained earnings and therefore cannot pay a final dividend this year. "Notwithstanding this, the Board recognises the importance of dividends to its shareholders and remains committed to resuming dividend payments in 2004."

It is the Board's current intention, subject to there being no unforeseen circumstances, to declare a dividend in February 2004, to be paid in April 2004. We expect this dividend to be fully franked.

The policy for the 2003/04 interim and future dividends is for the company to pay approximately 50% of NPAT by way of dividends. This policy will be reviewed once

the company's interest cover target of at least 3.0x is achieved (expected at the end of 2004/05)."

### **Sydney Ferries**

A Ministerial inquiry into NSW public transport has been put in place by the new Transport Minister The Hon Michael Costa. Dr Tom Parry, Chairman of the Independent Pricing and Regulatory Tribunal will conduct the inquiry. The Inquiry will focus on the funding requirements and options to meet community transport needs for the State's Public passenger transport services.

The Maritime Unions have submitted a written submission to the Parry Inquiry that suggests in part that the Transport Administration Act 1988 should be amended to allow Sydney Ferries to become a new government business enterprise where Sydney Ferries would be accountable to a new Ferries Board and not the STA busses.

The AMOU and its members are still in dispute with Sydney Ferries over proposed roster changes. Agreement has been reached however to allow (inline with the EBA) an Independent Facilitator to help resolve the roster issue.

Peter Medlock is the agreed facilitator. Peter was the person responsible in putting together the Taylor Report, which was an independent review into the operations of Sydney Ferries.

**By Kevin Pinch  
Industrial Officer - sydney**

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# Workplace discrimination

## How union delegates can help

*An extract in part from the Anti-Discrimination Board of New South – Equal Time (Number 56 May 2003)*

Trade unions can play an important role in assisting their members to combat discrimination and harassment in the workplace. They can also be held responsible if a union representative aids or abets discrimination or harassment, or fails to take action to prevent it. It is therefore very important that union representatives are fully informed about their responsibilities under discrimination law.

In general, the employer is liable for any discrimination or harassment that occurs in their workplace, unless they can show that they took 'all reasonable steps' to prevent it from occurring. This is likely to include at least the following:

- ◆ Policies that clearly explain discrimination and harassment and the rights and responsibilities of all staff;
- ◆ A grievance procedure for discrimination and harassment complaints that is properly and fairly followed; and
- ◆ Regular explanation of, and preferably face-to-face training in, these policies and procedures for everyone at their workplace.

Each of the anti-discrimination laws has a section that allows unions to be made legally liable if anyone representing the union, such as an organiser or delegate, causes, permits, aids or abets discrimination or harassment. This could occur if a union representative fails to take action when a member is being harassed or discriminated against, or if the union does not allow management to change a discriminatory policy or practice.

For example, in the case of *Horne and McIntosh v Press Clough Joint Venture and the Metal and Engineering Workers Union* (WA Equal Opportunity Tribunal 1994), the union ignored the complainants' complaints about explicit posters and verbal abuse. When the women began taking the posters down themselves, the shop steward told them they could be blacklisted and would get no support from the union.

Both the employer and the union were found to have discriminated against the complainants, and they were awarded a total of \$92,000 in damages. The employer was ordered to pay \$51,000 and the union \$41,000.

The first thing union representatives must do about discrimination and harassment is to make sure their own behaviour is discrimination and harassment-free, in order to be a role model for members as well as avoiding the risk of legal liability. They must know the limits at work

and in union activities, such as not engaging in any inappropriate touching, not getting involved in group baiting or harassing of someone else, and being careful about the material they put up on the walls. If they supervise other staff, they must make sure all their decisions relating to promotion, pay, training, hours of work, leave and so on are not discriminatory.

Union representatives must also give all complaints appropriate consideration, and represent all members fairly. If a union member complains about another union member, each person is entitled to the same level of help and representation from the union, regardless of the issues involved, or who is the 'victim' and who is the 'offender'. It is best to make sure that each member is represented by a different union representative, and the representatives do not discuss the complaint unless asked to do so by both parties.

Another important role of union representatives is to make sure their members understand their rights and responsibilities in relation to discrimination and harassment. If they witness behaviour which may breach the Anti-Discrimination Act, they should advise the person against such behaviour and tell them that the union will not support members who act like this.

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### Lighthouse to the rescue

*continued from page 24*

Following recent changes in State/Commonwealth arrangements, Point Lonsdale staff, who are responsible for communications with commercial shipping through Port Phillip, are now also providing a radio listening watch and communicating weather and navigation warning information to yachts and commercial fishing vessels in Victoria's coastal waters. The rescue was a result of this service, which was established by and receives ongoing funding from the Victorian State Government.

***The Minister for Transport, Hon. Peter Batchelor, who praised the Point Lonsdale staff for their diligence, believes that the response to the incident demonstrated the importance that Victoria places on safety on the water.***

***"It is pleasing to note that the Government's investment in boating safety has paid dividends in helping to save lives at sea," he said.***

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**article provided by:  
Tim Muir, Harbour Master VCA**

## Tas Bull

1932 – 2003

*Tas Bull* was born in Australia of Norwegian seafaring and Scottish stock. He went to sea at the age of 14 on British and Scandinavian ships joining the Seamen's Union of Australia in 1954. It was on these early world travels that Tas witnessed the poverty, injustice and labour exploitation that was to colour his politics and shape his life.

