

# The *Squeaky Wheel*



## **SOCIETY NEWS**

**The Society Committee has been involved in a number of issues throughout the year:**

### *Membership cards*

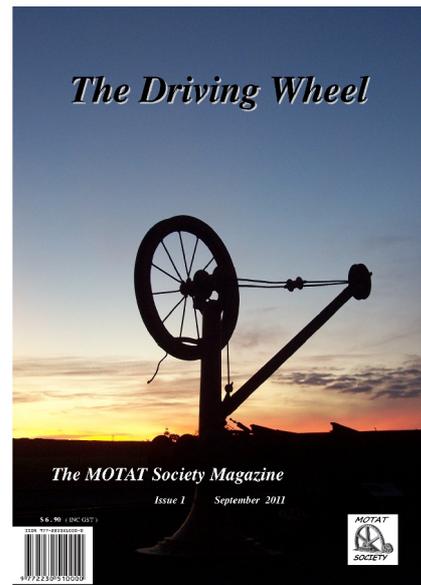
It has been some time since they have been issued. We wished to use the 'old' MOTAT logo but were advised by the Board that they had sought legal advice and the advice was that the Society should not be permitted to use it. Andre Pointon has now designed a logo specifically for the Society. We hope you like it. We plan to issue Membership Cards for the next year.

### **Employment Relations Authority Hearing**

Last year the Society decided to fund a hearing with the ERA to determine whether or not collection managers were employees of MOTAT. The decision was endorsed by the members at last year's AGM. In January this year the ERA decided that collection managers were not employees. The ERA also determined that the Volunteer Agreement "*is not a contractual, and therefore enforceable, document...*". MOTAT was entitled to costs but, following the Society's decision not to appeal the ERA findings, the Board decided not to seek costs.

### ***Society Magazine***

The Society Committee has been very conscious of a need to keep members up to date and informed. Considerable work has gone into producing '*The Driving Wheel*', a magazine that the Committee hopes will be of interest to members.



The intention is to produce the magazine three times per year and hopefully make it saleable to the heritage fraternity and general public. Eventually we hope to make it self-funding. Editor Andre Pointon is seeking contributors or ideas for future publication. The intention is to also publish the '*Squeaky Wheel*' to go with the magazine as an insert for Society members only, specifically to keep members updated on events.

## ***Alan Curtis v The Motat Society - High Court Action***

Society Member Alan Curtis, supported by Life Member Colin North, filed an application in the High Court at Auckland for a judicial review of the Society's actions in funding the ERA proceedings and in the 2010 Board appointments. An application was also filed for an interim order to stop the Board appointments. The applications were filed on 28 September 2010. On 19 January 2011 the application for interim relief was withdrawn by Mr Curtis. On 24 February 2011 a new '*Amended Statement of Claim*' was filed. This new claim dropped the Society Chair, the Society Secretary and the two members of the Board Appointment Sub-committee as respondents and dropped a claim of bias by these four. It introduced two new areas of review – the Memorandum of Understanding between the Board and the Society and actions taken at the Society's AGM in September 2010. The Society had prepared responses to the first application and the application for interim relief but in doing so, expended almost all the Society's funds on legal fees. Fortunately John Anderson, a barrister with Civic Chambers, offered to defend the Society on a "no win no fee" basis. The Society's defence was based on the fact that the Society had followed proper procedure, with the support of the membership, whereas Mr Curtis (and Mr North) had failed to avail themselves of the process under the Society's Rules to dispute decisions of the Committee. The new statement of defence with supporting affidavits was filed and the matter was set down for a two day hearing in the High Court on 22 September 2011, but on 22 August 2011, Curtis filed a '*Notice of Discontinuance*'. The Society is now seeking full costs against the applicant, Mr Curtis.

