

A gale of a time leaves crew high and dry as Shamrock's luck runs out

Hamish Boland-Rudder

LESS than 48 hours after taking the starter's orders with Hobart the only destination in mind, the 14-metre yacht Shamrock was back where it all began yesterday and much the worse for wear.

Just over a day from Sydney Harbour, Shamrock looked to be in a strong position to challenge the division two frontrunners. That all ended when a crew member rushed on deck to tell the skipper, Tony Donnellan, they were taking on water.

"The rudder bearing had just completely let go out the back, and virtually you could see daylight straight out through the bottom of the boat," said the skipper and owner of the Victorian yacht.

Shamrock is one of 16 yachts to drop out of this Sydney-to-Hobart, after gale force southerly winds pounded the fleet off the NSW south coast.

Retirees from the race have been plagued by a variety of problems, including broken booms, torn mainsails, and engine issues.

The damaged rudder bearing that ended the race for Shamrock also left 30 centimetres of water in the bottom of the hull.

The 12-person crew frantically baled water through the night while shirts, rags and even sawn-off pieces of the yacht were used in an attempt to try to



Wheel of misfortune ... Shamrock and its crew returning to Sydney after a rudder failure; relieved crew members, right, relax back on land. Photos: Richard Jackson, James Brickwood



plug the point of the gushing leak.

"It was rough conditions, the wheel was moving a lot, so the bearing was just slopping around, and water was just pouring in," said Donnellan, recounting how five crew members jumped on the mainsail to con-

trol the yacht. Shamrock was forced to turn back from Eden. It limped into Sydney Harbour about midday yesterday and was hauled out of the water immediately because of fears it would sink.

The relieved crew were glad to have made it back to land safely,

but were disappointed to be stepping ashore in the city where they started, instead of crossing the line in Hobart where family and friends were waiting to welcome them.

A Shamrock crew member, Brett Averay, was aboard the 16-metre yacht Georgia which

sank during the 2008 Sydney to Hobart. He believes that despite the latest disappointment, turning back was the right decision.

"Realistically we could have been stepping into a life raft," he said. "We did the right thing; everyone's safe, the boat's safe, we're all good."

Only 71 of the 87 starters are now likely to cross the finish line after the fleet hit some of the roughest sailing conditions since 2004, when almost half the entrants failed to reach Hobart.

But Garry Linacre, the Commodore of the Cruising Yacht Club of Australia, applauded the

skippers as showing "signs of good seamanship". Most of the retirements this year were taken as safety precautions, rather than out of necessity.

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Baby twin death

A three-month-old twin boy who died in a Newcastle hospital is believed to have had a genetic disorder, a friend of the family said. The baby's brother remains in John Hunter Hospital in a critical but stable condition after the twins were brought in by their parents on Monday. Police are investigating the death and a crime scene has been set up at the parents' home in Cardiff. A family friend told the Seven Network the boy had Apert syndrome, a rare genetic disorder that causes certain skull bones to fuse, preventing the skull from growing normally. AAP

State funeral

The Northern Territory government will hold a state funeral for Melville Island-born former AFL star Maurice Rioli, who died of a suspected heart attack on Christmas Day. Mr Rioli represented the vast territory electorate of Arafura for nine years to 2001.

Indian drowning

As many as five Indian-Australians, including a woman and possibly some of her children, were feared to have drowned when a boat capsized in the Gulf of Mannar off the east coast of India. They were believed to be among 16 victims. The Department of Foreign Affairs and Trade is verifying with local authorities how many Australians are involved.

We'll sort out court computer debacle, Coalition pledges

Debra Jopson

THE NSW Opposition would promptly review the \$54.5 million JusticeLink computer system if elected in March after revelations that millions of dollars in compensation had been paid to people wrongly arrested.

The commitment comes just weeks after the latest Auditor-General's report revealed that after years of cost blowouts, delays and complaints from court workers who use it, JusticeLink has cost \$6.3 million more than the \$48.2 million budgeted for it last year.

The shadow attorney-general, Greg Smith, said that as minister, he would review JusticeLink, the system meant to share court details of all criminal matters with other justice agencies.

"I'd make sure there is full communication between the courts and the police to ensure the police don't make mistakes like they seem to be making."

He described as scandalous Herald revelations that 22 people, including children, had been paid compensation totalling \$2.7 million last financial year for wrongful arrest and false imprisonment, because police computers were often not updated when their bail conditions were lifted or varied.

The Public Interest Advocacy Centre is planning major litigation, with another 10 more juveniles possibly seeking more money for unlawful arrest in a class action after 3½ years of lobbying has failed to fix the computer flaw.

