



Captain Christopher Rynd, FNI (SE Australia branch) Announced as Cunard Commodore

ATSB – a safety culture
Collective nouns for surveyors
NI turns 40!

People and Contacts
Pilotage – art,craft or profession?
Dates for your calendar

Winter is here...

Winter is here – with the third coldest night in may since 1930! (well, in Canberra at least!).

Your committee has been looking at ways to celebrate NI – 40yrs, but we need some ideas. How can we mark this significant occasion for our institute? Can we have targeted technical meetings in each key area? Or perhaps plan a special 40th anniversary dinner meeting? Your input is needed – please pass your thoughts, events, and presentations to any of the Committee, or via e-mail to me at sec@nisea.org

The benefits of membership just keep getting better – following on from the focus effort on criminalisation of seafarers, your Institute has now put in place an insurance program to provide help to members who may find themselves in a situation where criminal charges are being laid.

I note with sadness the passing of Valerie Edwards, wife of Capt. Ken Edwards, FNI. As you may remember it



was just a year ago that we had the pleasure of Valerie's company when then NI President Richard Coates presented Ken with the honorary mention award for Shipmaster of the Year, as well as the NI Dedicated Service award.

Also reported in the newsletter is the recent announcement of NI SE Australia branch member Capt. Chris Rynd, FNI, as Commodore of the Cunard fleet. We look forward to welcoming Chris as our guest speaker at the quarterly meeting (NI / CMMA), Sydney, in November.

We have had two excellent speakers in 2011, both of which are reported on by Mike Bozier in this newsletter. Thanks to Mike for his excellent contribution to the newsletter, and the branch.

Thank you to those who have submitted items for the newsletter – please remember that input is always welcomed!

Jillian Carson-Jackson

What do you think of your institute?

What are you looking for from the NI? Don't be shy – send in your thoughts and ideas! Do you have a comment on a specific article? Is there a niggling issue that you feel the NI should be addressing?

We look forward to your thoughts and comments on articles that are presented in the newsletter. Please forward by e-mail to sec@nisea.org

People and Contacts

The NI SE Australia Branch Committee

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Carnival Australia is proud to support the Nautical Institute and in particular the NI's commitment to help drive continuous improvement of professional marine standards.

Comings and Goings...

What milestones are being reached by our members? I can't be aware of them all, so please send them to me for inclusion in the newsletter. To be included in the next newsletter, make sure they are received by e-mail at sec@nisea.org not later than 15 March, 2011. I'm sure I am not aware of them all!

Reaching a Golden milestone



On March 19, 2011, Capt. Ken Edwards, FNI and his wife Valerie recently celebrated their 50th wedding anniversary. In spite of inclement weather, friends and family

gathered at the Royal Automobile Club in Sydney. The Golden celebration was a joyous and festive occasion.



Barclay Ross and Ken Edwards at the party!

The memories of the day are made even more special knowing that Valerie succumbed to her long illness only a month later. A funeral service to celebrate Valerie's life was held in the Camelia Chapel on April 19th. Donations to commemorate this lovely and vibrant woman can be made to the McGraw Foundation <http://www.mcgrathfoundation.com.au/>.



Ken and Valerie celebrating 50yrs!

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Welcome to New Members

Roberts, A M Captain/Master (AUS – NSW) Associate Fellow

Nav Act Review

A review of Australia's navigation act is underway. Information on the discussion paper and responses can be found at:

<http://www.infrastructure.gov.au/maritime/paper/index.aspx>

The [AMSA discussion](#) paper notes that the next step is a draft Maritime Safety Bill will be developed with assistance from the Office of Parliamentary Counsel and in consultation with the States and the Northern Territory. This will be released for public comment during 2011.

ATSB Investigations – the approach and the benefits.

Greg Chaffey. Senior Transport Safety Investigator. Surface Safety (Canberra).

(The following is an edited version of a talk given to the Nautical Institute and the Company of Master Mariners of Australia in February 2011)

Introduction.

The current iteration of the Australian Transport Safety Bureau (ATSB) was set up on 01 July 2009, as an independent Commonwealth government statutory agency, managed by a Commission (a Chief Commissioner and two part-time Commissioners), under the *Transport Safety Investigation Act 2003* (TSI Act). The ATSB was originally set up in 1999 when the Bureau of Air Safety (BAS) and the Marine Incident Investigation Unit (MIU) were brought together as an independent safety investigative agency. It conducts its investigations in accordance with the provisions of the TSI Act, powerful legislation that enables the ATSB to detain a vessel in order to carry out an investigation and obtain information from various parties. It has about 110 staff, based mainly in Canberra, but with others in its Brisbane, Adelaide and Perth offices. The marine team is made up of 5 ex-seafarers, three ex-Masters and two ex-Chief Engineers.

