



The Porthole

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The newsletter of
the Company of Master Mariners of Australia,
South Australian Branch

PO Box 1, PORT ADELAIDE, SA 5015

Branch Patron: His Excellency the Honorable Hieu Van Le AC



Good Day to all once more,

If you are finding life mildly bewildering at the moment, don't worry, you are not alone. Various sets of rules which had only just been put in place by those charged with managing our Nanny State were abruptly altered to (what turned out to be an unnecessary) lockdown, which is easing even as I write this. These new impositions will be lifted, mostly. For instance, my pistol club will remain closed. I won't even try to rationalise that one. As I have mentioned before, things will remain unsettled until an efficient vaccine appears, and we all can get used to whatever the "New Norm" is.

Our Federal Brethren are all keeping very quiet, which in itself is good news. This leaves me with nothing of local COMMA importance to pass on. I leave maritime happenings to the editor of this fine magazine, and I should, perhaps, at this juncture, remark upon the interesting collection of 'Shipping News' promulgated by Roland Mason and sent around by e-mail. November's edition ran to 178 pages thus rendering any thought of personal effort redundant.

Meanwhile, back on the farm, though the dams are all more or less full of run-off, the creek has obstinately failed to flow, and thus no flushing of the sitting water has occurred. You can imagine how the algae is enjoying these conditions, and when it has used up all the available oxygen in the water, it will die and cause an obnoxious odour. Fish can't breathe in this dead water, and so only yabbies and turtles thrive. Occasional visits by Pelicans keep the yabby numbers in check.

Returning to business, we are maintaining our booking for the meetings and luncheon at the Largs Pier Hotel this Wednesday as per usual. In the unlikely event that the COVID gremlins play up, and the meeting is cancelled, we will notify those who have signified their attendance.

Until then
Stay Safe
Happy Sailing
Bob W (SABM)

COVID-19 restrictions permitting, the next Branch meeting will be held at The Largs Pier Hotel. 198 The Esplanade, Largs Bay. on Wednesday, 25th November 2020, at 1145 for 1200. Please confirm your attendance at the lunch or register your apology before 1200 on Monday, 23rd November 2020 with Bob Westley (0427 644 947) or Ian Dickson (0418 807 788)

In this issue

Into the Citadel by Michael Grey	2
Iran likens US to 'Pirates of the Caribbean'	2
China - EU rail network & US election	3
Cargill backs wind propulsion technology	4
VB10000 starts cutting Golden Ray wreck	4
Wakashio stern removal	5
Australian hydrogen carrier design revealed	5
TT Talk – Legal Eagle - Potential new exposures Eternal Bliss	6
APL England Container loss preliminary report	7
Masters required to be clairvoyant	8
Seafarers' living nightmare	8
So you want to be a surveyor...	
Branch members only	
Branch October meeting minutes	10



Into the citadel!

By Michael Grey.

I only ever met a stowaway once, when I was patrolling a darkened 'tween deck with the light of my torch, and he leaped out from behind a bale of wool, where he claimed to be sleeping. I almost died of fright, before ushering him to the booby hatch and the gangway. He was perfectly well behaved and cheerful as he wandered off along the wharf in Kingston, probably to look for another ship. The police weren't remotely interested, but we redoubled our stowaway searches before we eventually left the port.

It has become a lot nastier these days, witness the drama aboard the tanker Nave Andromeda off the Isle of Wight, when seven of the blighters terrified her crew and caused the Special Boat Service to break out their formidable armoury.

In its way, this incident merely demonstrates what seafarers are having to put up with in so many parts of the world. Seafaring has always been something of a "frontier" existence, but it has become more hazardous at a time when there is this surge in desperate migration, along with piracy, kidnapping and the malevolent influence of the drug cartels. I sometimes think of the little notice most of our ships would have under the glass on the chart table – "You have to be mad to work here" it said. These days there is no doubt.

The vulnerability of the modern seafarer to these "social" problems cannot be denied. On most ships, there are so few of them, that the bodies available to respond to the untoward challenges are just not there. Just a few determined thugs, angry stowaways or enraged migrants picked up at sea will have a small crew at their mercy, no arms being permitted aboard the modern vessel under any circumstances.

