

***Now people are starting to learn the sinking of HMAS  
Tobruk***

***As a wreck dive***

***Was a disaster***

***A hollow hull like Tobruk with its large vehicle tunnel deck  
lying on its side, as it is now, has no lateral strength. As  
soon as some rusting occurs in one small section, the vehicle  
deck tunnel will suffer sudden catastrophic collapse inward  
with no warning like a house of cards.***

***The disaster can be corrected by our team of salvage  
experts, highly experienced with three successful wreck  
dives completed.***

***The following photographs show how it is done.***

***Devine Marine Enterprises***

***Capt. Brett Devine***

***Salvage Master***

***0412 812 655***

***[Brettdevine1@gmail.com](mailto:Brettdevine1@gmail.com)***

## **BRETT DEVINE – COMPANY BACKGROUND**

Brett Devine, Principal of Devine Shipping Pty Ltd expertise, experience, qualifications and versatility in the marine contracting field precedes the establishment of this company.

In the early 1970's Captain Devine spent many years throughout the world working in the marine construction and diving industry.

In 1979 Captain Devine purchased a small coastal trading vessel in Cairns (Far North Queensland) and established a "mother ship" service and operation between Cairns, the Torres Strait Islands and the Gulf of Carpentaria, and built up a fleet of nine vessels recognized throughout the region. The company Paluma Fisheries was known and recognized for its ability of applying economics and service to an industry suffering by its isolation.

Devine Shipping Pty Ltd was established as the result of the Principal Brett Devine acquiring a 50 metre coastal cargo vessel, the "Percy Jean", which had sat dormant for six years at the dry dock facilities in Launceston, Tasmania.

Captain Devine purchased the ship to service the North Queensland and Torres Strait Island trade route, which he had eighteen years experience servicing these isolated island locations.

Shortly after Devine Shipping tendered, and was successful in winning a major supply contract to service Flinders Island, Bass Strait for BP Australia as the result of previous shipping experience and ability to handle volatile and dangerous goods to isolated island locations.

In 1993 Devine Shipping successfully tendered to sea transport blue metal from Shell Harbour to Sydney for Pioneer Concrete (NSW) Pty Ltd. The duration of the contract being 7 years to the value of \$14 million. This being the catalyst of Devine Shipping established itself within Sydney Harbour, and making it its home base.

Within a ten-year period, Devine Shipping has successfully carried out major marine contractual work, salvage and cargo operations throughout Australia, South East Asia, Papua New Guinea and the Pacific Islands.

Captain Devine is currently undertaking a \$2 million salvage project in Coffs Harbour on behalf of Allianz Australia Insurance Limited. Contact can be established with John Dawes, National Manager for Marine Claims. Captain Devine is currently negotiating a multi million-dollar contract in Fiji to service the outer islands.

Bill Schoch of William Schoch & Co has been an accountant to Captain Devine for the past 15 years and can attest to his character and company dealings.

### **Referees**

- John Dawes                      Allianz Australia Insurance Limited                      0011-61-2-9390 6108



Capt. Brett Devine,  
Salvage Master  
Mobile: 0412 812 655

To whom it may concern,

I have a reputation of conducting professional, safe and reliable marine operations, in diverse and difficult situations.

During the past 40 years of my operation of Devine Marine Group, I received the following references from Australian and international government organisations, marine industry contractors, consultants and insurance providers, attesting to my skill and experience in marine salvage and contracting operations.

My wealth of experience and ability to get difficult tasks done remains available as a contractor.

Photographic record of some of my projects are attached.

Attached references

1. NSW Maritime Authority - Stephen Brown - Operations Supervisor Sydney Harbour
2. NSW Maritime Authority - Stephen Brown - Operations Supervisor Sydney Harbour
3. Sydney Ports Corporation - Capt. Graham Edgley - Manager Marine Operations
4. Department Land and Water Conservation – John Schmidt
5. NSW Department of Transport – Capt Max Saunders – Harbour Master
6. NSW Department of Marine Administration – Glenn Mathias – Director Marine Regulation
7. SMIT Maritime Industries Training – Capt Richard Teo – General Manager
8. Walsh Bay Finance – Robert G McFeeter – Project Director
9. Lumley Marine – Rudy Rietwyk – Marine Claims
10. Dunbar Marine Services – Capt Danny Gunn – Marine Assessor
11. CHS Marine – Thomas Davies – Managing Partner
12. Jaya Marine Group – Capt Richard Teo – General Manager
13. Land & Marine – Daniel Fitzhenry – Managing Director
14. Manu Marine – Capt Ian Frost – Principal Surveyor
15. Bugg Goninon – Peter Bugg – Managing Director
16. Pacific Rim – Robert Stirling – CEO
17. Propel Surveyors & Consultants – Stuart G Lye – Principal
18. Seward Maritime – Mike Seward – Managing Director

30 March 2010

To whom it may concern,

I write with reference to my experiences with and knowledge of Captain Brett Devine CEO of Devine Marine Group.

Brett Devine has had a marine depot in Rozelle Bay NSW for the past 16 years and has been Marine Contracting around Australia, New Zealand and the Pacific Islands. He has successfully completed many operations including salvage, dredging, towing and crane barging with his large fleet of equipment based around Australia and Fiji.

As salvage specialists I am aware that Devine Marine Group has recovered, removed and disposed of a large variety of vessels including, barges, coastal traders, fishing trawlers, commercial vessels and numerous private craft. These salvages have occurred in varying environmental conditions and types of situations including at sea, coastal surf conditions, marinas, marshes, bays, harbours and in National Park areas.

NSW Maritime has been responsible for overseeing most of the salvages in NSW and has engaged Brett Devine on many operations over the past 15 years, too many to list.

Over the years I have found Brett Devine to be a very competent salvage master operating in a professional and skillful manner who has recovered wrecks in difficult and environmentally sensitive conditions without any major accident or incident.

If you require any further information please do not hesitate to contact me on 02 9563 8504.

Yours sincerely

A handwritten signature in blue ink that reads "S Brown".

Steve Brown  
Operations Supervisor  
Sydney Harbour  
NSW Maritime

NSW MARITIME

James Craig Road Rozelle NSW 2039  
Locked Bag 5100 Camperdown NSW 1450

**VIA Email**

**From:** Brown, Stephen [sbrown@maritime.nsw.gov.au]  
**Sent:** Wednesday, May 28, 2008 12:27 PM  
**To:** Brett Devine  
**Subject:** Re Vessel recovery "Stealth"

Captain Brett Devine

Managing Director  
Devine Marine Group Pty Ltd  
Rozelle Bay NSW 2039

Dear Sir

With reference to the salvage operation on the vessel "Stealth" at RMYC Rose Bay on 18 May 2008.

From a Maritime perspective the efficient and professional approach in the recovery operation by the Devine Marine Group on behalf of the vessels owners indeed saved what could have been a disastrous pollution incident both financially and environmentally.