What the ATSB does.

The ATSB conducts independent investigations into transport accidents which occur in three transport modes - maritime, aviation and rail, but not road accidents. The investigators identify factors that contribute, or have contributed, to transport matters or that affect or that might affect transport safety. They communicate those factors to relevant sectors of the transport industry and the public in any manner, which can include the making of safety action statements, making safety recommendations and/or issuing safety advisory notices. A report is published on the ATBS's website on every investigation, with hard copies of marine reports.

(Continued page 4)

What it doesn't do.

The ATSB doesn't investigate for the purpose of taking administrative, regulatory, criminal or civil action. It is not the ATSB's function to apportion blame or to provide a means to determine the liability of any person in respect of a transport safety matter. It is also not the ATSB's function to assist in court proceedings between parties or to allow any adverse inference to be drawn from the fact that a person (or organisation) was involved in a transport safety matter. The ATSB cannot assist in court proceedings of any sort except the Coroner's Court, as that is also concerned with safety. Because ATSB investigators want to be told the truth, the whole truth and only truth, persons who are questioned have to answer – they cannot plead self incrimination. If they do not answer then they can be prosecuted. These powers are contained in the TSI Act but are also embodied in the IMO International Code of Practice for Accident Investigators.

The ATSB jurisdiction.

Each year 12 – 14 reports are published of safety investigations carried out on:

- Australian flagged ships anywhere in the world.
- Foreign ships in Australian territorial waters.
- Ships with an Australian crew e.g. rig tenders.
- Where evidence may be found on ships in Australia (this is a catch-all as it will cover most businesses).
- Safety matters of international concern, i.e. matters with a world wide interest.

What the ATSB are.

The ATSB is impartial and totally independent, with full separation in law from all other Australian organisations. All powers of the TSI Act are vested in the Commissioners, who are able to delegate functions to investigation staff. The ATSB is not subject to direction from anyone in relation to the performance of its functions or the exercise of its powers. In other words, the ATSB cannot be prevented from conducting an investigation into a transport safety matter. It can be directed by the Minister but does not have to complete an investigation. A report must be published if an investigation is started but there is no external input into reports or press releases.

What the ATSB investigates.

- Any incident which might help safety –*Leewin II* on uncharted shoal: *Sea Road Mersey/Ormiston*.
- Groundings –*Sheng Neng 1*
- Fires and explosions –*Hanjin Pennsylvania*
- Collisions –*Pilsum* and *China Steel Growth*
- Incidents which result in pollution – tug *Tom Tough* and *Global Peace* in Gladstone.
- Fatal accidents –*Nego Kim*. IMO require an investigation. Usually a simple investigation into a straight forward accident.

- Safety Issues –*Atlantic Blue* grounding in Torres Strait. Resulted in an investigation of safety issues of Torres Strait pilots and work practices, including the safety issues of TS Pilots systems.

What the ATSB don't investigate.

- Deaths of non-crew members.
- Deaths by natural causes.
- Deaths by suicide.
- Malicious or criminal activities.

There is nothing to be learned from intentional actions.

How the ATSB does it.

Investigation types. When an incident occurs there is extra work for the Master, ship's management and P&I Club plus one or more of a state regulatory body, AMSA, police and ATSB. Under the TSI Act, the ATSB cannot share any information it obtains during an investigation with another organisation, therefore all interviews are duplicated. Usually the P&I representative will tell the crew to talk to ATSB without a lawyer present but to nobody else. There will then often be other enquiries:

- *In-house* – To examine the company systems and procedures and introduce remedial action at the appropriate levels of management and operation within the existing regulatory framework.
- *Administrative* – To assess the competence of individuals or organisations and to take appropriate disciplinary action.
- *Criminal or regulatory* – narrowly focused to establish beyond reasonable doubt that a breach of the law has occurred.
- *Civil* – to establish blame and apportion liability on the balance of probabilities

and finally...

- *Safety* – To drill beyond company considerations and legal issues to examine a whole of industry system and understand what caused the incident, so that the risk of a similar event reoccurring can be minimised.

The 'Stop' Rule.

The concept of the 'Stop' rule is that the point where an avenue of inquiry terminates depends on the purpose of the investigation. So, the question becomes, where does an investigator 'stop' a particular line of inquiry? And, following on from that, where does an investigation 'stop'? One answer offered is that the investigator stops when continuing will make no difference to the investigation findings. So an investigation will stop when the evidence is sufficient to prove what is needed to be proved. This may seem to be a somewhat circular argument but it works well in practice!