## **Society Visit to Navy Museum and North Head Tunnels/Fort Takapuna**

The Society has made preliminary arrangements for a visit by members to the Navy Museum at Torpedo Bay, and a special tour of the tunnels on North Head, and the 1880's fort at Fort Takapuna. A new Affiliate Member, Historic Forts of Auckland has been formed by Rotary Club interests to develop tours through the historic North Head and Fort Takapuna fortifications with access to a full range of tunnels etc not open to the public.

A date will be set once we are out of the winter weather range so watch this space.

For non North Shore people, Fort Takapuna is the old Fort Cautley military camp at Narrow Neck.

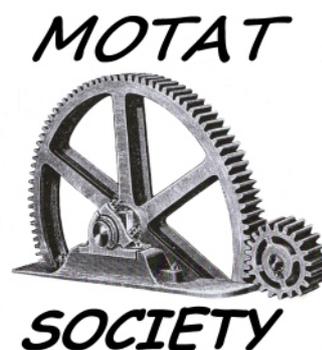


## ***Change of Chair***

On 31 May 2011 Ian Hambly resigned from the position of Society Chair. He was in his fourth term. Ian has had a dispute with the management of MOTAT since May 2009 when he made a complaint under the Protected Disclosures Act 2000 to the Office of the Auditor General. His dispute is now subject to proceedings with the Human Rights Commission. The Society Committee reluctantly accepted Ian's decision to stand down. It was Ian's view that with the formation of the new Auckland City and with Regional Facilities Auckland (RFA) taking over from the old TLA (Territorial Local Authorities), the Society would be best served if he stood down as chair while his issues were resolved. Deputy Chair Andre Pointon has taken over as Acting Chair until after this year's AGM.

## *Society Logo*

The Society has adopted a new logo, designed by Andre Pointon, following issues over the use of the traditional gear wheel logo the Society had been using for many years, even though the Museum had moved to using the “Wings” design aimed at creating a more modern look and greater appeal to commercial sponsors in proposed fund-raising programmes.



## *Membership*

The Society has several categories of membership. The primary category is volunteer/staff membership, which is available free to all volunteers and staff at MOTAT. General membership is for individuals who are not volunteers but are keen to support MOTAT and keep in touch with the Museum.

Affiliate membership covers kindred heritage organisations who link with the Museum for mutual support, fellowship and activities. Typical organisations that belong are the Warbirds, Bruce McLaren Trust, Auckland Steam Engine Society, Devonport Museum, Mainline Steam, and the NZ Fighter Pilots Assn. There is no cost for the organisations and individual members of Affiliates normally get a discounted General membership.

Associate membership is free for all the old timers of the internal Societies of MOTAT, the Solent Preservation Society, the Bomber Command group, Western Springs Tramway, etc. who are no longer active volunteers but wish to keep in touch.

Membership recruitment and activity has been moribund in recent times and it is a Society priority to rebuild membership in all categories and to plan more activities for members.

### **FRONZ Awards**

The Society has continued its sponsorship of the FRONZ Awards for conservation excellence in spite of the financial difficulties the Society has faced as it has been a cornerstone sponsor of FRONZ for many years, and it is a key part of what the Society is about. The sponsorship is \$1,500. The Awards supported by the Society are:

Tramway Restoration Award  
*P J Dillicar Trophy for Innovation*  
*P S Heighton Award for Excellence*

Each award carries \$500 towards a study trip to an Australasian destination

### **Potential Addition to Victorian Village**

Auckland Council has the preservation of the City's heritage building very high on its priority list, and there was considerable debate and controversy at a recent Council meeting on the powers of Local Boards in regard to controlling heritage and other activities in the areas.

The removal of an early 1860's or 1870's cottage from 81 Ponsonby Rd on the day of the debate was highlighted as an example of the loss of heritage in the City where local planning authority is weak or does not exist.

The building is currently in the removal company's yard in Kumeu, and the Society has proposed to the Board that the little cottage be acquired by MOTAT for an addition to the Victorian Village.

It was also put forward that the cottage could be a centre for Society and other volunteer group administrative and social activities.