***Regards***

***Steve Brown***

***Operations Supervisor Sydney Harbour***

***NSW Maritime Authority***

***Ph: 02 95638504***

***Fax: 02 95638617***

***Email: [sbrown@maritime.nsw.gov.au](mailto:sbrown@maritime.nsw.gov.au)***

***[www.maritime.nsw.gov.au](http://www.maritime.nsw.gov.au)***

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Views expressed in this message are those of the sender rather than NSW Maritime unless the content of the message indicates to the contrary.

No virus found in this incoming message.

Checked by AVG.

Version: 8.0.100 / Virus Database: 269.24.1/1469 - Release Date: 5/27/2008 1:25 PM

**VIA Email**

**From:** GEdgley@sydneyports.com.au  
**Sent:** Wednesday, May 28, 2008 11:33 AM  
**To:** Brett Devine  
**Subject:** Re: Salvage - "Stealth"

Brett Devine  
Devine Marine Group  
Rozelle

27 May 2008

Dear Sir

With reference to the salvage operation on the vessel "Stealth" at RMYC Rose Bay on 18 May 2008.

Reports back from our personnel on site, indicate that the operation to prevent pollution occurring at the casualty, was both professional and successful.

The initial booming operation was performed by Sydney Ports Corporation emergency response team.

Devine Group personnel undertook the salvage operation on behalf of the Owner. This operation involved the raising of the vessel, and the retention of pollutants within the vessel and the boomed area. As I understand the operation, the vessel was able to be attended by divers who capped the fuel tank breathers, and utilised sorbent materials within the vessel, to prevent any pollutants from escaping the boomed area.

From a Sydney Ports perspective, the salvage operation was successful in terms of the prevention of further pollution, and the clean up of what little pollution had escaped the vessel.

The interaction between Sydney Ports and Devine Group personnel was professional, and as a result, did not require any further intervention by Sydney Ports (as the primary responders to marine pollution spills), on this occasion.

Regards  
Capt. Graham Edgley  
Manager  
Marine Operations  
Sydney Ports Corporation  
Ph. 61 2 9296 4793  
Fx, 61 2 9296 4670  
Mob. 0419 976 089  
[gedgley@sydneyports.com.au](mailto:gedgley@sydneyports.com.au)

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Checked by AVG.

Version: 8.0.100 / Virus Database: 269.24.1/1469 - Release Date: 5/27/2008 1:25 PM

Mr Charles Meszarous  
Department of Immigration & Multicultural Affairs  
Benjamin Offices  
Chan Street  
Belconnen ACT 2616



Dear Sir,

**RE: SALVAGE OF GROUNDED VESSEL ON FORSTER BEACH AT SCOTTS  
HEAD, NSW**

With reference to our earlier telephone conversation today this letter is to confirm that Capt. Brett Divine and his salvage crews have completed the beach and dune restoration component of the salvage operation to our satisfaction.

The Department commends Capt. Divine and his crews on their cooperation and efforts throughout the salvage operation to minimise the disturbance to the beach and dune environments.

As a general comment the level of communication displayed by Capt. Divine and his teams to all who were involved in the salvage operation was excellent.

If you wish to discuss any aspect in more detail please contact John Schmidt on 02 6653 0108 mob 04 1742 8571.

I trust this is of assistance.

Yours faithfully,

John Schmidt  
Coasts & Estuaries  
Coffs Harbour  
Department of Land & Water Conservation  
North Coast Region  
27 May, 1999

cc Divine Shipping Pty Ltd

## New South Wales Department of Transport



### Port of Eden

Captain Max Saunders  
Tel: 02 6496 1719  
Fax: 02 6496 3024

Port of Eden  
P.O. Box 137  
Eden NSW 2551

#### To whom it may concern

This is to attest that Captain Brett Devine was involved in the removal of the wreck of the ocean going tug Provincial Trader, which foundered off the Port of Eden in April 1994.

Provincial Trader was a vessel of 739 tonnes displacement and a length of 42 metres, which sank 530 metres outside the limits of the Port of Eden in a depth of 40 metres.

Captain Devine was on site and involved in the lifting of the vessel off the bottom and relocating it to a deep-water position over the continental shelf in 2670 metres of water.

Captain Devine and his crew operated on the salvage location one large tug, a lifting barge and a work boat which successfully completed the operation in at times most adverse weather conditions.

A handwritten signature in dark ink, appearing to read 'Max Saunders'.

Captain Max Saunders  
Harbour Master/Pilot  
Port of Eden



## Office of Marine Administration

New South Wales

Tel: (02) 9364 2111  
Fax: (02) 9364 2011

Maritime Centre  
207 Kent Street  
Sydney NSW 2000  
(PO Box 11, Millers Point 2000)

12 May 1999

Capt Brett Devine  
Managing Director  
Devine Shipping Pty Ltd  
68 Lamb Street  
LILYFIELD 2040

Dear Brett

As you know, I visited Scotts Head on 6 May 1999 to witness the dismantling of the Chinese vessel Zhou Gan Tou and to make you aware of the concerns of this Office in relation to any oil spill from the vessel.

I now wish to record my observations.

I was grateful that you sent Wendy to meet me at the airport because the hire car ordered never materialised. She was excellent company on the long drive to base camp. She, along with Linda and Sherilyn (apologies if misspelt) were extremely courteous and ever willing to do whatever was necessary to make my stay as comfortable as possible.

Having witnessed the dismantling of the vessel by your crew, I was impressed with their dedication to the job and their generally cheerful demeanour. I couldn't help but notice that you ran a very tight ship and that is the way it should be with such projects. I wish you every success with it.

Finally, thank you for driving me back to the airport and for filling me in on some of the more interesting aspects and experiences of your work. Some of the pieces of the maritime jigsaw in NSW certainly fell into place.

With best regards to yourself and your team.

Glenn Mathias  
Director, Marine Regulation

Administration Centre Level 1 Shipstores Building, Fisherman's Wharf, Darwin NT  
Training Centre Fisherman's Wharf Precinct, Darwin NT  
Mailing Centre GPO Box 4119 Darwin, Northern Territory, AUSTRALIA 0801

21 February 2003

To Whom It May Concern

## RE - CAPT BRETT DEVINE

I have known Brett Devine for more than 10 years and have had a great deal of opportunity to not only engage his services when I was working in SE Asia, but also benefited from his great knowledge in marine operations. These included water transport operations, Logistics and salvage.

Brett is a highly versatile person who has very high work standards and ethics. His dedication to project management, its completion and Quality customer service is exemplary. Some of these projects include the Tasmanian woodchips logistics movements to mother ships and factories. Others have included harbour tug studies for Queensland and Singapore operators.

He has participated in market research and feasibility studies and become a strategic alliance with this Training Centre. Many of our students on completion of marine training and certification have found work in Brett's organisation.

During these years I have found Brett to be honest, steadfast, diligent and highly professional in his work and business. I believe him to be highly qualified and skilled in marine operations and vessel management.

