



# Council of Tramway Museums of Australasia Inc.

www.cotma.org.au

## News Update - December 2011

*Season Greetings and a Happy 2012 to all our members and readers – may the trolley wheels (or skids, pantographs) keep turning smoothly for you!*

### **From the Chairman**

With the increasing use of litigation to resolve problems within organisations and more and more regulation, the life expectancy and work of an organisation and their members can be impacted upon with little warning. In Australia, there are currently three regulatory changes that are reported upon in this News Update that could impact on our Australian Members. These are changes to Rail Safety Regulation, the introduction of a new Australian Charities and Not for Profit Regulator and changes to the Work Health and Safety Legislation that now includes the work of volunteers. While these are still work in progress, they could unduly affect your museum if you are not aware of them.

### **Forthcoming Executive meeting – agenda items**

The COTMA Executive is meeting in Auckland on Sunday January 29, 2012 to discuss COTMA organisational matters, including the forthcoming Adelaide Conference organisation. If any member has an item that it would like to be discussed by the Executive, can you please let the Chairman know by an e-mail to [warren@wads.id.au](mailto:warren@wads.id.au) by early January.

### **2012 COTMA Conference**

The organisation of the COTMA Conference for Thursday August 16 to Tuesday August 21 2012 is going well. A draft Agenda of the program is attached to the News Update. The Post Conference tour remains as previously advised in the August issue of News Update. Simon Green is finalising a program for the Partners Tour and this should be available soon. When available it will be posted to the COTMA website under the Conference Tab, along with booking arrangements.

### **2012 COTMA Awards**

Don't forget that the bi-annual COTMA "Excellence and Recognition" Awards are to be presented at the Conference Dinner. Award submissions will need to be with judges by 30th June 2012. Further details in the next Newsletter, but please give some consideration to what your achievements have been since the last conference and start planning your submission for those excellent projects you have achieved.

### **Useful Documents from the Web**

While searching for details of an old Westinghouse Controller, the following Google library document was spotted. It is Google copy of "Westinghouse Electric Street Car Equipments" of 1896. Fascinating stuff and well worth having a look at. The link to the book is:

[http://www.google.com.au/books?id=M59EAAAIAAJ&ie=ISO-8859-1&redir\\_esc=y](http://www.google.com.au/books?id=M59EAAAIAAJ&ie=ISO-8859-1&redir_esc=y) The link opens up the Google Library page and shows other similar themed documents that are available for access.

### **VicTrack Meetings**

VicTrack has been holding regular meetings with COTMA Victorian Members over the last 10 years. These are generally held in Melbourne each quarter. Attending are the representatives of Victorian Museum operators, Sydney Tramway Museum and if possible Ian Seymour of the St Kilda Tramway Museum Adelaide. When it has co-incided with visits, representatives from NZ, Brisbane and Perth have attended as well. The next meeting is in Melbourne on Wed. 22 Feb.

2012. At this time, the following tentative dates for the rest of the year are planned:- 23 May, 1/8 and 28/11.

At the last meeting on 8 December, hosted by Bendigo Tramways, topics discussed with disposal of trams at Preston, Newport, the Melbourne Tramway Study, trams being sent to PETS and MOTAT, and general matters relating to the operation of trams by COTMA and where VicTrack may be able to assist.

If any of your museum management are in Melbourne around these dates, please contact Warren to obtain the final meeting details. All COTMA member Museums' are most welcome to attend.

### **National Rail Safety Regulator**

The establishment of a National Rail Safety Regulator during Jan. 2013 continues apace. Since the last News Update, the proposed Act, Regulations and other documents have undergone consultation. ATHRA has placed a number of submissions to both the National Transport Commission and the Project Office. One significant submission concerned cost recovery. AHTRA submitted that T&H non-profit operators should not pay fees, but that the fee payable should be a Community Service Obligation met by the relevant Jurisdiction. We understand that this will be recommended to the Transport Ministers in May 2012. Many other heritage issues remained to be resolved.