Watch this space.



## Board Appointments 2011

A core Society responsibility under the MOTAT Act is the appointment of four members of the MOTAT Board, the Auckland Council appointing six. The Board members have a two year term, and five positions come up for appointment each year.

Previously the Society worked with the Territorial Local Authorities Electoral College made up of councillors from the seven Auckland Councils, but the Council appointment role is now handled by one of the new Council organisations, Regional Facilities Auckland (RFA).

The process working with the RFA was extremely effective and efficient. The Society appointed as Board Appointment Committee Bill Rayner, Chair, and Andre Pointon. A series of preliminary meetings were held with the RFA to establish the procedure and core understandings as they had no previous experience of the process. All advertising and selection process administration was carried out by the RFA who appointed a professional facilitator to handle the selections, and organise the short listing and interviewing. The RFA Appointments Committee was John Robertson, ex Mayor of Papakura, and John Avery, both Board members of RFA.

A key understanding going back some years was that the Council were looking for candidates very strong in core governance strengths, and the Society looked for candidates who had the necessary governance ability but also had a clear interest in the heritage aspect of MOTAT and/or links to the industrial and technical world. With the recent publicity in regard to difficulties at MOTAT, the RFA were concerned to strongly reinforce the governance capacity of the Museum.

The facilitator, Kevin McCaffrey, and the Society Board Appointment Committee went through all the applicants and established a short list for interview. The same was done by the RFA Committee, and a blended final list established for interview. The interview process was very rigorous with an hour set aside for each candidate.

All candidates, both current Board members seeking re-appointment and new applicants, were considered equally.

The final outcome was the appointment by the RFA/Auckland Council of current Board members John Syme, Ross Sharp, and new member Howard Small.

The Society appointments were current Board members Tom O'Connor and Chris Chitty.

*The Board members term commences from 15 October 2011*

## 2011 Board Members Background

### John Syme - RFA

Current Board member. He was appointed to the first MOTAT Board in 2000, was Deputy Chairman. He resigned to be the Museum's first Director from 2000 – 2002. He was a senior executive with Fletcher Challenge and the St Lukes Group (now Westfield). He has been an active volunteer at MOTAT, a member and Deputy Chair of the MOTAT Society Committee, and re-activated and led the Geoff Rodliffe/ Richard Pearse Project which is still going strong. He is also Chair of the Framework Trust, a group working in the mental health rehabilitation area.

### Ross Sharp – RFA

Current Board member first appointed in 2003. He was a senior engineer and executive and director of URS Corporation, the international engineering consultancy group. He has played a key role in the project management at MOTAT, and has been a member of the Society for some time. He is a member of the Auckland Museum Institute Council, and Chair of the Auckland Observatory and Planetarium Trust Board.

### Howard Small - RFA

A new appointment, Howard has a recent background in the industrial refrigeration field as Managing Director Australia/New Zealand of Ingersoll Rand Climate Solutions, and previously with McAlpine Hussman. He is a chartered accountant, and is a member of the governing Council of Manukau Institute of Technology.

### Tom O'Connor – Society

Current Board member appointed in 2007 and Deputy Chairman of MOTAT. He is currently the General Manager of the Auckland University Students Assn, and was previously a senior executive in the steel and training industries and with Air New Zealand, specialising in human resources.

### Chris Chitty – Society

Current Board member appointed in 2007. He is an internationally recognized expert on robotic engineering with a focus on the entertainment and museum sectors. He is a lecturer and project leader at Massey University School of Engineering and Advanced Technology.

## Society Funding

Up until 2002 the Society received the money from sales of annual passes to the Museum as its only source of income. In 2002 the Society agreed to give that income to the Museum. In return the Museum agreed to pay the Society \$15,000 per year. In April 2006 the Director rescinded the Agreement and the Society has had no income since that time. Negotiations have been undertaken with the Board in the past year to resolve the situation. Different funding solutions have been proposed but the situation is still not finalised.