I am available for any clarifications if required

*Richard Teo*

**Capt Richard Teo** – FNI, FCIT, Master Class 1  
General Manager



**Walsh Bay Finance Pty Limited**  
A.C.N. 079 751 894  
A COMPANY JOINTLY OWNED BY MIRVAC & TRANSFIELD



16<sup>th</sup> November 2001

**TO WHOM IT MAY CONCERN**

Over the years, Devine Marine has provided a vast amount of marine materials and services to the Transfield Group of companies, and is currently contracting to **Walsh Bay Finance**, a Transfield Mirvac JV company.

Devine Marine has provided a 100 metre construction barge at Walsh Bay as a transfer and storage marine base while we undertake the \$650 million Walsh Bay Redevelopment. During the course of this project, Devine Marine has provided other marine services to subcontractors at this site by provision of tugs, crane barges, and log barges for the removal of timber piles and building materials to and from their depot at Rozelle Bay.

In addition, Devine Marine has provided (and is a likely contender to continue to provide) other marine and transportation services to Walsh Bay Finance. To the best of our knowledge, Devine Marine also conforms to governmental rules, regulations and requirements by recycling old wharf timbers and piles removed from the project site. This company has endeavoured to utilise Devine's expertise and facilities to regenerate recycled timbers back into the industry and environment.

Yours sincerely,  
**WALSH BAY FINANCE PTY LIMITED**

Robert G McFeeter  
**PROJECT DIRECTOR**

Cc: Devine Shipping Pty Limited  
68 Lamb Street  
**LILYFIELD NSW 2040**

Level 6, 40 Miller Street, North Sydney NSW 2060 Tel: (02) 9080 8000 Fax: (02) 9004 8468



**Lumley Marine**

Lumley General  
Insurance Limited  
A.C.N. 000 038 278

179 Queen Street  
Melbourne VIC 3000  
G.P.O. Box 2784Y  
Melbourne VIC 3001  
Telephone (03) 9607 1777  
Facsimile (03) 9670 3312  
DX 150 Melbourne

**FACSIMILE**

DATE: 13/04/1999  
TO: Bugg Gonnion Insurance Brokers  
ATTENTION: Peter Bugg  
FAX No.: 6331 1991  
FROM: Rudy Rietwyk  
No. OF PAGES (incl. this) 1  
Re: Brett Devine

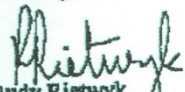
We refer to our discussions today and confirm that the undersigned can recall brief details of two salvages that Brett has been involved in.

One was a fishing boat which had sunk in the harbour at King Island in such a position that it blocked the harbour. Consequently there was an urgency to clear the wreck so that the harbour could be used again to get important supplies through. Brett and his team did an excellent job to clear the wreck in quick time was that the supply vessel remained on schedule.

The second incident was when the Troy D went aground of the NSW coast. There were differences of opinion from various quarters on how best to salvage this vessel. Brett and his team stuck to their guns and salvaged the vessel and moved it to a port of safety. Other ideas were proving to be not so practical or would have involved horrendous costs.

Both of these were the subject of marine claims which the undersigned was involved in whilst working for another employer. The standard of work carried out was of the highest quality and we would consider using Brett for further salvage work should the occasion arise.

Kind regards

  
Rudy Rietwyk  
Marine Claims Officer.



## DANBAR MARINE SERVICES

D.R. & B. Gunn Pty Ltd A.C.N. 009 590 916  
Captain D.R. (Danny) Gunn  
Marine Supervisor/Manager  
P.O. Box 553 Wynyard 7325

Port Latta Marine Office (03) 6443 4194  
Home Office (03) 6438 1222  
Fax (03) 6438 1194  
Mobile 0418 142 791  
Email: danbar@webnet.com.au

*The Contractors for the Port Latta Marine Operation*

To whom it may concern:

Until 1997, this writer was proprietor and senior marine surveyor with Bass Coast Marine Surveyors. During this time Brett Devine and I had a number of dealings in various matters relating to the marine and insurance industry.

The most notable salvage that he and I were involved in, (he on the salvage side, and myself as insurance assessor) was the occasion of the total loss of a large fibreglass fishing boat from South Australia which was driven ashore on Tasmania's southwest coast in a severe winter gale. During the prolonged heavy swell prevailing offshore, the only means of access to the wreck was finally by helicopter.

The vessel was a total loss, but because it was in a world heritage area, the Tasmanian Parks and Wildlife Department ruled that all the wreck must be removed. We were not even allowed to burn timber.


Brett Devine conducted this operation entirely satisfactorily, by cutting the vessel up, breaking down the parts, and removing them to a chartered fishing boat offshore, off the open beach.

I have a firm recollection of a letter sent to Mr Devine by the Department, commending him on the efficiency of the operation, and stating that it set a pattern for future such operations.

In such a field, Brett's competence is without question.

Dated 13th April 1999

Yours faithfully,

  
DANBAR  
MARINE  
SERVICES



# CHS MARINE Pty. Ltd.

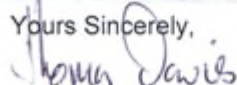
A.B.N. 12 075 077 931 A.C.N. 075 077 931  
ACCREDITED MARINE SURVEYORS  
CONSULTANTS AND MARINE ENGINEERS

Email: [clipperh@thehub.com.au](mailto:clipperh@thehub.com.au)

<p>TGD: KR</p> <p>BD</p>	<p><b>BRISBANE OFFICE:</b> Tel: (07) 3378 8100 Fax: (07) 3378 9100 Mobile: 0427 741 138 (Tom) Mobile: 0417 579 731 (Jack)</p>
<p>22 February 2005</p> <p>Captain Brett Devine MM Managing Director Devine Group 68 Lamb Street LILYFIELD NSW 2040</p> <p>Dear Captain Devine,</p> <p><b>RE: SALVAGE AND REMOVAL LC1 COFFS HARBOUR – INCLUDING SITE RESTORATION</b></p> <p>I write to thank you and your team for the excellent job Devine Shipping carried out in the salvage and removal of this barge at Coffs Harbour.</p>	<p><b>POSTAL ADDRESS:</b> P.O. Box 980 Kenmore Q. 4069</p> <ul style="list-style-type: none"> <li>• FULL SURVEY</li> <li>• APPRAISALS</li> <li>• CONSULTANCY</li> </ul>
<p>As you are aware, we had engaged an international salvage company to undertake this task in the first instance, however they were unable to complete the task to our satisfaction. At the time of their departure from the scene, the situation had deteriorated to the point where we held serious concerns for the success of the operation.</p> <p>Although we engaged Devine Shipping later in the operation, it was at a very difficult period; as the barge had shifted, weather conditions had changed and wind and sea states made the operation far more hazardous than we had previously envisaged.</p> <p>Owing to the vessel having stranded in enclosed waters, environmental considerations provided a further "hazard" to salvors. You and your team responded to the conditions and salvage requirements with professionalism, and the task was completed in a timely manner; within budget and with minimum disruption to the day to day activities of the good folk of Coffs Harbour.</p> <p>We were particularly impressed with the site presentation on completion of the task, and we are also aware that the local council and maritime authorities were similarly taken.</p> <p><i>PROVIDING SERVICES FOR NEW BUILDING AND EXISTING VESSELS</i></p>	<ul style="list-style-type: none"> <li>• PROJECT MANAGEMENT</li> <li>• TROUBLE SHOOTING</li> <li>• REPAIR SUPERINTENDENT</li> <li>• VALUATIONS</li> <li>• MARPOL</li> <li>• ARBITRATION</li> <li>• TOWING &amp; SALVAGE</li> </ul>

We will have no hesitation in seeking your services again, when the need arises.