Despite the obvious and manifest hazards of the West African coast, none of the solutions that were effective to counter the Somalian piracy – such as armed guards – are permitted by the riparian states. Perhaps understandably enough, as they would angrily deny being "failed states", they see such matters as within their sovereign competence and assert that the defence of merchant shipping in their waters is entirely their business. Sadly, the fact that their waters are insufficiently policed for the current level of lawlessness, leaves the merchant mariners once again on their own

So there are insufficient "perimeter defences" to keep a big ship safe against either kidnappers or indeed desperate stowaways. There will be a comforting logbook entry noting that "a thorough stowaway search has been conducted", but there are probably not enough of a crew to properly examine the ship, while there will be inevitably pressure to get off the berth and away to sea. There are places, such as the rudder trunk, which are difficult to get at, while access to even a well-secured ship may have been facilitated by local corruption, with the watchman ushering the would-be travellers to a safe space.

There is almost certainly more that can be done to make ships more secure and to bolster protection for their crews, except that it all costs a bit of money. Alarm systems, motion activated lighting, better lighting over the side and far greater use of closed circuit and even infrared TV cameras are regular features of shore-side premises, so why can they not become standard fittings on merchant vessels, which are every bit as valuable? Maybe ships crews cannot be issued with Lee-Enfield muskets (as they were once on the pirate-infested China coast) but they ought to be given what support technology makes available. As the welfare organisations, bless them, constantly make clear, a ship is also the seafarer's home, and if it cannot be made a castle, it deserves to provide a reasonable degree of safety in the more dangerous places to which he or she is required to travel.

Michael Grey is the former editor of Lloyd's List.

Source: Maritime Advocate 764

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Iran Likens U.S. to 'Pirates of the Caribbean'

October 30, 2020 by Reuters

DUBAI, Oct 30 (Reuters) – Iran accused the United States on Friday of acting like the "Pirates of the Caribbean" after Washington said it had sold off Iranian crude oil shipments that it seized on their way to Venezuela.

Washington said on Thursday it had sold 1.1 million barrels of 'previously seized Iranian oil' that was bound for Venezuela, in the Trump administration's latest move to increase pressure on Tehran less than a week before the Nov. 3 U.S. presidential election.

"The Pirates of the Caribbean openly boasting abt(about) their booty... No one civilized brags about stealing," Foreign Ministry spokesman Saeed Khatibzadeh said on Twitter.

Iranian officials have said the seized crude oil shipments belonged to shippers and not Iran. But according to an unsealed U.S. forfeiture complaint, the fuel originated with firms tied to Iran's Revolutionary Guards, and shippers took steps to mask ownership.

The unsealing of the forfeiture complaints by the Justice Department came as the Treasury Department and State Department jointly imposed sanctions on a combined 11 different entities and individuals for their involvement in the purchase and sale of Iranian petrochemicals.

U.S. officials also said they had seized Iranian missiles shipped to Yemen. In July, Iran denied that U.S. forces had seized a boat carrying Iranian weapons to Houthi rebels in Yemen, saying the charge was aimed at extending a U.N. arms embargo on Tehran.

Iran-aligned Houthi rebels have been fighting the Yemeni government, backed by a Saudi-led coalition, since 2015. Tehran denies charges by Saudi Arabia and the United States that it gives financial and military support to the Houthis. (Reporting by Dubai newsroom Editing by Alistair Bell)

(c) Copyright Thomson Reuters 2020.

Source: gCaptain 201103

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The China – EU rail network and the US election

Andre Wheeler November 9, 2020

It may well be asked what the two things in the headline above have in common. Simply put, they both are shrouded in claims of deception, fraud and fake news. This article will refrain from engaging in the current flavour of the day in dissecting the claims and counter claims emanating out of the US election. However, the current spat between the Biden and Trump camps regarding fraud and manipulation turned my attention as to how various parties along the BRI China-EU rail have developed similar narratives to point to the success or not, of the China – EU rail network. This article tries to unpack some of these so as to give greater clarity to those involved in supply chain and logistics management in the Eurasian zone.