While all states and Territories signed off a Council of Australian Governments Intergovernmental agreement regarding Rail Safety Regulation and the establishment of the Regulator, (see [http://www.coag.gov.au/coag\\_meeting\\_outcomes/2011-08-19/index.cfm](http://www.coag.gov.au/coag_meeting_outcomes/2011-08-19/index.cfm)) the Scope (see A2 of Schedule A) states that "*light rail and tram network(s) operating outside of the heavy rail network will only be provided regulatory coverage by the NRSR where a jurisdiction has indicated a preference for it to do so.*" This means that each jurisdiction must opt in its tramways. At this time, it is understood that Victoria and New South Wales plan to maintain regulatory coverage for tramways. So far, there has been no consultation with COTMA members in those states other than advice in general documents that this will occur. COTMA is endeavouring to gain some information on what this means for our members that operate tramways and how they will be regulated. Part of the problem, other than the in-principle decision, apparently little other work has been done.

### **Australian Charities and Not-for-Profit Commission**

Members will be aware from previous News Updates, the Commonwealth Government establishment of an Australian Charities and Non-profits Commission. The regulator's main role would be to register charities and provide a publicly searchable database of all registered charities. The Commission's web site is <http://acnctaskforce.treasury.gov.au> The most recent newsletter advises that they are working on the definition of a charity. Those organisations that have Deductible Gift Recipient (DGR) status currently such as our museums, it is proposed that there will be no changes as the result of a statutory definition of a charity. However, it is expected by the Australian Taxation Office that you regularly check your status qualification and see that you have not changed your purpose and made changes to the nature of your operations - see [www.ato.gov.au/nonprofit/content.aspx?menuid=0&doc=/content/34516.htm&page=9&H9](http://www.ato.gov.au/nonprofit/content.aspx?menuid=0&doc=/content/34516.htm&page=9&H9)

### **The new Work Health and Safety Acts**

By the end of 2012, it is expected that all states will have harmonised Work Health and Safety legislation. The inclusion of volunteers in the definition of workers in s.7 of the Act ensures volunteers receive the same level of work health and safety protection as employees. A recent Volunteering Australia news item reports:

"However, concerns have been raised with Volunteering Australia about volunteers on Boards and Committees of Management being prosecuted in the event of failure to comply with a health and safety duty owed by them to another individual. Volunteering Australia has received advice from the Office of Senator Chris Evans, Minister for Workplace Relations and has held

discussions with officers from Safe Work Australia. We now understand that the intent of the Act is as follows:

1. Volunteer associations, whether they be incorporated or unincorporated, which are wholly made up of volunteers working for a community purpose, where none of the volunteers employ any workers, will not fall within the model WHS Act. Therefore volunteer directors, officers and workers of these associations cannot be prosecuted under the model WHS laws.
2. If a volunteer association, incorporated or unincorporated, employs any person to carry out work for the association, that association will owe health and safety duties to workers, including volunteers and will be subject to the provisions of the model WHS Act. However volunteer directors/officers will only have duties of workers/other persons at the workplace and cannot be prosecuted for any failure to comply with the duty of officers. The duty of workers and other persons at a workplace are similar to duties owed by volunteers/workers under current OHS legislation.

Safe Work Australia has prepared a series of Fact Sheets for volunteer organisations. These were published on the 7<sup>th</sup> of December and can be accessed from the following link:

<http://www.safeworkaustralia.gov.au/AboutSafeWorkAustralia/WhatWeDo/Publications/Pages/VolunteerOrganisationsModelWHSActFactSheet.aspx>

These should be considered as mandatory reading by your Boards’.

### **COTMA Technical Library**

The AETM the operators of the St Kilda Tramway Museum, Adelaide have requested a clarification be made regarding the use of the documents shown as supplied by them on the COTMA Technical Library web link.

Firstly the documents were made available by the Rail Commissioner / Public Transport Services, the operators of Adelaide Metro; the formal successor to TransAdelaide through the auspices of the National Rail Museum (NRM). The Public Transport Services Rolling Stock Engineering section formally made them available to the NRM as part of the relocation of the railcar depot from North Terrace to Dry Creek. The NRM Archives recognising the tramway nature of the documents, subsequently transferred them to the AETM Archives.