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Company investigation – ‘stop’ when a safe regime of work is restored and identifiable risks are mitigated, ideally ALARP (as low as reasonably possible).

Criminal / regulatory – ‘stop’ when a breach of the law has been proved for the purposes of a brief of evidence to the Director of Public Prosecutions.

However, these investigations do not necessarily address the underlying issues. These latter investigations focus on the ‘active failure’ which took place at the time of the occurrence. By focusing on the ‘active failure’ of the participants, and ‘punishing them alone’, the distinct possibility exists that a similar incident might reoccur in similar circumstances. Why? Because the ‘defences’ are/were not adequate or possibly non-existent and this fact was not recognised during the investigation.

Enter the safety investigation. A no-blame safety investigation accepts that, with the exception of a deliberate act, accidents happen during the course of transport operations. Therefore, it is important to follow a systemic model of investigation so that its investigators do not look only at what happened at the time of the incident but what policies, procedures, training issues etc that might also have made a contribution (the latent conditions).

The ATSB’s analysis model.

A simple analysis model based on a simple accident – a shipping company’s shift roster (a risk control mechanism) leads to a first mate experiencing fatigue (a local condition). The first mate forgets to change course at the required time (an individual action) and the ship grounds (an occurrence event). The accident path follows the sequence of steps but the investigation path is taken in reverse, starting with the grounding.

The ATSB investigation analysis model has five main stages – organisation influences, risk controls (preventative), local conditions, individual actions/technical events and production goals. Side stages from organisational influences are risk controls (recovery). The first two stages are regarded as ‘safety issues’ – what could have been in place to minimise problems with risk controls and what could have been in place to reduce the likelihood or severity of problems at the operational level. The last three are regarded as ‘safety indicators’- what aspects of the local environment may have influenced the individual actions/technical problems; what individual actions increased safety risk / how did the equipment fail; what events best describe the occurrence.

A systematic approach is taken to investigations (including human factors)

- Collect the occurrence data.
- Determine occurrence sequence.

- Identify unsafe acts, decisions and conditions.

Then for each *unsafe act or decision*:

- Identify the error type or violation.
- Identify underlying safety factors.
- Identify potential safety issues.
- Get feedback regarding safety action undertaken.

ATSB is not able to make any company take action however it is persuasive. The *Endeavour River* grounding report had no safety recommendations because the matters had all ready been covered by the Gladstone port authority and ASP Ship Management.

The human element comes into people factors; ship factors; external influences and environment; working and living conditions; organisation on board and shore side management, for example switches that work in the opposite direction to normal.

What the ATSB puts out.

ATSB Transport Safety Reports are published in two formats – short for fatalities or minor incidents and a long report for complex issues. A draft of each report is sent to the parties involved for their comments. Responses are checked and re-butted if necessary, a process of natural justice.

The benefits of an ATSB investigation.

For the individual:

- Know that the Bureau realise that people at the ‘pointy end’ make mistakes and that they don’t dwell on those mistakes.
- A chance to learn from other people’s mistakes.
- Know that any information given to the ATSB stays with the ATSB.
- Know that an ATSB report is not admissible in any criminal or civil proceedings.

For an organisation:

- Know that the Bureau will concentrate its efforts on identifying the safety issues associated with the occurrence – what defences went wrong or were not there, which allowed a mistake to have an adverse outcome.
- A chance to revise your own way of doing things.
- The organisation can show that it has taken safety action to address an identified safety issue.

The ultimate benefit is a safer maritime industry for mariners to work in.

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Commodore of the Cunard Fleet



A captain well known to Australian and New Zealand cruise passengers, Captain Christopher Rynd, has been appointed Commodore of the Cunard Line fleet, comprising Queen Mary 2, Queen Elizabeth and Queen Victoria.

New Zealand-born Captain Rynd, who shares his land time between Australia and Britain, has served as a captain for both P&O Cruises Australia and Princess Cruises. During his time with the two cruise lines he commanded Royal Princess, Regal Princess, the first and second Pacific Princess, Pacific Sky and Sapphire Princess. He was also Captain of Cunard's flagship Queen Mary 2 when she made her headline-making inaugural visits to Australia and New Zealand in February 2007 during her maiden world voyage.

Captain Rynd joined Cunard in 2005 when he took command of Queen Elizabeth 2. While on QE2, he came to appreciate Cunard's distinctive product and traditions. Since then he has commanded both Queen Mary 2 and Queen Victoria.

He took Queen Mary 2 on her maiden world voyage and attended the Queen Victoria during her construction and sea trials and later proudly served as her master.

