

The LOG

MAY 2012



MELBOURNE BRANCH

Kindly sponsored by Victorian Regional Channels Authority

The next meeting will be on
Wednesday 30th May 2012
CQ Functions 113 Queen St
Melbourne.

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Our Guest Speaker for 30th May - Mr Adrian Mnew, Deputy Director Commercial Operations, and he may be joined by Mr Peter Corcoran, Director of Maritime, both from Transport Safety Victoria. Their topic "The New Marine Safety Act" This comes into force on 1st July 2012

Company of Master Mariners of Australia Ltd

Master

**Her Excellency Ms Quentin Bryce AC. Governor-General
of the Commonwealth of Australia**



Port Phillip Pilot vessel AKUNA IV built by Hart Marine Mornington Australia transiting Port Phillip Heads 30-4-2012, in a big swell to pick up the pilot from ANL BENALLA photo: Master ANL Benalla ©



Branch Master's report for the Log - Capt David Shennan.

Stormy seas ahead for CoMMA?

I attended the Federal Annual General Meeting in Adelaide on the 14 & 15 April 2012. It was known beforehand that the focus of the meeting would be centred on the proposals prompted by the view that there is a need to change the organisational structure of the Company to ensure its sustainability.

A review of membership trends indicate that while the overall numbers of members has been maintained at a steady level, some branches were finding it harder and harder to attract new members. Those branches were also finding it more difficult to find volunteers to fill their constitutional court positions.

Following a survey completed by 25% of the membership some 4 or 5 years ago the Federal Executive set out on a course to address some of the issues raised by responders. A project plan was produced in 2009 and distributed to branches. The Federal Master and the WA branch appear to be frustrated by the lack of attention given to what was seen as urgently needed reforms.

For those who may not be familiar with the Constitution, the Federal Court consists of the Federal Master, Deputy Federal Master and the Branch Master from each Branch (Rule 41(b)). Any Branch, (currently WA), may nominate the Federal Master and Deputy Federal Master (Rule 42(a)). The Federal Master is not also a Branch Master.

Within the court is an 'executive'. The executive currently consists of the Federal Master, Deputy Federal Master and Federal Secretary. At present these, along with the Honorary Federal Treasurer, all reside in WA.

Historically, for logistical reasons, the entire executive has come from the same branch, which severely limits the branches who can even consider taking on executive duties. This may also have, in the past, been seen by some members as a sign that the CoMMA powerbase was in a particular part of the country, and therefore been suspicious of the Federal Court's motives.

There are two clear concerns for the Company for which constitutional change may be required to address:

Firstly, the impact on the Company at next year's AGM when the existing federal executive intends to stand down – without anyone else wanting to step up. Other branches have indicated they will not be in a position to support their branch court and the federal court from within their membership. We should consider the effect of this when attending the AGM and finding silence reigns.

Secondly, several branches have indicated the difficulty they have in meeting Rule 78(a) of the constitution when attempting to fill the seven court positions from their membership. Some members are filling more than one role in an attempt to keep the branch running.

Part of the proposal put forward is to do away with the federal 'executive'. The Federal Court would then effectively be a board of directors made up of Branch Masters who elect one of their number as Federal Master.

The position of federal secretary is retained as it is now, but an Honorary Federal Treasurer and Registrar will need to be found.

Additionally, a change in the constitution that requires only a Branch Master and Deputy Branch Master will ease the burden on the smaller branches, while not affecting those larger branches who wish to retain their present structure.

There are other practical matters which need to be discussed. The Federal Master is providing a DVD and PowerPoint presentation which will explain the position more clearly and prompt discussion amongst members. It is my intention to facilitate a workshop in June at one of our lunchtime meetings and I encourage as many of you as are able to attend.

Many members have yet to register on the CMMA website. Once registered you can enter the member's only area and check-out the blog started by the executive on this subject, adding comments as necessary. Until recently there was a clear instruction on how to register on the website but apparently as part of the update & the removal of the Forum & replacement with the Blog this has changed & new registrations have to be forwarded to Mike Tyler the webmaster at admin@mastermariners.org.au. If you email details of yours membership & Branch details it only takes a couple of minutes to set up.

