

DEL AGUILA Fiorella

From: Sutton Michael
Sent: Friday, 22 January 2016 8:19 AM
To: Fiona McKenna; FINLAY Jess
Cc: AMSA Media; AMSA Parliamentary; OPOKU Naa; BEDFORD Pia; STUART Therese
Subject: RE: AMSA TPs - MV PORTLAND (MUA Protest at Fremantle AMSA office)
[SEC=UNCLASSIFIED]
Attachments: TPs - v6 MV Portland 14 Jan 16.docx

Jess and fiona - this version includes words provided by OTS (highlighted) to address the MSIC issues

michael

-----Original Message-----

From: McKenna, Fiona [<mailto:Fiona.McKenna@amsa.gov.au>]
Sent: Thursday, 14 January 2016 6:08 PM
To: Finlay Jess
Cc: Chief Executive Officer; GM SSD; Sutton Michael; GM CSD; AMSA Media; AMSA Parliamentary
Subject: AMSA TPs - MV PORTLAND (MUA Protest at Fremantle AMSA office) [SEC=UNCLASSIFIED]

Hi Jess

Please find attached some updated AMSA talking points in light of today's protest at the AMSA Fremantle office. We have not received any media inquiries to date.

Fiona

Fiona McKenna
MEDIA AND PARLIAMENTARY MANAGER
CORPORATE SERVICES
AUSTRALIAN MARITIME SAFETY AUTHORITY

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-----Original Message-----

From: McKenna, Fiona
Sent: Thursday, 14 January 2016 4:38 PM
To: jess.finlay@infrastructure.gov.au
Cc: Chief Executive Officer (CEO@amsa.gov.au); GM SSD; Michael Sutton (Michael.Sutton@infrastructure.gov.au)
Subject: MV PORTLAND - MUA Protest at Fremantle AMSA office [SEC=UNCLASSIFIED]
Importance: High

Hi Jess

As discussed, please find attached some photos of this afternoon's protest at AMSA's Fremantle office, and a copy of the letter presented by the MUA to AMSA's Ships Safety West Manager, and the pamphlet being distributed by the MUA at the protest.

Fiona

Fiona McKenna
MEDIA AND PARLIAMENTARY MANAGER
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-----Original Message-----

From: Di Meglio, Carlo
Sent: Thursday, 14 January 2016 4:29 PM
To: Schwartz, Allan; Vind, Reza
Cc: AMSA Media
Subject: PORTLAND - MUA Protest at Fremantle AMSA office [SEC=UNCLASSIFIED]
Importance: High

Al/Reza,

As discussed at about 1300 WST a MUA delegation headed by Chris Cain visited the office today requesting to speak with the Manager.

The issue they wanted to discuss was with regards to the MV PORTLAND and Australian seafarers treatment in that process. Chris handed over a letter addressed to Reza and attached hereto for which he requested a response.

With Chris at the AMSA office there were about 6 (tbc) Ladies whom apparently have worked on board the vessel at some stages but one in particular, which I understand was the cook (tbc) complained of the treatment she received when was kicked out of the ship at midnight.

Please also note that one of the MUA delegation videoed the meeting at the AMSA office.

Regards
Carlo

Carlo Di Meglio
PRINCIPAL REGIONAL PORT MARINE SURVEYOR
SHIP SAFETY - WEST
SHIP SAFETY

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AMSA Media – Talking Points

MV Portland

V6 – 14 January 2016 – 5.00 pm:

- *MV Portland is an Australian registered ship, operated by ASP Ship Management (ASP) and owned by Alcoa.*
- *ASP applied to AMSA to amend MV Portland's Minimum Safe Manning Document to change the crew requirement from Integrated Ratings (which is an Australian-specific qualification) with Deck and Engine Ratings (which is the international qualification).*
- *The application complied with the Navigation Act, marine orders and international obligations. Where the criteria set out in the marine orders are met, there is no basis for AMSA to decline the application.*
- *MV Portland's Minimum Safe Manning Document maintains safe crewing requirements.*
- *Under the new safe manning requirements the number of ratings on board has increased from five Integrated Ratings to five Deck Ratings and two Engine Room Ratings. **This has increased the overall crew complement by two.***
- *The process followed by AMSA to issue of the safe manning determination was consistent with the processes in place for any Regulated Australian Vessel.*
- *ASP applied to AMSA to issue certificates of recognition to seven foreign seafarers to fill the Deck and Engine Ratings positions on board. The application complied with the relevant Australian and International regulations and the certificates of recognition were issued by AMSA.*
- *All Regulated Australian Vessels have the flexibility to engage either Integrated Ratings or Deck and Engine Ratings or a combination of Integrated Ratings and Deck and Engine Ratings.*
- *AMSA has no jurisdiction in relation to the industrial dispute.*

If Asked:

Q: Is there any information to suggest that the foreign seafarers' qualifications are fraudulent or non-compliant under the Standards for Training, Certification AND Watchkeeping (STCW)?

A: Any suggestion that the foreign crew have inferior or fraudulent qualifications has not been substantiated in any way.

In accordance with standard procedures, AMSA checked the validity of the foreign qualifications before recognising their qualifications.

Q: What was AMSA's role in the replacement of the MV Portland's crew?

A: ASP applied to AMSA to amend MV Portland's Minimum Safe Manning Document to change the current crew requirement from Integrated Ratings (which is an Australian-specific qualification) with Deck and Engine Ratings (which is the international qualification).

The application complied with the Navigation Act, marine orders and international obligations. Where the criteria set out in the marine orders are met, there is no basis for AMSA to decline the application.