But first we need context. The intent of China's Belt and Road Initiative is to create an integrated and connected global trade network. This was to be achieved by developing key infrastructure that enabled the integrated pairing of seaports with rail networks. In the case of Europe, it was to integrate into the

Ten-T rail network that would allow better management of last / first mile freight delivery considerations. The new freight network was to complement maritime activity by activating short-sea freight routes. Furthermore, a single platform using the rail and short sea routes has been created to facilitate this.

There are only about 10 European cities that receive regular freight rail services from China

To bring this to fruition, the China – Europe express sought to build up inland hubs with the expectation of these inland ports to function in the same manner as seaports. This was the “win-win” narrative that built on the development of export and import markets that would create greater regional employment and growth through increased import / export tax revenue. However, this correlation was difficult to measure in simple economic terms, and so was born the fascination of rail freight operations as a measure of success.

Unfortunately, using this freight train as a measure has obscured what is really happening along the China-EU rail freight network. As there is no direct correlation between import / export associated rail leading to increased investment and growth, these inland hubs had to look at other regions for growth. With this comes the issue of state subsidies to attract freight trains and the concomitant level of corruption to get freight train numbers up to meet their performance measures.

Typically this distortion is encapsulated in the recent announcement of a new direct China-Europe rail link between Hefei and Dourges in France. This added to the narrative that China – Europe rail was successful because it had integrated and effective connectivity with 64 European cities. Furthermore, impressive train and cargo volume figures are trotted out to support this claim. For example, data shows an increase of 44% in rail freight along the China-Europe routes, with some 7,600 trains using this network in the first eight months of this year. Equally impressive are the 3,094 trains passing through the Alataw Pass in the Xinjiang Uygur Autonomous Zone – this being a 41% increase in train traffic. August alone saw 1,247 trains transport 113,000 teu, up an impressive 66% year-on-year.

There are many official reasons given for this dramatic increase in volume. Improved digital custom clearance in places such as Alataw Pass has reduced transit times. Officials are also very quick to point out that there are now 200 categories of export / import cargo. These range from motor vehicles, auto spare parts, wine, and e-commerce parcels.

However, all this positive energy hides real issues that those in logistics should be aware of, particularly when planning and arranging supply chains along the China-Europe rail network. These are structural issues that go beyond the simple discounting of the volume increase associated with Medical Supplies and support for Covid-19.

Whilst some weight must be apportioned to the effects of quarantine on ocean freight capability and capacity, these can be easily identified.

However, this presents a superficial understanding of structural issues in play that may well impact the successful delivery of rail to port pairings and the role of short sea routes.

The most important structural issue that has arisen with this obsession with train numbers to meet state performance standards is the distortion of city connectivity status. Creating this distortion has been the increase in the number of what are called customised irregular train services. Whilst they are reported as freight connections, and in some cases announced as a new connection such as the Hefei – Dourges connection claims, these are not on regular schedules or routings. They are often a single train journey between China and a European city, although declared a new line, there are no follow up freight train services. Besides their being effectively unreliable, they essentially service a single client. Some 30% of all rail freight fell into this category in 2019 and is said to be close to 40% this year.

When stripping all this white noise out of the narrative, what emerges is that there are only about 10 European cities that receive regular freight rail services. These are: Warsaw, Lodz, Praha, Rotterdam, Hamburg, Duisburg, Neuss, Nurnberg, Tilburg and Liege. The other cities range from a one off only service to irregular customised train services for a single client communication.

It is a case of buyer beware. Do your due diligence before planning your logistics and supply chain capability along the BRI and China. Just as the current situation with the US election results – the truth is somewhere in the middle.

Cargill backs wind propulsion technology

Jason Jiang October 29, 2020

Commodity trader Cargill and BAR Technologies have embarked on a strategic project with naval architect Deltamarine to promote wind propulsion technology to commercial shipping



Cargill/BAR Technologies

The project will see BAR Technologies' large wing sails WindWings fitted to the deck of bulk carriers, which could reduce CO2 emission by as much as 30%.

BAR Technologies is a spin-off from Ben Ainslie Racing (BAR), the British team formed by Olympic and World Champion sailor Sir Ben Ainslie, and provides design and engineering consultancy services for workboats and commercial vessels, shipping, special projects and leisure marine and yachts.

"Through this partnership we will bring bespoke wind solutions to customers who are actively seeking to reduce CO2 emissions from their supply chain," said Jan Dieleman, president of Cargill's Ocean

Transportation business.