In summary:

There are three things members can do to help:

- Attend the meeting on 27 June, join in the debate and provide input.
- Register on the CMMA website and put your views on the member's blog.
- Attempt to enrol one new Ordinary or Associate member in the next year.

We must alter course before hitting the rocks?

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[Court Meeting 26th April 2012.](#)

Six Court members were in attendance with apologies from five others.

Minutes of the previous meeting were read and accepted.

Matters arising are covered below.

Readings & Applications.

Grant McKenzie	Ordinary member	West Australia
Shannon John Nicholson	Associate member	West Australia
Simon Linton Healy	Ordinary member	West Australia
Mark Andrew Pointon	Ordinary member	West Australia
Gen Clement Colaco	Ordinary member	Melbourne

Henry David Holmes Ordinary member South Australia.

An application for Associate membership of the Melbourne Branch has been received from Joanna Carson and forwarded to the Federal secretary.

Ratifications.

Radi Khalef Ordinary member Queensland
 Camilla Eie Ordinary member West Australia.

Upcoming Events.

30th May - Branch Dinner
 25th June - International Day of the Seafarer
 27th June - Branch Lunchtime Meeting.
 28th July - Maltese Association Dinner Dance
 12th August - Operation Pedestal—Maltese Shelter of Peace.
 3rd September - Merchant Navy Day - Details to come.
 21st October - Seafarers Service at the Cathedral followed by the Tim Muir Lunch.

2013

09/10th April - IFSMA Conference - Melbourne.
 11/12th April - CoMMA Congress/Conference including the Boulton Lecture
 13th April - CoMMA Annual General Meeting in Melbourne.

Captain Nigel Porteous pointed out that it was necessary that the branch be advised of what arrangements it was to be responsible for in preparation for the April Conference/Congress/AGM. The Branch Master advised that Informa had been tasked with facilitating the Conference and he would be discussing this with the Federal Master in mid-May and will report.

Membership Drive.

The Federal Court has confirmed that it costs \$80 to process an application for membership and therefore the application fee has to be retained.

It was decided that a membership drive was required and ALL active members are strongly urged to participate.

Speakers.

The Court agreed that the June Luncheon Meeting should have a facilitated discussion on the future position and structure of CoMMA. There will not be an invited speaker at this event. It will be a very important meeting and members are urged most strongly to attend.

Correspondence.

The Coastal Trading Submission:- Capt Ambrose Rajadurian and Ms Teresa Hatch both provided responses to the proposed Bills which were forwarded to the Federal Secretary. These have been used to put forward a CoMMA submission, a response which was greatly appreciated by the Federal Executive.

Treasurers Report.

Fourteen members are still outstanding with their "subs".

Membership	Ex- Officio	03
	Life members	03
	Honorary Members	01
	Retired members	38
	Ordinary members	65
	Associate members	<u>15</u>
	Total Membership	<u>125</u>

Branch Masters Report. See page 2.

General Business.

The Court gave a vote of thanks to Capt Nigel Porteous and Capt Ian French for representing the Branch at very short notice at the Commemoration of the 70th Anniversary of the presentation of The George Cross to Malta. The wreath that was to have been presented by the branch was commandeered by the British High Commission who had attached a hand written note in place of the one from the branch.

Presentation Plaques. It was agreed that these would be ordered.

CoMMA Website. The Branch Master informed the meeting that a blog has been started in the members area of the website which provides a chance for members to comment on the proposed organisational changes.

Other business. Articles are requested for the Master Mariner.

The meeting closed at 1800hrs. Next meeting at 1600hrs On 30th May 2012.



Letters to The Editor

7 May 2012

The Editor,
“The Log”,
Melbourne

Sir,

I read with considerable interest the document submitted to the Branch by the Federal Court regarding the proposed changes to the structure of the Company. I look forward to reading further detail in due course.