Thanks again for a job well done.

Yours Sincerely,  


**[THOMAS DAVIES]** *Grad.Dip.Mar.Eng. Ass.Dip.Ship Cons.*  
**Accredited Marine Surveyor**  
**Managing Partner**  
**CHS MARINE Pty Ltd.**

20 December 1996

To Whom It May Concern;

**RE CAPT BRETT DEVINE**

I have known Capt Brett Devine for several years. He has participated in market and project development with this marine group in the Asian and Australasian region, including many locations in Indonesia and SE Asia.

At all times Capt Devine has shown excellent professionalism and technical knowledge in the marine operations and other aspects of management and marketability of products and services.

As the Joint Venture Manager of this group, I have found Capt Devine most helpful and sincere. His knowledge and skills in marine operations is exemplar.

During our association over the years he has soundly advised me in the following areas: -

- Tugging and Barging operations
- Salvage Operations
- Marine structures building and support logistics
- Coastal Shipping & Freight Logistics management

I have no hesitation in recommending Bret Devine to any person or organisation that needs his particular brand of expertise.

**Capt Richard Teo**



JV General Manager  
JAYA MARINE GROUP



**Land & Marine Pty Ltd**  
*Oceanographers - Hydrographers - Oceaneering*  
8 Cowdroy Ave, Cammeray NSW 2062 Australia  
Phone 02 9909 3437 Fax 02 9953 8203  
ABN 29 001 704481 ACN 0017 04481  
Email: [fitzynet@bigpond.net.au](mailto:fitzynet@bigpond.net.au)



### **Capt. Brett Devine – Master Class 4**

I am pleased to write on behalf of Capt. Brett Devine.

He is a competent mariner, barge operator and salvor.

Capt. Devine has operated ex-AMSA Master 3 in Australian, Papua New Guinea and Pacific waters for the past 25 years.

I have always noted that he runs strictly sober marine operations.

Capt. Devine is an excellent team member and has a clear understanding of good teamwork.

He is an industrious, hard working and worthy marine contractor with considerable skills in a very wide range of maritime operations.

**Daniel Fitzhenry**  
Accredited Specialist Hydrographer CZM, NC, OIS  
Lt. Cdr. (H) RAN Ret.  
Registered Surveyor

**Land & Marine Pty. Ltd.**  
Accredited Specialist Hydrographers  
Registered Surveyors - Civil Engineers - Oceanographers  
Ph: 02 9909 3437  
Fax: 02 9953 8203  
Mob: 0419 876 222  
Email: [fitzynet@bigpond.net.au](mailto:fitzynet@bigpond.net.au)

*Daniel Fitzhenry – Registered Surveyor – Dip. Environmental Studies (Macq.) – Accredited Specialist Hydrographer*  
*Steven Fitzhenry – B.Eng. (Civil) Sydney – Maritime and Structural Engineer – Project Management*  
*Adam Fitzhenry – B. Eng. Honours (Civil) Sydney – Civil and Structural Engineer – Project Management*  
*Ellie Fitzhenry – B.Sc (Sydney) – Ecology – Marine Biology – Marine Science*  
*Chelsea Woodhouse – B.Sc (Macq.) – Resources Management – Environmental Planning*

**Manu Marine** ABN 75 837 615 703  
A limited partnership  
PO Box 184, Cherrybrook NSW 2126, Australia  
**Phone:** +61 2 9651-5922  
**Facsimile:** +61 2 9651-6388  
**E-mail:** manu\_nsw@bigpond.com



Wednesday, March 23, 2005

**Our reference:** 20913  
**Your reference:** N/A

Devine Marine Group  
Cnr The Crescent & City Westlink Rd  
Rozelle Bay  
NSW 2039

*By facsimile:*  
*02-9818-7021*

**Attention:** To whom it may concern.

Dear Sir or Madam

This is to advise that on the 16<sup>th</sup> September 2002 we were instructed on behalf of the hull insurers (Lumley General Insurance Limited) for the yacht Excalibur when she lost her keel and capsized off the New South Wales coast in the vicinity of Port Stephens. Two of the crew were rescued alive by a passing commercial vessel and a search & rescue mission was mounted for the remaining four crew members.

Eventually the yacht was located and the Water Police attended the site in search for survivors. A beacon was fitted to the yacht at that time but the Water Police were unable to recover the vessel. It is our recollection that the Water Police could not remain on station and the yacht then drifted further out to sea.

The Coroner's office required the yacht to be recovered for the purposes of their enquiry and hull Underwriters also sought to recover the yacht with a view to possible salvage and investigation of loss. Salvors were then invited to tender to locate and recover the hull.

Acting on hull insurer's instructions the tender submitted by Devine Marine Group was accepted.

Captain Brett Devine then collected the resources necessary to carryout the operation, including tug, dive teams and salvage crew. At this time the missing crew were considered lost and the search & rescue aircraft had been called off. While the salvage crew were on passage to the last known location we organised search & rescue flight at Underwriters expense who, having located the hull, directed the tug into position.

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Perth - Western Australia

Licensed Manu Marine Offices  
Sydney - New South Wales

Auckland - New Zealand

Lumley General Insurance Ltd  
Devine Marine Group

Page 2  
Reference No 20913

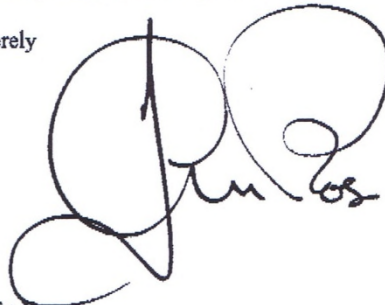
The yacht presented numerous difficulties in regard to salvage in that she was fully inverted with her sails still rigged as at the time she capsized. The yacht had been in the water for over a week by that stage and some damages had been sustained, most probably in contact with a commercial vessel, which came alongside her. We would also note that at that time there was some concern that the missing crew may have been trapped within the hull and a search for bodies necessarily had to be carried out by the divers.

Attempts were made to salvage the rig, however, in the seaway this was not possible and only the boom was recovered.

Nevertheless the yacht was righted, secured and made water tight and then successfully towed back to Sydney with no further damage to the hull.

In our opinion this was a difficult operation carried out with great professionalism and was, in the end, successful. That it was successful has enabled the evidence to be presented to the Coroner's court, which is currently in session.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Iain Frost', with a large, stylized circular flourish at the end.

**Captain Iain Frost.**  
**Principal Surveyor.**  
**Manu Marine.**  
20913b



24<sup>th</sup> November 1998,

To whom it may concern

We have acted as insurance broker for the Devine group since 1991. Since that time we have arranged many unique insurance programs for various contracts and ventures the group have undertaken, including a thirty million liability excess layer for a project with Pioneer.