"Changing regulations and uncertainty about future greener marine fuels makes choosing the right vessel to charter with a long-term view complicated. With the WindWings technology, Cargill will be able to offer customers a solution that improves vessel efficiency, independent of the fuel or type of engine used," he added.

The project is currently in the design phase and the first vessels fitted with the WindWings are expected by 2022.

Source: *Splash 201029*

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VB10000 Starts Cutting Golden Ray Wreck

November 9, 2020 by Mike Schuler

The heavy lift vessel VB10000 began cutting the Golden Ray on Friday more than a year after the car carrier wrecked in St. Simons Sound, Georgia.

The St. Simons Sound Unified Command said cutting kicked off Friday at about 11:30 a.m.



Anchor chain attached to the pulley system on the VB-10000 heavy-lift vessel moves slowly to cut through Section One of the Golden Ray wreck. St. Simons Sound Incident response photo.

However, approximately 25 hours into the cut, the chain broke.

"There were no injuries or damage to the VB-10000. Meanwhile, responders retrieved the chain and repaired the broken link while also inspecting the chain for any additional fatigue. They resumed cutting operations thereafter," the unified command said in an update.

The Golden Ray was carrying about 4,200 vehicles when it lost stability and grounded as it departed the Port of Brunswick more than a year ago in September 2019. All vehicles remain inside the ship's cargo holds and will be cut along with the wreck's hull.

The VB10000 arrived in St. Simons Sound late last month to prepare for the cutting of the Golden Ray inside an

erected Environmental Protection Barrier. The vessel will use an anchor chain to cut the wreck into eight sections that will then be lifted onto barges for transportation to a shoreside recycling facility. The first cut was anticipated to take about 24 hours.

"The cutting process was carefully engineered and modelled, but it remains a highly complex operation. This is the first of seven cuts. During each cut we will continue fine-tuning our cutting parameters, including speed and tension of the chain, to improve its efficiency" said Deputy Incident Commander Tom Wiker of Gallagher Marine Systems. "Though the cut is taking longer than expected, we're gaining valuable knowledge that will guide the rest of this operation."

Responders, meanwhile, are monitoring sound levels at the wreck site, St. Simons Island Pier and Jekyll Island Pier. Oil and debris recovery and firefighting assets are also on scene and ready to respond.

"We expect there will be noise, fires, product discharges, and debris once we begin the cutting and lifting process. It would be unrealistic to say that this operation will be clean and perfect," said State On-scene Coordinator John Maddox of the Georgia Department of Natural Resources, "We installed a multi-layer environmental protection system and have practised prevention and response strategies for several months. We are prepared to protect the community and environment of St. Simons Sound."

The 150-yard safety zone around the Environmental Protection Barrier is increased to 200 yards for recreational vessels. The UC advises mariners to steer clear of the perimeter. Officials prohibit any unauthorized usage of drones (unmanned aerial vehicles) around the wreck-site. Responders will report any sightings of drones and drone operators to local authorities.

Source: *gCaptain 201110*

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Right is a look at the chain being used for the cuts:

400 feet of chain is used to saw through the hull of the wreck of the Golden Ray. Each link of the chain is 1.5 feet in length and weighs over 80 pounds. St. Simons Sound Incident response photo.



Wakashio's Stern Removal Expected to Be Completed by Spring as Contract Awarded

November 5, 2020 by Mike Schuler

A contract to remove the stern of the *Wakashio* has been awarded in Mauritius as the salvage and clean-up continues more than three months after the ship grounded.



The stern of Japanese-owned bulk carrier MV *Wakashio* is seen in this August 21, 2020 picture obtained from social media, off the coast of Mauritius. MOBILISATION NATIONALE WAKASHIO/ via REUTERS

The contract was awarded to China-based Lianyungang Dali Underwater Engineering on October 20 by Nagashiki Shipping Co., the manager of the *Wakashio*. The company is currently mobilizing materials and equipment to Mauritius so it can commence work.

The work is scheduled to start in December with final removal of the *Wakashio*'s stern expected to be completed by Spring 2021, according to the latest update from Okiyo Maritime Corp., the owner, and Nagashiki Shipping Co.