In the meantime, I must comment on the final line of the document that states “A rewrite of the Constitution will be endorsed at the 2013 Annual General Meeting”. I would take issue with this statement in that it implies a process will take place that is contrary to the provisions of the present Constitution of the Company. Clause 97 of the Constitution clearly sets out the only manner in which an amendment can be made to the Constitution. The process set out in that Clause does not require any involvement of either the Federal Executive or the Federal Court as bodies formed under the provisions of the Constitution. An amendment can only be made if a motion is proposed by a Branch of the Company. The motion must then, once submitted to the Federal Court and regardless of the views of either the members of the Federal Executive or the Federal Court, be put to the vote of all members of the Company. If a majority of members vote in favour of the motion the amendment comes into effect and the Constitution is automatically amended accordingly. It does not require endorsement by the Federal Court to be effective. The only situation in which an amendment voted by a majority of members would not be implemented is one in which the proposed change would render the Constitution at odds with the provisions of the Corporations Act and, in that case, the amendment would be disallowed by the Australian Securities and Investment Commission (ASIC) to whom the Company, as a Company Limited by Guarantee, must report all changes to its Constitution. There is, of course, no impediment on individual members of either the Federal Executive or the Federal Court being a member of the Branch proposing the amendment but as formal bodies the Executive and the Court have no role to play.

The changes proposed are so radical that the sooner the proponent Branch puts the changes in the form of a proper motion the better able will members be to understand the effects on the Constitution. It would seem, therefore, obligatory, in view of the scale of the changes that will be involved, that the proponent submit, with the motion, an explanatory note detailing the perceived benefits and disadvantages of each individual change together with an independent legal opinion that will assure members that the proposed changes do not contravene the provisions of the Corporations Act.

J S Turnbull

Roll Number 2595



LETTER TO THE EDITOR From Captain Keith Dann—Former Branch Master.

Hi Alex, First of all how did this proposal arise, is it the view of just an individual or did Federal Court ask that it be developed. If it is the latter why did our Federal Court member not inform the Branch that it was underway. If he deliberately did not do so he has done the Branch a great disservice. If he was not told it was underway then the Federal structure is not working as it should.

It should be borne in mind that the membership of the Company (that word gives rise to many problems) is made up from a diverse group many of whom also are members of their own group of "trade" institutions eg Marine Surveyors, Marine Pilots, Insurance Adjusters, Technical Teachers etc. It would be interesting to find out how many are actual seagoing Masters in that position and serving on Australian Registered or owned ships. For those serving in any rank on non Australian Registered ships membership of Nautilus International offers the benefits of Certificate Insurance, access to IMO & ILO and other equivalent organisations. (I declare an interest there being an Honorary Member with over fifty years financial membership). In the UK the previous Masters body the MMSA amalgamated with the other officers groups some years ago recognising that the majority of their interests were common.

Because of the industrial connections of Nautilus and its forerunners the Nautical Institute evolved as a professional body incorporating many other aspects of the wider profession and this body has all the access to the International Organisations necessary. It is my view that the development of a fully active Australian Branch of the Nautical Institute would be of greater value than what is proposed. This is how our colleagues in the Marine Engineering Officer section function. Much is of course made of our "connection" with The Honourable Company, this body of course covers many fields that our Company does not and even in the fields that the proposal wishes to be involved in it's position has lessened over the years as other groups or systems have evolved. We or rather the young and prospective future members are living and working in the 21st century which is a vastly different place to that we grew up in. We need to accept change and that some organisations may have outlived their usefulness in some aspects of their original aims.

Turning to the actual proposal, Centralised Registration already exists and has always done so. Why are readings held around the branches? So that members may bring to the attention of the Branch Master matters that might make a proposal invalid. I can remember one occasion in our Branch in the 1960s when this did occur. The local Registrar is better placed to follow up unfinancial members that he probably knows personally than some Federal Registrar far away. One of the late Captain Ian MacFarlan's boasts was that he never had to "write of" an unfinancial member whilst he was Branch Treasurer. It also seems that the proposal is drawn up with the view of only State Branches. This would prevent Ports having many members not having their own Branch. Perhaps the facts that led to the Tasmanian Branch deciding to leave the the Federal grouping have been forgotten or are not known to the present executive.

