

**From:** ZIELKE Judith  
**Sent:** Wednesday, 2 March 2016 10:30 AM  
**To:** ZIELKE Judith  
**Subject:** FW: As discussed [SEC=UNCLASSIFIED]  
**Attachments:** TPs - v6 MV Portland 14 Jan 16.docx

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**From:** Finlay Jess  
**Sent:** Thursday, 21 January 2016 6:27 PM  
**To:** Zielke Judith; Sutton Michael  
**Subject:** FW: As discussed [SEC=UNCLASSIFIED]

UNCLASSIFIED  
Just FYI

UNCLASSIFIED

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

**From:** AMSA Parliamentary [[parliamentary@amsa.gov.au](mailto:parliamentary@amsa.gov.au)]  
**Sent:** Thursday, January 21, 2016 05:57 PM AUS Eastern Standard Time  
**To:** Finlay Jess  
**Subject:** RE: As discussed [SEC=UNCLASSIFIED]

Hi Jess

Please note AMSA's advice below, as advised earlier, unfortunately we cannot provide advice on the visa components:

1. How did the foreign crew gain permission to enter and then sail the vessel? **Immigration will need to answer questions on the permission to enter the country. AMSA advises the crew and the vessel complies with relevant Australian requirements as required by the Navigation Act 2012.**
2. What country are these foreign crew members from?  
**AMSA advises that crew members are from India.**
3. What visa do these foreign crew members hold?  
**For immigration to answer.**
4. What health checks have been carried out on these foreign crew members?  
**AMSA advises that the crew completed Australian medical fitness examinations.**
5. What security checks have been carried out on these foreign crew members?  
**For Immigration and Australian Border Force to answer**

I hope this is of some help and I have reattached the latest talking points from last week.

Thanks

Deb

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**From:** Finlay Jess [<mailto:Jess.Finlay@infrastructure.gov.au>]  
**Sent:** Thursday, 21 January 2016 3:01 PM  
**To:** AMSA Parliamentary  
**Subject:** As discussed [SEC=UNCLASSIFIED]  
**Importance:** High

Hi Deb,

As discussed, please see attached.

Thanks for your help and apologies again for the urgency.

Kind regards,

Jess

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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.*
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### **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 obligate 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.

**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.

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**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		