After completing his cadetship, he joined his first passenger liner, P&O's Oronsay. His early sea days were in P&O vessels on routes between Australia and the UK which also included cruising. Since then, most of his career has been in passenger cruise ships on worldwide itineraries. Additionally Captain Rynd expanded his experience with eight years as a reserve officer in the British Royal Navy. He gained his qualification as Master in London in 1979. He was elected a Fellow of the Nautical Institute, the international professional body for maritime professionals, in 2008 and he took time out in 2009 / 2010 to work as a coach under the auspices of the Company's training facility, 'CSmart', in the Netherlands. This was an opportunity to travel in ships across the corporate fleets and be involved in the introduction of new procedures that enhance the safe operations in navigating ships.



We look forward to Christopher's presentation at the November quarterly combined meeting of the NI and CMMA, NSW Sports Club, Hunter St., Sydney.

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Are you a maritime professional?

The presence and influence of The Nautical Institute confers professional standing on seafarers and those with nautical qualifications. Seaways is the monthly journal which links members and provides an opportunity to keep up-to-date and share knowledge.

The NI has changed its membership criteria in order to be truly representative of the maritime profession... There has never been a better time to promote professionalism in the maritime industry! The membership changes are available on the NI website.

Check out the NI website for all the details (www.nautinst.org). You can even register using the [new on-line system!](#)

If you have any questions on the new membership criteria, feel free to contact you branch secretary (sec@nisea.org).

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Who am I?

On May 24, 1941 I sank the HMS Hood in a battle that lasted 8 minutes. The Hood sank 3 minutes later, with only 3 survivors. I was sunk on May 27, 1941 after receiving heavy fire for 74 minutes.

Who am I?

COLLECTIVE NOUNS FOR MARINE SURVEYORS

Submitted by Roger Womersley

With more than several thousand persons around the world now involved in marine surveying of one kind or another, one could refer to them collectively as:-

- An Argosy of Marine Surveyors.

As they carry out several different functions we suggest they could be divided into:-

- A Sea of Owners Surveyors
- A Baltic of Charterers Surveyors
- A School of Class Surveyors
- A Slip of H. & M. Surveyors
- A Club of PANDI Surveyors
- A Hold of Cargo Surveyors
- A Spill of Bunker Surveyors
- An Ullage of Draft Surveyors
- A Splash of Pre-purchase Surveyors
- A Radien of Angle of Blow Surveyors
- A Haven of Port State Control Surveyors
- A Hoist of Flag State Inspectors

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NI Insurance Scheme

As noted in the April edition of Seaways, the NI is doing something to assist mariners in this age of criminalisation. As Philip Wake noted in his article:

Members will be aware that the society which they serve so professionally and with such dedication is generally unaware of their role until there is an accident. Then the full force of the law may well be unleashed, particularly if there is any oil pollution, and seafarers find themselves facing criminal charges. It is also increasingly likely that the ship's managers ashore may also find themselves being charged for failing to properly implement the safety management system required under the ISM Code. All this is in spite of the fact that the maritime industry is the crucial component of world trade that fuels the global economy and delivers all but a fraction of a percentage point of it safely and in an efficient manner.

So, what can you do? Well, the NI has been holding discussions with an aim to provide an insurance policy exclusively for its membership. The policy won't be a panacea, but it will provide for some legal protection against the increasing use of criminal charges that may be levied against seafarers and shore based professionals who are involved in a true accident. The policy will provide up to 100,000 GBP (per case) of legal defence in criminal proceedings.

Just one more benefit of membership!

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**'Extreme make-over'
NI website gets a facelift!**

Keep your eyes open, as the NI HQ website will soon have a facelift. With enhanced features and facilities for members, we should see the new site unveiled in June or July!



In the meantime, don't forget the many services available on the site right now. Once you log into the 'members area' using your membership number and surname, you can access forums, download old Seaways and enter the CPD area.

And please make sure you keep your details up to date in the 'manage my membership – personal details'. In order to keep in touch, it is critical that you update any changes in mailing or e-mail address. With the large area covered by NI SE Australia I rely on the internet to send information, and supplement this with 'snail mail' sendings (but only when necessary!) If your data isn't correct in the NI data base, I won't have correct data and you may miss out on valuable institute information!

Don't forget to visit the branch website www.nisea.org frequently as well to keep up to date on branch activities! If you see something that needs fixing on the site, or have an idea for a new area / page please e-mail me at sec@nisea.org

Jillian

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Sponsorship

The NI SE Aus Branch is pleased to receive sponsorship from our members:

MariTrade www.maritrade.com.au


CARNIVAL AUSTRALIA www.carnivalaustralia.com

If your organisation is interested in sponsoring the activities of the NI SE Australia Branch, please contact the secretary at: sec@nisea.org

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Just too cool...