Membership fees. How much of these are connected with IFSMA. That should only apply to actual seagoing Masters in that rank. What about Associates perhaps they are unwanted in the proposed arrangement. Retired Members should be restricted not by age alone but by a number of years active membership and genuine not participating in any remunerated field connected with the Marine Industry. (65 is no longer the normal age of retirement. There are Masters at sea in their 70's)

Levies for particular Branch purposes affecting only that Branch should still be allowed even if subject to approval by the central body

What is the justification for the figure of \$ 3000 amount. Not all Branches are the same size or have the same activities.

Centralised Accounts I can see the advantage from the Federal treasurers view but am personally totally opposed to this. As to the float of \$5000 I cant see where this is included in the proposed operating budget. With even just five branches there is \$25000 involved.

Federal Court Composition. How are these all powerful Board members to be chosen. Surely all "shareholders" should have a say in them all. Not just by a branch electing it's Branch Master. Who or what is the federal Secretariat. Do they mean the Funded National Secretary? Does this mean that the person must have been a serving Master and hold a Valid Class 1 Certificate of Competency or could a probably better qualified administrator fill the duties.

The Branch Structure should be left to Branches subject only to the fact that there must be at least a Branch Master and Deputy, any other positions being able to be combined. If a particular Branch Master does not wish to be the Board Member for whatever reason then the Branch should decide how that position should be covered.

Standardised Meeting Format. This should be solely a matter for Branches. Sometimes it has been hard enough to find out what a Branch Court has been doing, to extend this to a Federal Body would be even harder. Matters should be subject to discussion AND resolution not or and ample time should be allowed for this to take place with realistic deadlines for reply.

The main purpose of a Branch Newsletter is to keep members informed especially those who cannot attend meetings. This is especially the case with details of Technical Speakers talks.

It is far more than a Notice of Meetings. I do agree that much of what I call snippets could be left out but certainly not the extracts from other publications that many members may not have access to. The existing centralised publication could still exist but with a focus wider than just members.

I would be grateful for the arrears of a material fee for my earlier role as Hon Branch Treasurer and current Hon Branch Auditor ! . Any fees Federal Court pays are a result of the way it was and is set up. Had the Melbourne Branch been incorporated under State legislation we would be in a stronger position. We already have a common fee currently known as the Federal Levy. Whether Federal Court likes it or not Australia is a Commonwealth of States and the bulk of our organisations work that way and varying fees have no influence on how an organisation is seen. What is more relevant to any organisations profile is what it does. When an incident occurs in a State the media want an instant response from someone or body in that State not to be referred to someone else the other side of Australia who may not even know anything about the incident. Why do they keep referring to a Board, is it because of that overrated word COMPANY ? There is more to being a member of a Branch than just the social and networking benefits and the burden of being a Branch Court Member is also wider than this however I have never seen anyone collapsing under it.

See my earlier comment on the funded National Secretary and incidentally how was the figure of \$32000 or the 20 hours arrived at. From my own personal experience of another body which decided to pay a fee to another organisation to attend to administrative matters for it the results were not good.

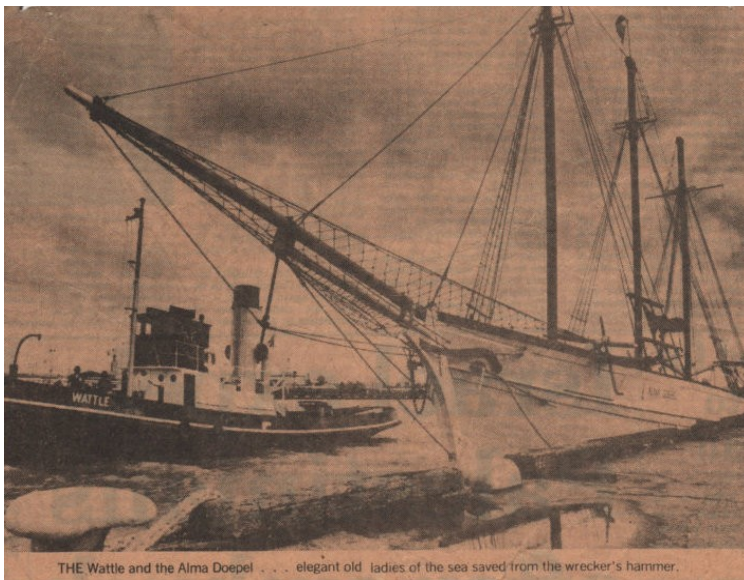
I cant see how this will reduce burden FROM members perhaps they mean for. How a Branch resolves to handle the "business" side of it's activities is up to the Branch but it must be done.