The *MV Wakashio* was unladen when it strayed from shipping lanes and ran aground on a reef off Mauritius' coast. As the ship sat on the reef, its condition deteriorated and eventually resulted in a breach of a bunker fuel tank on August 6. An estimated 1,000 tonnes of fuel leaked into the environment. The bow of the *Wakashio* was towed out to sea and scuttled in late August.

"Of the approximately 1,000 tons of oil spilled from the ship, the recovery of the oil floating on the sea has been completed," said an update from Okiyo Maritime Corp. the owner and Nagashiki Shipping Co. "We are currently working on removing the oil that has washed ashore along about 30 km of the coast. Thanks to the efforts of the relevant authorities, local residents, and oil clean up teams, the collection is proceeding smoothly. It is expected that the collection will be almost completed in January 2021."

"Regarding support for the Mauritius people, we will cooperate with MOL's Mauritius Natural Environment Restoration Fund, whilst also fulfilling the responsibility of the ship owner such as continuing coastal oil recovery work, disposal of the rear part of the hull, and investigating the cause of the incident," the statement said.

MOL was the charterer of the *Wakashio* and it has sent a team to Mauritius to assist with the clean-up.

Meanwhile, *Wakashio*'s Captain and Chief Officer have been arrested and face lengthy jail sentences if convicted.

"The cause of the incident is currently being investigated by the Mauritius authorities and the investigation with the Captain is continuing. We will continue to fully cooperate with people of Mauritius and the relevant authorities in Mauritius and Japan in order to investigate the cause of the incident and protect the environment," the latest statement from Okiyo Maritime said.

Source: gCaptain 201106

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Australian hydrogen carrier design revealed

Sam Chambers October 14, 2020

The Australian backers of a much hyped compressed natural gas carrier have come up with a new compressed hydrogen ship design.

Global Energy Ventures's H2 Ship project was unveiled today, designed to carry up to 2,000 tonnes of compressed hydrogen. The company will now seek to get approval in principle for the vessel design from ABS next year.

Martin Carolan, GEV's executive director, commented: "Over the course of 2020, the company has been closely monitoring the growing support for hydrogen as a clean energy source. In our view, the application of GEV's compressed hydrogen vessel will be very competitive against other marine transport options, particularly to Australia's regional Asia Pacific customers."

The ship and its cargo system are in the patent process. The containment system will include ambient temperature hydrogen at a target pressure of 3,600 psi or 250 bar.

With the rapid advancement fuel cell technology for vessels, GEV intends to include engines that burn pure hydrogen.

There is a growing list of Australian hydrogen projects moving through successful pilots and into a domestic scale-up phase that have export plans.

GEV said today the key to driving down the economics of hydrogen production will be scale and the key to scale will be developing an export industry.

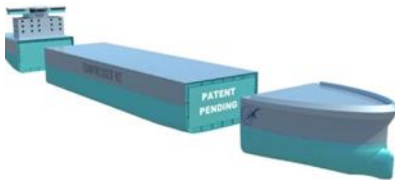
The company is best known for developing compressed natural gas (CNG) carrier designs, although a debut order for this novel ship type has met many hurdles. In July, GEV entered into an agreement with Chinese yard CIMC Raffles to extend to December 31 a letter of intent to build a series of CNG carriers.

Hydrogen carrier designs are still relatively thin on the ground despite all the hype about the fuel's potential in recent years.

In December last year, Japan's Kawasaki Heavy Industries launched the world's first liquefied hydrogen carrier to much fanfare.

Splash247 201014

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TT Talk - Legal eagle: potential new exposures



Eternal Bliss

This first instance judgment in relation to a charterparty dispute has the potential to spawn a range of liability exposures that could reverberate through the complex network of supply chain contracts. Most particularly the reasoning may expose ports and terminals in non-liner trades.

The Facts

Eternal Bliss was voyage chartered to carry a cargo of soybeans from Brazil to China. After the ship arrived in China, she waited at anchorage for 31 days due to congestion and lack of storage ashore. Upon discharge it was found that some of the cargo was damaged with mould and caking. The ship owner settled the cargo interests' claim and sought to recover the losses from the charterer in arbitration.