Secondly the provision of the drawings for COTMA web site was not authorised by the AETM at the time. However the AETM have since formally approved the supply of the documents for the COTMA Technical Library.

It is important that individual members do not act for or on behalf of their organisation without the knowledge and approval of their respective Committees or Board.

COTMA thanks all those involved for making these important documents available to our Members and friends. The provision of further documents are welcomed.

### **News since August 2011**

Since the last News Update, many things have happened that involve the work of COTMA Members. Congratulations to all those involved in these achievements.

1. Opening The Auckland Dockline Tramway – on Saturday 8 August. For their website see <http://www.aucklandtram.co.nz/Welcome> Involved in the establishment of the tramway was Western Springs Tramway (MOTAT), Bendigo Tramways, Len Millar and Darren Hutchison’s Newstead Tramcars. The tramway itself is operated under contract by the same organisation who operates the Christchurch trams, Welcome Aboard and many well-known Christchurch identities are now working in Auckland.

2. The Tramway Historical Society of Christchurch have rebuilt Birney Invercargill No. 15 and it was tested on 29 October. Since then, THS has effectively completed the new storage shed to accommodate the trams that were displaced by the Earthquake. The latest issue of their Newsletter Tracts reports on the construction of the building and that some further funds are still needed to complete the work. News from the City itself remains sad with the Anglican Cathedral recently deconsecrated.
3. New or extended depot buildings at Bendigo and St Kilda Adelaide.
  - The contract for the extension of the depot building at Bendigo has been effectively completed with Bendigo Tramways occupying the building and moving all the trams back into the depot itself. This has been a big project. The new facilities were able to be inspected by those attending the recent VicTrack meeting.
  - The Australian Electric Tramway Museum, located at St Kilda Adelaide has completed and moved its tramcars into a new shed on the site of the original depot building.
4. The Ballarat Tramway Museum has completed an offsite storage building at its site at Bungaree and will shortly be moving tramcars into it.
5. The Tramways Trust Wanganui reached a milestone on 7 December when it was able to provide power to Wanganui No. 12 for the first time. An ex Ian Little motor generator set was used to provide power. All circuits have been tested and the motors were turning the right way. The tram is currently on blocks. On 9 December it was announced the Wanganui District Council had approved a loan of NZ\$400,000 that will allow stage one of the city's tram project to go ahead. The 100-year-old No 12 tram, which used to run through Wanganui's streets, was gifted back to Wanganui by David Harre in 2005. Wanganui Tramways Trust has spent the past six years restoring it fitting with assistance of COTMA and VicTrack through the assistance of providing operational equipment and with the other three NZ tramway museums providing technical assistance.
6. On 15 November, the Tasmanian Transport Museum in Glenorchy was recognised by Engineers Australia for its collection of transport items that have engineering heritage significance. The formal ceremony, which was attended by 160 guests, included an address from the Governor of Tasmania Peter Underwood. The transport collection began in 1962 with the donation of tram no 141 when Hobart's electric tram system was closed and the formation of the Tasmanian Transport Museum Society. In 1972 the Glenorchy City Council leased the site to the society, conveniently beside the main north-south railway, and the museum officially opened in 1983.

COTMA congratulates Chris Martin the President of the Tasmanian Association of Tourist Railways and Vice Chairman of ATHRA, for being awarded the John Monash Medal for his outstanding contribution to engineering heritage. Chris made an exceptional contribution to engineering heritage through championing the preservation of the historic Lake Margaret Power Scheme in Western Tasmania. In the face of its planned closure and replacement, he argued for its heritage significance, independently researched its history and cost effective conservation options and organised technical and political support for its outstanding heritage value as an operating heritage scheme. Chris is the President of the Redwater Creek Steam Railway as well. The Railway operates the annual Steamfest at Sheffield. This event was awarded the Community Event of the Year Award as part of the 2011 Tasmanian Community Achievement Awards – Congratulations to Chris and his team for their work.

**Next News Update – February 2012.** (All links working at time of publication)