We have found the Devine group (under the direction of their MD, Brett Devine) to have the ability to take on and successfully complete projects other companies find impossible.

As unique as past projects have been, we have always been able to place the insurance requirements with reputable markets to the satisfaction of those concerned. I am sure we will be able to continue to find adequate insurance cover for future undertakings of the group as the need arises.

Yours sincerely

Bugg Goninon Pty Ltd,



Peter Bugg,  
AAII, QPIB, AQF



February 22, 2003

To whom it may concern,

Dear Sir/Madam,

I am very pleased to express my sincere appreciation of the association my company has established with Devine Shipping, and in particular the principal Mr. Brett Devine.

Our initial contact was in preparation for our project at Garden Island for the New Years Eve 1999, when I approached Brett to assist with the design layout, logistics and the installation and removal of a sophisticated mooring systems for Super Yachts, that were to be berthed in the waters of the East Wall Basin – Garden Island.

We had to meet very stringent guidelines as the waters are controlled by the Australian Federal Government and in particular the Navy.

Devine Shipping undertook all aspects of the project. They met the criteria demanded, and the installation of the ground tackle and removal thereof was undertaken in a professional and timely manner, to the extent that the project was completed without incident.

Since our first association, I have had the pleasure of working with Brett on other projects and again I can recommend himself and his staff to undertake their duties and undertakings within the maritime arena professionally and diligently.

I must also reiterate the ability of Brett and his team to operate their vessels and associated equipment to the highest industry standards and as a vessel operator myself, I can say Brett is one of the best.

Should you wish to contact me regarding my endorsement of Devine Shipping, please do not hesitate.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Stirling", with a stylized flourish at the end.

Robert S.M. Stirling  
CEO

**PACIFIC RIM MARITIME PTY LTD**  
SUITE 10 / 1 BRADLY AVE • KIRRIBILLI • NSW • 2061 • AUSTRALIA  
PHONE: 612 9929 1455 • FAX: 612 9929 5711  
EMAIL: [INFO@SUPERYACHTING.COM](mailto:INFO@SUPERYACHTING.COM)  
[WWW.SUPERYACHTING.COM](http://WWW.SUPERYACHTING.COM)  
A.B.N. 38 081 003 090

# *Propel Surveyors & Consultants Pty Ltd*

ACN 653 338 908

*Marine Consultants - Hull & Cargo Surveyors - Marine Engineers - Naval Architects*

PO Box 25  
Seaford, NSW, 2092  
Australia

Telephone: 02 99487243  
Tel: 612 99487243  
Fax: 02 99494641  
Facsimile: 02 99489458  
Int: 612 99489458

Principles: Stuart G. LYE CEng, FIMarE, MRINA, MCMS

Date: 12 April 1999

Your Ref:

Our Ref:

**FACSIMILE TRANSMISSION**

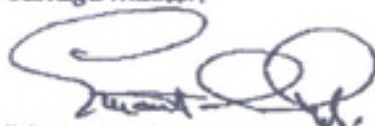
## **TO WHOM IT MAY CONCERN**

On 2 November 1995 this office was appointed by the Australian lead marine underwriters as their surveyors for the initial assessment and attendance during subsequent refloating and towage approval, in respect for the blue metal bulk vessel TROY-D which had run aground on to a rock shelf within a highly sensitive environmental location within the Bass Point national park, NSW, the park being located about sixty miles south of Sydney.

During the entire successful salvage operation Capt. Brett J. Devine, proved himself as a professional salvage master of high esteem in the way the vessel was subsequently salvaged without being holed; using minimal equipment available; the engagement of a naval architect; and the use of local diving contractors.

A subsequent diving inspection made of the grounded location indicated no damage that may have upset the ecological balance to the environment.

Therefore this office, on receipt of future appointment(s) from our Australian and overseas underwriting principles in regard to future salvage projects / operations, having no hesitation in recommending Capt. Brett J. Devine to be the appointed salvage master.



**PROPEL SURVEYORS & CONSULTANTS PTY LTD**

**Seward Maritime**  
Consultant Naval Architects  
Devine, Northern Tasmania

Business Phone 011 61 81 005 102 267 cell 011 61 81 005 102 267 Fax 011 61 81 005 102 267 Email: design@sewardmaritime.com.au  
Tel: 011 61 81 005 102 267 Fax: 011 61 81 005 102 267 Email: design@sewardmaritime.com.au

Ref:- 97066/Devine Testamonal

Date:-

To:- Whom it may Concern

Regarding: **Devine Shipping - Brett Devine**  
**Salvage Work with Seward Maritime**

This firm has worked with Devine Shipping on a number of matters in the past and in particular on two salvage projects.

The first was a 20 metre fishing vessel which sank at Grassy harbour, King Island, Tasmania. We were at the time also active as commercial diving contractors and supplied a team of commercial divers and their equipment in a joint venture enterprise to recover the vessel and dispose of the wreck on behalf of the insurance underwriters.

Brett Devine oversaw the project on the ground and the recovery was successfully brought to a proper completion.

The second project was the recovery of the 60 metre cargo vessel Troy D from a grounding at Bass Point, south of Wollongiong, NSW. We acted as salvage naval architects advising on implications of damage, carrying out buoyancy and tidal plane calculations and conduction bottom surveys of the area surrounding the casualty and the recovery route. Mr Devine was the salvage Master. The vessel was recovered according to plan and scedule ( less than 24 hours after grounding) without significant further damage and was then towed away for assessment for repair. The writer was aboard the vessel at all times with Mr Devine and can attest to the professional conduct of his duties.

Yours sincerely



Mike Seward BEng  
Naval Architect

## **‘TROY D’**

In co-operation with the Federal and Tasmanian Governments, Devine Marine Group provided the coastal trader ‘Troy D’ as a dive wreck for Triabunna/Maria Island in Southern Tasmanian waters. The government had strong pre-requisites for an environmentally friendly sinking and we had to maintain strict guidelines for the complete removal of pollutants and hazardous materials. The explosive technicians employed on the project have been involved in many similar vessel sinkings and complemented our ship preparation as the best that they had encountered.