The cargo deteriorated as a result of the detention beyond the laytime, with no break in the chain of causation and no lack of care by the owners. No breach of contract was alleged against the charterers other than the failure to discharge within the laytime.

The charterer contended that demurrage, as set out in the applicable Norgrain charter (in terms similar to most voyage charterparties), was the ship owner's exclusive remedy; there were no grounds to support an additional claim for cargo damage. The ship owner argued that the demurrage only liquidated the damages for the detention and loss of use of the ship. The cargo damage, as a different type of loss, could therefore be recovered in addition to demurrage.

A preliminary point of law was referred to the Commercial Court, whether in these circumstances it was sufficient to identify a different type of loss or whether it was necessary to identify both a different type of loss and a separate breach.

The Judgment

Existing law, albeit the authorities are conflicted, was dominated by the *Bonde*, which decided that it was necessary to identify both a loss that differed in character from loss of use of the ship and a separate breach. In the *Bonde*, the ship filed late with the authorities incurring carrying charges, and the seller failed to load at the contractual rate. The buyer could not recover damages beyond demurrage because the only breach by the seller had been the failure to load at the contractual rate.

The *Bonde* has always been controversial and has provoked much disagreement, not least in the academic textbooks, to which the court referred in detail.

The court did not distinguish this case from the *Bonde* but determined that the *Bonde* was wrongly decided. Demurrage was intended to be no more than an agreed measure of the value of the ship's lost time, in excess of what was reflected in the freight. Commercial parties should not expect that agreeing a demurrage rate also liquidated other claims, such as for physical damage to the ship or cargo, or injury to the crew.

The court therefore held that the ship owner was entitled to recover losses different in type from the loss of use of the ship without needing to identify a separate breach, and referred the matter back to the arbitration.

Comment

This is an important decision, which may be expected to become more so as delays continue to be caused by COVID-19 around the world. Subject to there being a causal link between the delay and the 'different' claim, ship owners may now recover separate losses from charterers where previously this would not have been possible. Such losses could conceivably not be restricted to cargo liabilities, but extend to ship damage, foul berthing and ship maintenance issues, including crew changes and deviations to bunker. Certainly, the judgment is likely to inhibit the fairly common practice of using ships for storage on the basis the only financial exposure is demurrage. The implications are therefore potentially wide. The decision may not be of great direct relevance to many supply chain actors, but it may impact on liabilities in different parts of a forwarding contractual chain. The liability of ports and terminals may also be impacted if charterers are able to seek indemnity for an increased range of claims.

In view of its importance and the fact that it changes existing law, this first instance decision is likely to be appealed (as was more or less anticipated in the judge's summing up).

K LINE Pte v PRIMINDS SHIPPING (HK) Co Ltd ("Eternal Bliss")

[2020] EWHC 2373 (Comm)

Source: *Maritime Advocate* 764

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Preliminary Report Sheds Light on Container Loss from APL England

October 28, 2020 by Mike Schuler

A preliminary report from Australian maritime investigators into the loss of containers from the APL England says that the ship experienced heavy rolling and lost power to its main engine before crew discovered that containers had gone overboard.



Photo: AMSA

The ATSB preliminary investigation report details that the container ship was rolling and pitching heavily in rough seas and high winds when it lost 50 containers about 46 nautical miles south-east of Sydney on 24 May 2020.

The report includes facts related to the sequence of events leading up to the incident but does not include any conclusions or recommendations.

The report shows that the Bureau of Meteorology issued regular forecasts regarding a complex low pressure system developing off the Australia's south-east coast, with gale force wind warnings, as the *APL England* travelled down the east coast of the country.

"By 0600 on Sunday 24 May, while maintaining a southerly course and a speed of about 7 knots, the ship was pitching and periodically rolling in high seas and gale force winds," said ATSB Chief Commissioner Greg Hood.

"Shortly after, at 0610, the ship experienced a series of very heavy rolls, to about 25° either side of upright. On the bridge, with many items moving and falling to the deck and the crew holding on to maintain their footing, steering system and engine room alarms sounded, and then the main engine shut down due to a loss of oil pressure," Hood said.

The report details that the crew restarted the engine, by which time the ship had turned to port, beam on to the seas, while continuing to roll heavily. The ship slowly gained speed, and was turned easterly and then southerly, into the weather, before the crew then decided to head north, with the weather, the ATSB said.