Check out this optical illusion - <http://illusioncontest.neuralcorrelate.com/cat/2011/>
Goes to prove that things are not always as they seem... and helps explain why simulation without motion can still make you reach out to grab hold of something when the ship 'rolls'...

2011 - Nautical Institute 40th Anniversary

2011 is the 40th Anniversary of the NI. How should we celebrate? Your ideas are welcomed – one idea that the Branch Committee is currently discussing is a 'Maritime Day 2011'. If this is to go ahead we will need input and assistance from our branch members. In addition, noting that the branch covers a large geographic area, what can we do to ensure membership engagement outside of Sydney?

Your ideas for recognising the NI 40th anniversary in all areas – Sydney, Canberra, Melbourne, Adelaide and areas in between – are needed! Please provide your thoughts to the branch secretary by 15 March 2011 (sec@nisea.org).

Please indicate:

Event Name and focus (purpose):

Proposed Date: (and alternate date):

Key contacts:

Estimated cost to run the event

(if you want to have an idea of some events that other branches have held over the past year or so, visit the NI members area – sign in with your membership number and last name – and check out the branch technical database)

Who am I? (from page 6)

The Bismarck, of course!

Launched on February 14, 1939 and commissioned on 24 August 1940, the Bismarck was one of the most famous warships of the Second World War. The lead ship of her class, the Bismarck had a displacement of more than 50,000 tonnes fully loaded and was the largest warship commissioned at the time.

Her activity in Operation Rheinbung, with the Prinz Eugen, saw the destruction of the mighty HMS Hood on 24 May 1941. An intensive hunt for Bismarck and Prinz Eugen ended only three days later, on the 27th of May 1941.



Some General Dates for your calendars...

<p>2nd Wednesday of the month 1830 hrs</p>	<p>Sydney Branch of the Company of Master Mariners Of Australia Standing invitation to members NSW Sports Club, Hunter Street, Sydney Contact Barclay Ross (02 9975 5578) or Jillian Carson-Jackson (sec@nisea.org)</p>
<p>2nd Wednesday of Feb, May, Aug and Nov – 1830 hrs</p>	<p>Joint NI / CoMMA meeting NSW Sports Club, Hunter Street, Sydney Contact Barclay Ross (02 9975 5578) or Jillian Carson-Jackson (sec@nisea.org)</p>
<p>4th Wednesday of the month 1830 hrs</p>	<p>Melbourne Branch of the Company of Master Mariners of Australia Standing invitation to members RACV City Club, 501 Bourke Street, Melbourne Contact Ms. Alex Evered (secmel@mastermariners.org.au) or phone 03 9699 3332)</p>
<p>Last Wednesday of the month 1230 hrs</p>	<p>South Australia Branch of the Company Of Master Mariners of Australia Standing invitation to members Largs Pier Hotel, 198 Esplanade, Largs Bay Contact: Howard Pronk (08 84475924 / 0417 714 649)</p>

Some Specific dates...

<p>Wednesday 10 Aug 2011 1800 for 1830</p>	<p>CMMA / NI combined meeting – presentation by Glen Robinson – Simulation Training / HMAS Watson NSW Sports Club, Hunter Street, Sydney <i>Bookings essential, please contact Barclay (02 9975 5578 or barclay.r@optusnet.com.au) or Jillian (sec@nisea.org) on or before Thursday, 4 August 2011.</i></p>
<p>Wednesday 9 Nov 2011 1800 for 1830</p>	<p>CMMA / NI combined meeting – presentation by Commodore Christopher Rynd (TBC) NSW Sports Club, Hunter Street, Sydney <i>Bookings essential, please contact Barclay (02 9975 5578 or barclay.r@optusnet.com.au) or Jillian (sec@nisea.org) on or before Thursday, 3 November 2011.</i></p>

Note – if you have an event or date for calendar, please provide prior to the deadline for input to the next newsletter. Remember, this is your newsletter!

Please be aware that the NSW Sports Club not only wishes to have advance notice of numbers attending meetings but will also charge for any “no shows” – cost for the excellent, fully served meal is \$40.00. The Sports Club is quite strict about this and so, please, if you would like to attend a meeting advise Barclay Ross (barclay.r@optusnet.com.au) or Jillian Carson-Jackson (jillian.carson-jackson@amsa.gov.au) by the 1200 on the Thursday before the meeting. Realizing that unforeseen events often arise, should you find that that you cannot attend please advise Barclay by 0930 on the Monday before the meeting and the “no show” charge should be avoided.