Coastal trader the ‘Troy D’



Our Tug ‘Weela’ and Barge ‘Big D’ during the cleanup process



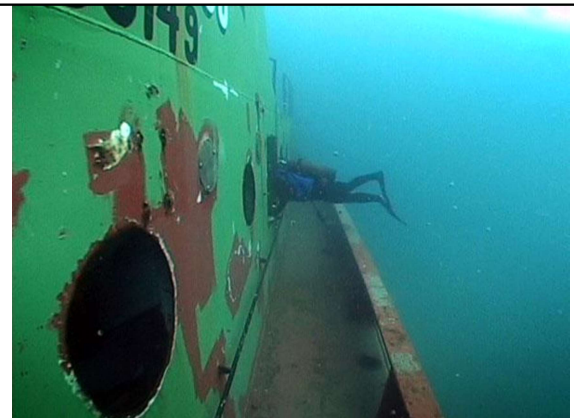
Our crane ‘Robbo D’



Removal of engine room machinery

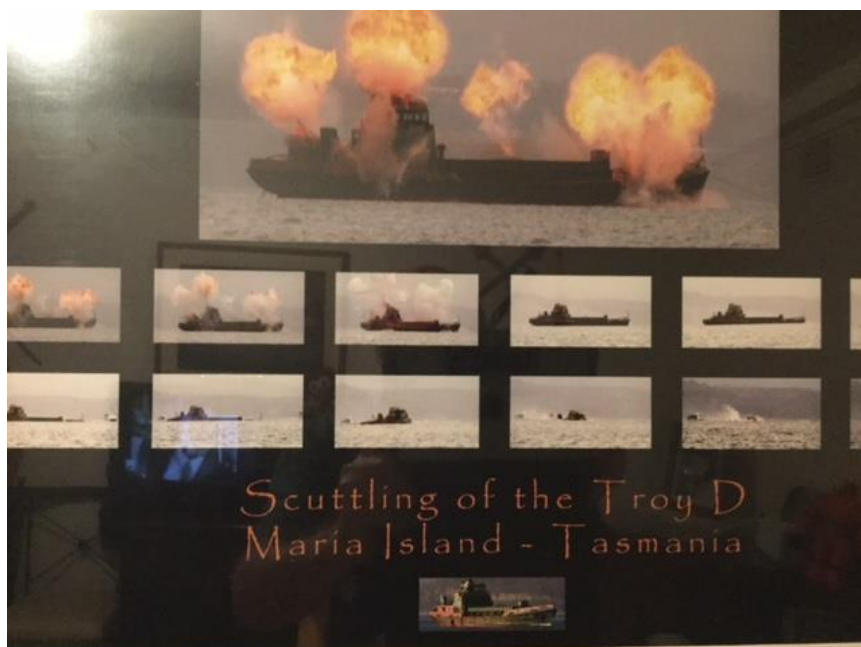
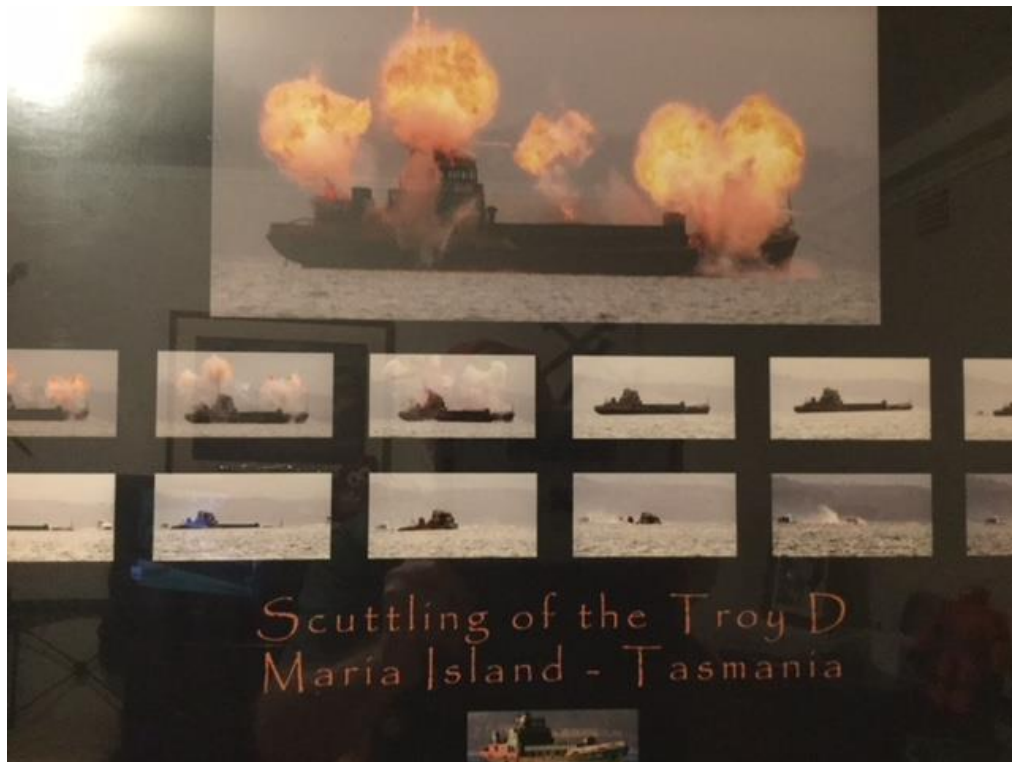


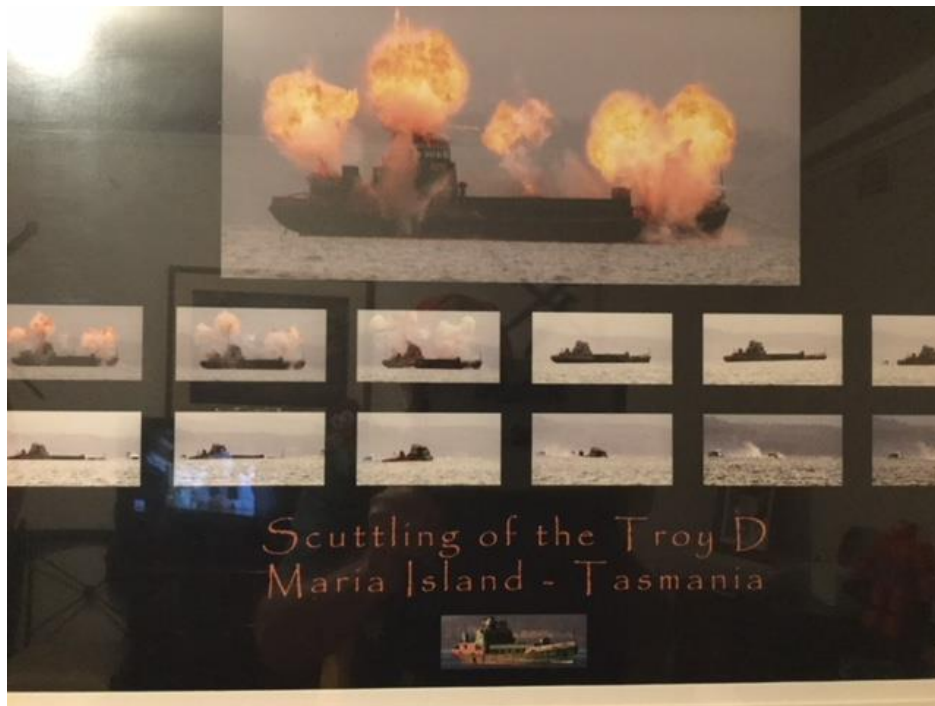
“BOOM” controlled sinking



A successful Dive Wreck

## HOW TO SINK A SHIP PROPERLY





## **D-THREE**

The *D-Three* began as a Japanese longliner and was purchased by Lukin's fisheries at Port Lincoln, the Olympic Gold Medalist Dean Lukin's family business.