It was not until the next morning that the ship's chief officer first noticed the fallen stacks of containers.



The investigation has established that 50 containers were lost overboard from both forward and aft bays. One of the lost containers contained hazardous goods in the form of dry powder fire extinguishers, while 23 containers were empty. Another 63 containers were damaged but remained on board.

The ship sailed to the Port of Brisbane under its own power where ATSB investigators boarded the vessel to survey the damaged container stacks, inspect the container lashing equipment, download the vessel data recorder and video recording system, and interview the crew.

"Generally, the ship's lashing equipment appeared in good condition. However, many of the ship fittings including lashing eyes, lashing bridges and deck structures were found to be heavily corroded and

wasted," Hood said.

"In addition, ATSB examination of the container stowage arrangement showed that the use of 'high cube' (2.9m/9ft 6in high) as opposed to standard height (2.6m/8ft 6in) containers in the ship's aft-most container bay, bay 62, affected the security of the stow above the container cell guides. However, the loading computer's lashing and forces checks did not show any conflicts for this arrangement," the ATSB said in a press release announcing the initial report.

A final report will be released at the conclusion of the investigation and will include details any safety findings or analysis.

"The on-going investigation will review and analyse several areas of interest including the ship's container stow and lashing arrangement; the maintenance regimes for the ship's deck and engine room; the ship's service and inspection history; the ship's stability condition; weather conditions and information provided to crew; and the actions of the ship's crew," Hood said.

"However, should a critical safety issue be identified during the investigation, the ATSB will immediately notify relevant parties so appropriate and timely safety action can be taken," he added.

Source: gCaptain 201029

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Master required to have the ability to see into the future

"According to the Belgian Court of Appeal, it would seem that Masters of ships must also be Masters of the unknown – on top of all the other job requirements. Odd? Yes – we thought so, too.

A recent case involving a ship entered in the club involved a cargo of steel plates and coils loaded in China and discharged in Belgium. Naturally, the ship's voyage involved sailing through different climates. This voyage took place in winter, so she sailed from a cold China, through the warm Singapore Straits near the equator and then back up into a very cold Europe. This allegedly caused damage to the cargo, for which the receiver sought to recover damages. The owners were seeking to deny liability on the basis that it was not the fault of the ship.

Now, this is not an unusual situation, but the Belgian Court of Appeal clearly thought otherwise! They held that a receiver is relying on the description of the cargo provided by the Master when the goods are loaded. Excellent – that is the situation as we know it. It coincides with the obligations under the Hague-Visby Rules (to which the Netherlands are a signatory) and is not too onerous. So far, so good – but this is where it started to go wrong.

The Court further held that the receiver is not supposed to have any knowledge regarding the carriage of steel. Anything to do with the transportation is, therefore, completely down to the owners/Master. As such, the Court said that the Master should have described the condition of the cargo, taking into account the forthcoming voyage.

So, in other words, the Master is expected to clause the bills of lading in accordance with any and every potential change in condition of the cargo caused by and during the voyage. In theory, by the time the damage is done and the cargo reaches the discharge port, it would completely correspond with the description given by the Master at the loading port.

There are so many questions!

How is the Master supposed to predict the potential effects that the voyage will have on the cargo?

What happens if the Master over-estimates the expected effects of the voyage? The cargo would turn up in a better condition than when it was loaded!

What level of knowledge is the Master deemed to have about each and every cargo he is due to carry?

What happens to the poor shipper who has provided cargo in a good condition, then receives a claused bill for damage that hasn't even happened?

How does this decision interact with the obligations under the Hague-Visby Rules – which one prevails?

Surely the receiver should know what they are buying, its characteristics and where they are buying it from?

The owners may be appealing the decision!

Source: *Flashlight 215*

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Seafarers' living nightmare

Life during Covid is described as a "living nightmare" by one seafarer in a new report. Seafarers continue to face a bleak future in the face of the Covid-19 pandemic, according to the latest Seafarers Happiness Index report, published by The Mission to Seafarers.