Mr Smith said the compensation cases showed the injustice of Bail Act amendments of 2007 which landed many young people in custody for technical breaches of bail conditions, when the charges they faced carried no jail sentence.

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A costly travesty of justice

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"This government is so star-struck with law-and-order campaigns they don't seem to be able to admit that something might be wrong," Mr Smith said.

But a spokesman for the Attorney-General, John Hatzistergos, said yesterday that JusticeLink, operating at all civil and criminal courts since June, allowed direct access to court records by other justice agencies, including those involved in law enforcement.

"Court records, including bail decisions, are uploaded to JusticeLink daily and are available to justice agencies including police," he said.

The Auditor-General, Peter Achtertraat, reported that the original software was inadequate, the design specifications were not sufficiently clear and the justice system needed a more complex computer setup, according to the Department of Justice and Attorney-General. Despite the rising price of the computer system, the department still had to battle JusticeLinks' failings when computers in the department and the State Debt Recovery Office failed to communicate during last financial year, the auditor has revealed.

By June 30 more than \$30 million of debt had not been referred to the office "in a timely manner", he said.

The Justice Department also had trouble with its bank reconciliations when ledger and bank entries could not be matched "in a timely manner" as procedures were changed for JusticeLink, the report said.

"The vast bulk of these entries have been reconciled and the remainder will be in coming weeks," the spokesman for Mr Hatzistergos said.

Extra jail time for Qantas woman

Kim Arlington
COURTS

A QANTAS employee who abused her trusted position to help import drugs will spend an extra year in jail after her sentence was increased on appeal.

The need for general deterrence was relevant in Anne Nikolovska's case because of her breach of trust, the Court of Criminal Appeal ruled.

"She had a security clearance," Justice David Kirby said. "She was trusted. She knew the system. That knowledge and that trust was valuable to an importer. Ms Nikolovska traded that advantage for money."

Nikolovska, a controls analyst at the airline's Sydney Dis-

tribution Centre at Mascot, had worked for Qantas for 27 years. Her security clearance gave her access to imported goods held in a secure area.

In 2007 a former colleague at the airline, Wagih Nakhla, asked her to intercept a package from Africa.

Nikolovska agreed to deliver him the package, for a \$10,000 fee. But customs, acting on a tip-off from the federal police, got to the package first - and found it contained almost two kilograms of cocaine.

The parcel was delivered as part of a controlled operation and ended up on someone else's desk. Police were tapping the phones when Nikolovska called Nakhla to tell him: "Hey, we're

in strife." She was arrested within hours. She and Nakhla both pleaded guilty to importing a marketable quantity of cocaine. Nakhla was jailed for at least five years and nine months.

In the District Court last year Judge John Nicholson jailed Nikolovska for up to six years, to serve a minimum three years and nine months, saying she knew drugs would be imported.

However, the Court of Criminal Appeal quashed the sentence. Agreeing with the Crown that the sentence was too light, the appeal judges added a year to her non-parole period and another 18 months to her maximum term.

Nikolovska will be eligible for parole in 2012.

Labour pains begin for baby leave

Yuko Narushima

AUSTRALIA'S first paid parental leave scheme places undue administrative stress on employers, the federal opposition and business groups say.

From January 1, the government will pay eligible parents \$570 a week for 18 weeks to stay at home with their newborns.

For the first six months it will make the payments directly to parents. On July 1 it will pass the responsibility on to employers.

The head of the Australian Chamber of Commerce and Industry, Peter Anderson, said administration of the scheme should stay with the government. "Small and medium



Ged Kearney ... "no different to annual leave or sick leave".

businesses already have to do 101 things and here is another thing they have to do for the government.

"It just doesn't seem fair or necessary for the employer to negotiate with Centrelink in a three-way dance. It's just double handling."

The opposition spokesman on small business, Bruce Bilson, accused the government of foisting "pointless pay-clerk responsibilities" on employers. But the ACTU president, Ged

Kearney, said the criticisms were nonsense. "It's no different to annual leave or sick leave. Eventually, it will all be in the same sort of process."

Yesterday the Minister for Families, Jenny Macklin, urged parents expecting babies early next year to lodge their claims with the Family Assistance Office now.

She reissued a warning to companies planning to use the taxpayer-funded scheme as an excuse to water down paid parental leave entitlements.

"We'll be very closely monitoring this," she said.

To be eligible, the primary carer must have an annual income of \$150,000 or less and have worked before the birth.

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