The *D-Three* was responsible for leading the way in a whole new method of Tuna fishing that has become a world standard. The Lukin's opened the Japanese market to Australian Tuna by developing a method whereby with the *D-Three* towing huge nets with the catch so that it arrived fresh and ready for export. The exciting documentary 'Tuna Cowboys' was filmed and based on the *D-Three*.

In 2010 the vessel had reached its' practical lifespan and an 'Order of Removal' had been served requiring the expeditious and safe removal from the water for disposal of the ship.

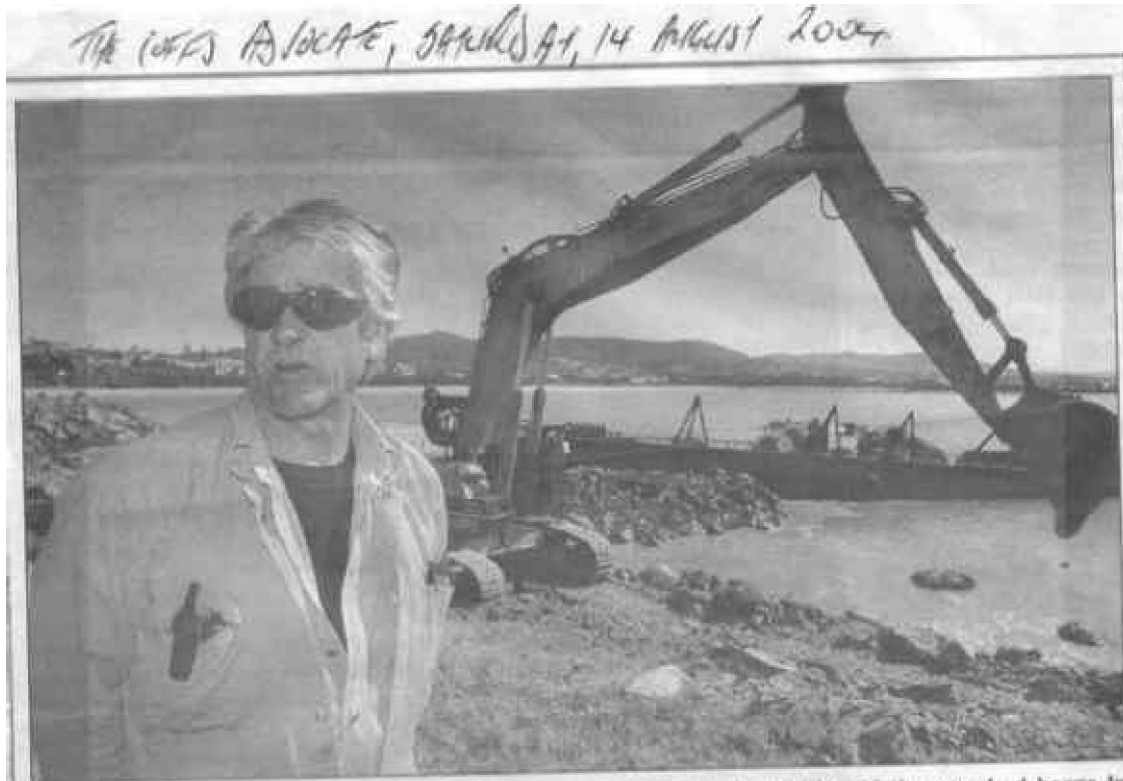
The casualty was fragile by then and contained around 48,000 litres of liquids including diesel and oily water requiring caution in regards to pollution removal, containment and potential response.



## LC-1 BARGE - COFFS HARBOUR

Wrecked during rough seas the LC1 barge was run aground at Coffs Harbour. Up to 25 Government Departments were involved in setting the pre-requisites for this salvage operation. There could be no impact on the waterways and foreshore followed by a complete remediation of the entire surrounding operational area.

Devine Marine Group satisfied all government guidelines and regulations successfully removing all traces of the wreck and then renewed the foreshore area.



Happy to have finally started work, Brett Devine oversees the demolition of the wrecked barge in the harbour.

Photo: CHRIS RIX

# Barge salvage begins

By DAVID MOASE

AFTER months of working to gain approval from government departments and agencies, Brett Devine and his team are now doing the work they know best.

Mr Devine, the managing director of Devine Marine Group, is in charge of the salvage operation on the barge wrecked when rough seas hit the deep sea release project earlier this year.

The barge has become a landmark near the harbour boat ramp but it will be dismantled, demolished and removed during the next four to six weeks.

Work began this week, with a large excavator picking up

and dumping 15 tonne rocks which are being used to make a ramp next to the barge.

After salvagable machinery is removed from the deck of the barge, its hull will be emptied of water and filled with air, and it will be dragged nearer to the shore.

Large trucks will then be driven onto the ramp and loaded with debris as the barge is demolished.

Mr Devine said his company had spent months satisfying regulations before the salvage could begin and every care was being taken to avoid damage to the environment and Aboriginal sacred sites.

"We have had to deal with about 25 departments and agen-

cies before we could begin work so it is great to be finally under way," Mr Devine said.

"It is the type of job we do all the time and the regulations are just something you get used to.

"I do want to point out that Michael Rodgers and the people at the local Aboriginal land council have been the most co-operative people we have dealt with."

A 'silk curtain', extending from the surface to the harbour floor, surrounds the work site to stop sand and dirt stirred up during the process from spreading further into the harbour.

Mr Devine said steel from the barge would make an ideal barbecue plate and he would be happy to take orders.



Pushed into Coffs Harbour after a storm



Barge LC 1 secured to shore



Ready to go! some of the heavy equipment employed



Industrial cutting shears at work



Our long reach excavators operating in tandem



The Crew oxy-cutting

## 'NEW ENDEAVOUR' – Port River Adelaide

Awarded the salvage contract by Transport South Australia, Devine Marine Group completed a difficult underwater salvage and removal of the 'New Endeavour' using specialised equipment. The wreck was completely broken up and disposed of without incident to the satisfaction of all Government Departments including the EPA, Harbour Authorities and Workcover.

### Sunken hulk no match for experts with cranes

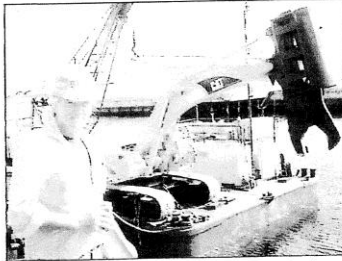
By John Satterley

**A** HOLE IN THE STERN caused the New Endeavour to sink at Berth 5 on the Port River in February last year. An eyewitness says the sinking took 13 minutes. The removal, completed in late July, took six months and cost \$500,000. Specialist divers aided by local cranes turned the 200t vessel into scrap metal that will fetch about \$60,000.

The New Endeavour was originally built as a tugboat in the 1960s but was later converted into a private two-masted sailing boat. The owner had hoped to salvage the vessel after it sank but testing of the hull found it was too thin to lift or refloat.

Transport SA awarded the salvage contract to Sydney-based Devine Marine Group p/l, which specialises in salvage recovery on land and sea. In February this year Devine's floating crane barge carrying a 120t crane was secured on its four-point hydraulic mooring system alongside the wreck. The barge is also fitted with a Cat E450 excavator and double-acting La Bounty 220 cutting shears.