The survey, undertaken with the support of the Shipowners' Club and Wallem Group, reports on the experiences of seafarers between July and September 2020. This period saw some welcome action to address the dire situation facing the world's seafarers in the midst of Covid-19, including the ongoing crew change crisis, but still fell short of the comprehensive response that is needed from the international shipping community in the face of the second wave of the pandemic. Issues raised include a decline in optimism as seafarers faced the second wave of the pandemic, financial and crew change issues. Crew cohesion has been put under pressure, the report suggests.

In response to this latest survey, Andrew Wright, Secretary General of The Mission to Seafarers, commented: "Once again, the Seafarers Happiness Index has revealed the immense human cost of the Covid-19 pandemic among the men and women who serve at sea and upon whom we all depend. It is deeply worrying to learn of the impact on the bonds between crewmates and the damage to social cohesion onboard. All of us who care about our seafarers must act now and act faster to deliver the immediate support and relief that they need, along with a longer-term plan of action; one that meets the needs of those serving at sea and those stranded ashore.

"The Mission to Seafarers is doing all that we can through our global network of ship visitors and seafarer centres, including adapting our facilities to make them 'Covid-secure' and developing alternative solutions such as our online 'chat to a chaplain' service, but this crisis requires a global response from our industry leaders and national authorities."

Louise Hall, director for Loss Prevention at the Shipowners' Club, emphasised the need for the industry to embrace new ways of meeting the needs of seafarers: "This latest report highlights the heightened plight of seafarers both ashore and at home. Those on board are feeling increasingly concerned with the ongoing situation, with many voicing that they feel physically and emotionally exhausted, whereas those at home are surrounded by the uncertainty of their future employment and financial woes. It is imperative that we work together as an industry to provide new services and tools, such as the online 'chat to a chaplain' service, to improve the health and wellbeing of seafarers during these most difficult times."

Frank Coles, chief executive of Wallem Group said: "The index is a measure of the incompetent leadership of world governments to recognise and support seafarers. We need to start listening to our seafarers and urge governments to open their borders to seafarers and confirm their key worker status as a matter of urgency."

Source: *Maritime Advocate 764*

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So you want to be a surveyor

A marine surveyor should have:

Ability to consume vast amounts of alcohol when entertaining Superintendents and receiving hospitality from Masters.

Ability to speak every language on earth (and some that aren't).

Ability to communicate with all types of people of differing ages, standards, social backgrounds and intelligence.

Teaching/training skills which may also be called upon in many situations.

Unlimited amounts of enthusiasm for your work.

To be generally extrovert.

To have a good sense of humour and be able to laugh when you really want to scream.

To be well organised with good business acumen.

Total reliability and ability to convert Client's requirements into appropriate actions in all situations.

Ample amounts of wool, to be pulled over the eyes of Superintendents and Masters during condition surveys.

To be as young and fit as possible to climb up and down ladders whilst having the wisdom of an elderly sage.

A minimum of 100 years seagoing experience in every type of vessel, with every type of cargo and/or on every type of engine.

Ability to work 28 hours a day for eight days a week without sleep or food.

The ability to walk miles with heavy bags and equipment.

The ability to arrive somewhere yesterday at no cost.

Ability to understand every Classification Society and P&I Club rule.

The patience of Job when dealing with some Masters, Superintendents, Chief Engineers, Customs officers, Immigration officers and Shipping agents.

Typing speed of 2,000 words per minute or a secretary with audio typing skills of the same speed and well-endowed to decorate the office.

Ability to prepare preliminary reports before the survey is completed and formal reports before returning to base.

Not to become paranoid when there has been no appointment for a week.

Sufficient capital required to cover clients delays in payments for up to six months.

Sufficient staff required to organize travel arrangements for up to five surveyors and then to have them all cancelled at the last moment with no compensation.

Instinctively know how to explain to a claimant that their claim is going to be declined without ever mentioning the words "decline" or "won't pay".

Knowing when not to give "insufficiency of packaging" as the cause of a loss.

How to turn a total loss into a nil claim without upsetting the claimant.

Manage to persuade a P&I Club to grant an extension when the time bar expired a week ago.

Avoid being sued for letting a time bar pass.

Smell condensation losses before you arrive at the survey and quote the volume of water a cheap pallet can hold when 40% wet and the names of the fungi which will be present on the timber.

Source: *Flashlight 215*

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