The process followed to issue of the safe manning determination was consistent with the processes in place for any Regulated Australian Vessel.

Q: Why did AMSA allow the company to change from Integrated Ratings qualifications to Deck and Engine qualifications?

A: The company's application met all requirements under the Navigation Act and marine orders. Integrated Ratings is an Australia-specific qualification, while Deck and Engine Ratings is an international qualification.

Amendment of MV Portland's Minimum Safe Manning Document maintains safe crewing requirements.

All Regulated Australian Vessels have the flexibility to engage either Integrated Ratings or Deck and Engine Ratings or a combination of Integrated Ratings and Deck and Engine Ratings.

Q: What legal authorities does AMSA rely on to reduce the safe manning certificate without the necessary auditing of procedures being completed?

A: The process followed to issue of the safe manning determination was consistent with the processes in place for any Regulated Australian Vessel. This process relies on the submission of an application using form AMSA93. The information required was provided on the form submitted by ASP.

Q: Who was the surveyor or the flag state inspector that has signed off on this reduced safe manning certificate?

A: The determination was signed by a delegate of the Australian Maritime Safety Authority in accordance with the Marine Order Delegations 2015.

Questions from MUA letter presented to AMSA's Fremantle office:

Q: Has the Portland enough crew to meet the minimum safe manning certificate?

A: Yes. The MV Portland was granted an amended Minimum Safe Manning Document changing the crew requirement from Integrated Ratings (which is an Australian-specific qualification) with Deck and Engine Ratings (which is the international qualification). Under the new safe manning requirements the number of ratings on board has increased from five Integrated Ratings to five Deck Ratings and two Engine Room Ratings. This has increased the overall crew compliment by two.

Q: What are the foreign crews qualifications?

A: Deck and Engine ratings.

Q: Do any of the crew have a current security awareness endorsement and a proven competency as to STCW? If so, was this scrutinised at any time prior to sailing the vessel by an AMSA representative?

A: AMSA verifies that the crew hold the relevant international training qualifications.

Q: The release of the vessel in this condition and in cyclone season may be of concern to AUSAR.... If the vessel was to encounter a tropical low in transit to Singapore and given AMSA's jurisdictional obligations. Would the Australian taxpayer be expected to foot this bill or would the vessel operator be obligated to pay if any search and rescue was needed to be deployed to assist?

A: AMSA has no concerns about the vessel's seaworthiness. AMSA does not charge for search and rescue operations.

Q: Is AMSA aware that the MV Portland's AIS is transmitting intermittently?

A: According to the guidelines for onboard operational use of shipborne AIS, the master may switch off the AIS if the master believes the continual operation of AIS might compromise the safety or security of his/her ship.

The guidelines state:

"AIS should always be in operation when ships are underway or at anchor. If the master believes that the continual operation of AIS might compromise the safety or security of his/her ship, or where security incidents are imminent, the AIS may be switched off.

In ports AIS operation should be in accordance with port requirements."

Q: Does AMSA have any concern with regard to the security of the Portland port? Given that unfettered access was provided to foreign seafarers unaccompanied and 30 something security guards that may or may not have MSIC cards had access to an Australian Port?

A: Questions on port security would be best directed to the Office of Transport Security in the Department of Infrastructure and Regional Development.

I note that access control is the responsibility of port operators. Maritime Security Identification Cards (MSICs) are only required for persons working in security zones. MSICs are not required for general access to Australian ports.

Q: What is the flag states obligation under the Navigation Act to act? If the information provided by the foreign seafarers qualifications prove to be fraudulent or non-compliant under STCW?

A: AMSA has no reason to believe the qualifications are fraudulent. The Navigation Act provides penalties for provision of fraudulent information.

Background (not necessarily for public release):

- On Thursday afternoon a group of protesters from the MUA held a demonstration at AMSA's Fremantle office. The group presented an AMSA staff member with a letter containing a list of questions about the *MV Portland*.
- ASP operates *MV Portland* as part of Alcoa's aluminium production operations. Alcoa transports alumina, from Western Australian mining operations, to its Portland smelter. The alumina is then smelted into aluminium ingots, for export to Asian markets. The alumina transport role is currently being performed by another vessel, *Strategic Alliance*.

- At about 1.00 am on Wednesday 13 January 2016 security guards removed the crew involved in the industrial dispute from the *MV Portland*. A replacement crew was brought aboard and the vessel has departed for Singapore.
- Alcoa is taking MV Portland to Singapore, for sale and delivery to new owners.
- ASP applied to AMSA to issue certificates of recognition to foreign seafarers to fill the Deck and Engine Ratings positions on board.
- Decisions made under the Navigation Act or Marine Orders are subject to review or appeal by all persons who have legal standing to do so – whether under review rights provided by those laws or under other applicable laws. The availability of review rights does not influence AMSA’s decisions.
- Legal authorities relied on by AMSA in considering changes to the safe manning certificate:
 - a. The Navigation Act 2012
 - b. Marine Order 21 (Safety of navigation and emergency procedures) 2012
 - c. Marine Order 73 (ratings) 2014
 - d. AMSA93 , Application for minimum safe manning
 - e. SOLAS
 - f. IMO Resolution A.1047(27) Principles of safe manning
 - g. ASP Management risk assessment and JSA’s
 - h. The ASP Vessel Operations Manual as verified annually through the DOC audit and ship board SMC. All ISM certification is in place and valid.

Contact Officer:	AMSA Media	1300 624 633
Clearance:	Allan Schwartz, General Manager, Ship Safety	
14/01/15		