His first industrial battles were fought during the waterfront strikes of 1954 and 1956, when, as a seafarer, he assisted local WWF strike activity in Port Pirie and Hobart.

He joined the waterfront and the WWF in Hobart in 1956 where he cut

his teeth in political action on the Hursey Case, liaising between lawyers, witnesses and the union. He was also a leading activist on the picket lines during the dispute.

As WWF general secretary Tas played a key role protecting waterside workers' rights and conditions, establishing industry funding for the victims of asbestos disease, forging relations with farming communities and fighting anti union laws, apartheid, human rights and worker abuse worldwide.

Tas was also instrumental in the decisions to amalgamate the WWF and the SUA into the Maritime Union of Australia.

While retiring from union office, Tas Bull did not retire from the struggle,

distinguishing himself as chairperson of the ACTU organising works program, the ACTU overseas aid agency, Apheda, and as president of Cuban Children's Fund.

His dedication and work for international seafarers, dockworkers and transport workers is recognised throughout the world.

Tas Bull celebrated his 70<sup>th</sup> birthday in Havana, Cuba with friends and comrades in January 2002.

Tas was a person of great good humour, principle, courage, intellect and love of humanity. He will be greatly missed.

He is survived by his wife, Carmen, sons Peder and Anders, daughter-in-law Karen and grandchildren Alisha and Robyn.

## Alexander Cameron Watson

23/2/1927 – 2/6/2003



*Alexander "Cam" Watson* passed away on 2<sup>nd</sup> June 2003. Cam had been a member of the union for over 30 years. During that time he was an active member of the union and was President of the Southern Area (Victoria/Tasmania Branch of the union) for the period between early 1990 and 1993 and then continued as an associate member.

### Large turnout to funeral of veteran master Cam Watson

by Sandy Galbreith,  
*Lloyds List DCN, 19/6/03*

There was a large attendance last Thursday at the funeral service of one of Melbourne's best-known master mariners, Captain Cam Watson.

Captain Watson had been visiting his daughter in Canberra when he fell down a staircase and suffered a serious head injury from which he never recovered. He died later in hospital. Though in his 70s he was in good health and his death was a shock to many.

The chapel at the Lilydale Memorial Park was full with family and friends, and his former colleague Captain Jim Murdoch delivered an eulogy.

Born in Edinburgh in 1927 he moved at the age of one to Nyasaland where his father was a missionary.

In 1943 he was indentured to Clan Line and served on the North Atlantic.

He was at the Normandy landings. He obtained his second mate's certificate in 1946. After gaining his master's ticket in 1952 he married his early-school-days friend Jean a year later.

In 1961 he came to Australia, joined the *Manoora* and soon returned to his preferred tankers. His Australian ships included *BP Endeavour*, *Leslie J Thompson*, *PJ Adams* and the *William Walkley* as mate.

Promoted to master he joined the *Esso Macquarie* in 1965 and later commanded *Hemiplecta*, *Hemiglypta*, *Barwon*, *Cellane*, the 70,000 tonne *Solent* (then the biggest Australia ship), *Gerringong*, *Nevasa*, *Wiltshire*, *Mobil Australis* and the *BP Enterprise*. The *Wiltshire* was the first gas tanker. He retired aged 65 in February 1992.

Shortly after he taught Master Grades four and five in the Marine Section of the RMIT and served as relieving Officer aboard the *Seacat*.

In 1994 he was elected president of the Merchant Navy RSL and led its section on Anzac Day parades.

Captain Watson is survived by a wife, two daughters and two grandchildren and a host of friends and admirers.

# Who to contact for your employment or other queries

## Offshore Division

Seagoing Industry

Contact Fred Ross or John Wydell at the Sydney Office

Seagoing Certification and Training

Contact Fred Ross at the Sydney Office

Offshore Oil and Gas Industry

Contact Brad George at the Fremantle Office or Fred Ross at the Sydney Office

Floating Production Facilities

Contact Fred Ross at the Sydney Office

## Port Services Division

Port and Marine, Pilotage or Stevedoring issues

Contact Michael Fleming at the Sydney Office  
If the query relates to a local issue please contact the nearest AMOU office

Tug, Ferries and Tourist Vessels

Contact Kevin Pinch at the Sydney Office

Dredging

Contact Steve Groves at the Melbourne Office

## Other queries

Seafarers Compensation and Rehabilitation issues

Contact Michael Fleming at the Sydney Office

WA State issues

Contact Brad George at the Fremantle Office

SA/NT issues

Contact Martin Price at the Adelaide Office

Fees and Administration

Contact Inger Pereira or Lotta Ross at the Sydney Office

## Mobile numbers:

Fred Ross: 0417-654 201  
Michael Fleming: 0419-401 737  
Kevin Pinch: 0409-827 871  
Steve Groves: 0417-316 370  
Brad George: 0417-951 787  
John Wydell: 0439-408 901