There are already other International Bodies available. The marine industry is becoming more and more globalised and we should be looking to do the same not just through a restricted organisation which IFSMA is. Whilst PIERS are connected with the industry such a fundamental spelling mistake would do little to raise our profile amongst our peers or other persons.

As to Benefit 7 it was the practice for some Government organisations to advertise for persons to nominate for positions as assessors. For anyone requiring expert witnesses or seeking consultants then the specific organisation dealing with that aspect is the proper source not an associated one. For matters relevant to the present work of a Master Mariner I would far prefer to consult a person currently actively involved in it or be assessed by one rather than someone who had ceased active seagoing duty some years ago when conditions were very different. I well remember Captain Phil Horscroft saying to the Branch when revalidation was first discussed that he personally did not feel capable of fulfilling the duties of even a watchkeeper let alone a Master after so long ashore. At the time I did not agree but did revalidate but now have totally changed my mind having seen what is involved.

As to the Actions they are in the wrong order and the proposed timetable is far too optimistic. The first thing is consultation then if supported by a large majority develop a firm proposal and Draft new constitution and structure. Only when this is done deal with financial matters and then put the matter to a full vote

Until I have proof otherwise I still believe that the move on gaining control of finances is already underway. The only way I will be satisfied that Melbourne Branch has full and undisputed control of its finances is if the application forms for opening the new account and term deposits contain no signatures of Federal Court members or reference to Federal Court and are not based on any letter to the bank authorising them to be opened from any member of Federal Court other than the then Branch Master in that capacity.



THE Wattle and the Alma Doepel . . . elegant old ladies of the sea saved from the wrecker's hammer.

Two old Victorian ladies are saved from cracking up

TWO old ladies of the sea have been saved from the wrecker's hammer.

One is the little steam tug, The Wattle, which spent 40 years nudging destroyers and other naval vessels into line.

The Wattle was rescued by the Victorian Steamship Association, restored to its former hard-working glory and is now on show at the Williamstown historic seaport in Melbourne.

The other 'lady' is the 77-year-old schooner, Alma Doepel, which is being restored to become an adventure training vessel for teenagers.

The Alma Doepel, which will operate out of Melbourne's Port Phillip Bay, is being restored by Sail and Adventure Limited and the Alma Doepel Supporters Club.



A Brief Look Back.

A History of the Melbourne Branch of the Company by
Captain John Turnbull

Copies are available from the Hon.Editor at a cost of \$20 + postage. All profits are to be donated to The Missions to Seafarers Victoria.

The work consists of an "Officeworks" style bound folder of 76 A4 pages.

So please help and support "The Mish"

The Editor must apologise to Mr Tim Ryan for not including the details of his talk on H.M.A.S. Perth. Unfortunately to cut costs The LOG must be restricted to less than 12 pages. The proposed changes to the Company do require a large proportion of that space at the expense of other articles. Suffice to say that Tim's talk was interesting and well received. We hope he will forgive us.



The Hon.Editors Chair is still waiting for an occupant. Its not hard unless you are tied up with a lot of other things like I am. There has got to be somebody out

MURPHY'S OTHER 12 LAWS.

Light travels faster than sound.This is why some people appear bright.

A fine is a tax for doing wrong. A tax is a fine for doing well.

He who laughs last thinks slowest.

A day without sunshine is like, well night.

Change is inevitable except from a vending machine.

Those who live by the sword get shot by those who don't.

Nothing is foolproof to a sufficiently talented fool.

The 50- 50 - 90 Rule. Anytime you have a 50 - 50 chance of getting something right the probability is that you will get it wrong.

It is said that if you line up all the cars in the world end-to- end someone will be stupid enough to try to pass them.

If the shoe fits,get another one just like it.

The things that come to those that wait, may be the things left by those who didn't.

Give a man a fish and he will eat for a day. Teach a man to fish and he will sit all day drinking beer.



The Company of Master Mariners of Australia Ltd, Melbourne Branch

DATE & TIME

Thursday 30 May 2012

6 for 6.30pm

LOCATION

CQuisine Restaurant, CQ
Functions, 113 Queen Street,
Melbourne VIC 3000

COST

Members and Spouses - \$40
Non-Members - \$50
Drinks at Bar Prices

RSVP

Alexandra Evered
12 pm Mon. 28 May 2012
alex@baysideshipping.com
03 5424 1224

Guests Most Welcome!

PAYMENT

Cash, Cheque or EFT.
The Company of Master
Mariners of Australia Ltd
BSB 063 141
A/C 1042 1609

NEXT MEETING

Wednesday 30 May, 2012
6 for 6.30 pm

Please note that whilst we appreciate the unpredictable nature of shipping and whilst we do try to accommodate members where we can – we do operate a no refund policy. Cancellations and “no shows” will require payment.

The New *Marine Safety Act*

Adrian Mnew, Deputy Director Commercial Operations, & Peter Corcoran, Director of Maritime, Transport Safety Victoria



We are delighted to welcome Adrian Mnew and Peter Corcoran as our guest speakers for our May meeting. As many of you may know the new *Marine Safety Act 2010 (Vic)* comes into full operation on 1 July 2012 and will replace the *Marine Act 1988 (Vic)*.

Adrian and Peter will talk us through many of the key requirements of the act such as:

- an improved framework to ensure vessels are fit for purpose and those who operate them are properly skilled
- safety duties for all persons and parties responsible for marine safety
- tougher penalties and additional enforcement tools to address non-compliance with marine safety legislation and waterway rules.

The Marine Safety Act 2010 (Vic) imposes a range of safety duties on commercial maritime operators.

Commercial operators have a 'shared responsibility' for marine safety and penalties apply for breaches of safety duties. These are currently 1800 Penalty Units for natural persons and 9000 Penalty Units for corporations.

This seminar is a must for all those engaged in Port Management, Ownership of Commercially operated vessels, suppliers of ship repairs and marine safety equipment and Vessel operators.

**Master: Her Excellency, Ms Quentin Bryce AC
Governor-General of the Commonwealth of Australia**



BENEFITS OF MEMBERSHIP

Being a member of CoMMA allows you to gain many experiences. From attendance at important gatherings to changing Government policy, joining in this community of your peers is a unique experience.

YOU CAN MAKE A DIFFERENCE!

All of our members possess huge amounts of knowledge and experience relating to the maritime industry. We have members who work at the highest levels of the legal profession, in government agencies, in ports, as pilots, as business leaders and as masters of the largest and most complex ships ever seen. All are united by their passion for the sea and are able to apply their skills, practically, diligently and efficiently, using only the resources close at hand.

This breadth and depth of knowledge is then applied to the issues facing our industry. From minor corrections to Marine Notices to submissions to Government. Your skills are made use of and are vital to ensuring our voice is heard at all levels. Through membership of CoMMA you can have an input and be seen as a point of first reference.

What are you waiting for? Get on board today.....

New Venue



CQ Functions

113 Queen Street
Melbourne VIC 3000

In effort to curb costs and after an extensive review of various function rooms etc, our regular monthly meetings will be held at **CQ Functions** in the CQuisine Restaurant. Conveniently located on Queen street, it is only a short walk from Southern Cross Station. Parking (not free) is available on site (access via Little Collins St) or at other public car parks close by.

Upcoming Events

Event: CoMMA Melbourne Branch General Meeting
Date & Time: Wednesday 27 June 2012, 1200 pm
Location: CQuisine, CQ Functions, 113 Queen Street
Speaker: Capt. David Shennan, Branch Master
Proposed Changes to CoMMA
RSVP Alexandra Evered
E alex@baysideshipping.com
T 03 5424 1224

Please note that the June, July and August meetings are held at lunchtime.

DID YOU KNOW?

About 90% of world trade is carried by the international shipping industry. Without shipping, the import/export of affordable food and goods would not be possible - half the world would starve and the other half would freeze!

QUOTE OF THE DAY

"A ship in port is safe, but that's not what ships are built for."

GRACE MURRAY HOPPER



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