Also transported from Sydney and established on the wharf was one of Devine's Komatsu PC1000 100t excavators fitted with cutting shears and a 23m-reach boom. On the cutting shears were twin



Salvage master Capt. Brett Devine with his tools of trade

CAM underwater cameras and floodlights so the operator could observe his cutting operation under water. This was a first up in Australia of specialised technical expertise in utilising shears under water, according to salvage master Captain Brett Devine.

Divers supplied by Lawrie Commercial Diving p/l used Kirby underwater communication systems to guide the operator for cutting the wreck into six sections. Three divers using Boroco underwater cutting equipment spent three months cutting through the shaft and other difficult areas the excavators could not reach.

Brimco Crane Service used its 225t Liebherr all-terrain crane (its two bigger

cranes were out of Adelaide) to lift two sections onto the wharf. The remaining four sections had to be recut through the keel to lighten them for liftout by Samaras Crane Services' 250t Liebherr all-terrain crane. The heaviest lift by this crane was 62t. On the wharf Devine's crews did further cutting prior to removal of the scrap by Simsmetal.

The wreck was in 10m of water, buried in soft silt and mud. Capt Devine says it was extremely difficult to salvage because extra ballast of steel and concrete was in the keel to stabilise the vessel as a sailing ship. "A lot of oil and hydrocarbons were removed without any contamination to the harbor," he adds.

"The job tested our skills, particularly trying to comply with all the relevant government legislations, licensing, EPA, and WorkCover requirements working in a harbor environment, even down to accommodating the local constituents – dolphins and water rats.

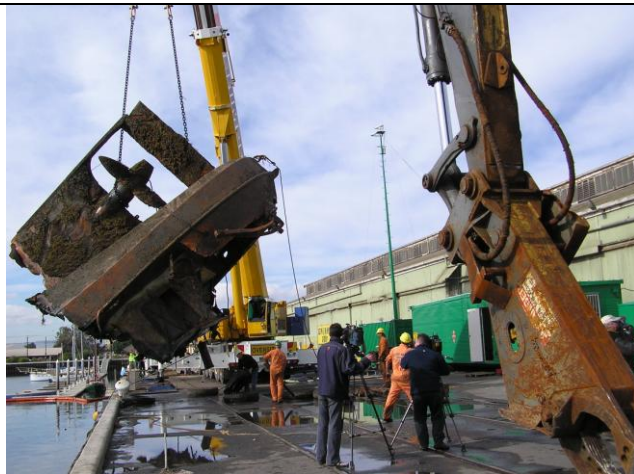
"We had a lot of problems with our dive teams trying to work in nil visibility guiding cutting shears under water. Without the consistent effort of Jock Lawrie and his dive team the job would have drawn out longer." Devine Marine Group has completed three major salvages in Australia this year. A new contract is to sink a 1,000t ship, Troy D, as a wreck drive at Triabunna on Tasmania's east coast.



'New Endeavour' regulation spill boom laid in place to contain toxins and flotsam



Crane 'Robbo D' assisting divers for underwater salvage



Oil and hydrocarbons removed without any contamination to the harbour



Preparing for final sectional cut up and removal to scrap merchants

## **FERRY 'KOOLEEN'**



'Kooleen' sunk



Ferry hauled alongside shore with tow trucks to allow access for complete removal



Shuffled into shore for removal



'Elly D' Excavator and Cutting Shears

## **BULO NI CEVA**

The interisland ferry **Bulou-ni-ceva** was thrown up onto a reef at Rotuma with grave concerns for the 13,000 litres of diesel fuel still onboard the vessel potentially threatening the surrounding marine ecosystem. Responding to the threat of an environmental disaster the Fijian Parliament, the Ministry of Transport, the Fiji Marine Department and the Environment Department brought in Devine Marine Group to solve the problem of a safe salvage.

Our initial priorities lay with the containment and removal of any pollutants and securing the hulls' integrity thus preventing any contamination to the environment. Then through a series of processes the vessel was safely refloated and towed back to harbour without incident to allow the Fijian Marine Board to conduct a formal government enquiry.



Remote salvage operation



Run Aground on Rotuma reef in Fiji



Pollutant removal required



Engine Room underwater

## **ROZELLE BAY – Remediation and Developement**

Rozelle Bay, located in the heart of Sydney Harbour, has been used as a commercial working area for many years including the all but forgotten sawmilling expanse along the shore. Devine Marine Group has been heavily involved in the Rozelle Bay redevelopment plan. From helping to clear and rebuild the foreshore areas, to the removal and scrapping of floating and sunken vessels.



The 'Big D' and crane begin the removal process.



Divers prepare an old wreck for salvage operation



Excavator 'Elly D' working into the night



Crane barge 'Daleelah D'

## **BERRYS BAY, SYDNEY - NSW MARITIME BARGE**

This 'NSW Maritime' barge eventually become a potential navigation hazard in busy Berrys' Bay in Sydney Harbour.

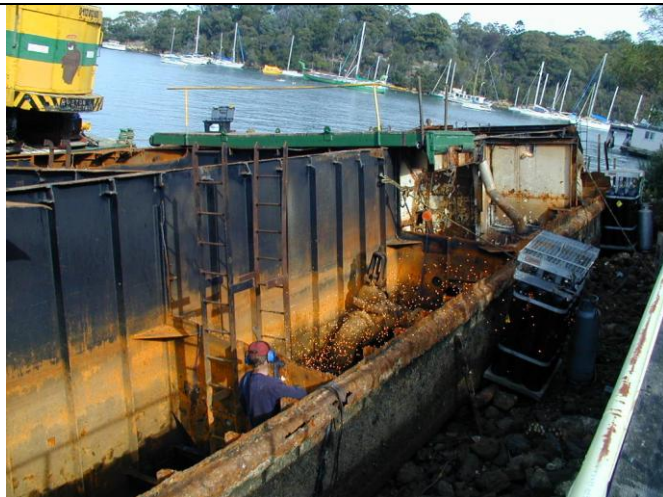
Devine Marine Group was awarded the tender to safely remove and scrap this vessel under the supervision of the NSW Maritime Department.



NSW Maritime wreck



One of our cranes assisting



Oxy Cutting



Filling the Grab Bucket

## 'ZHOU GAN TOU'

After the infamous 'Zhou-Gan-Tou' grounded at 'Scotts Head' with illegal immigrants onboard, the Federal Government called upon Devine Marine Group to cut up and remove all traces of the ship to send a message to other would be human traffickers that 'this is what we will do to your vessels'.



The Chinese vessel 'Zhou-Gan-Tou' beached at Scotts Head with illegal immigrants.



We removed all trace of the vessel in less than a two week period.



Industrial cutting equipment being used to demolish the vessel 'Zhou-Gan-Tou'

## **‘TROY D’**

In co-operation with the Federal and Tasmanian Governments, Devine Marine Group provided the coastal trader ‘Troy D’ as a dive wreck for Triabunna/Maria Island in Southern Tasmanian waters. The government had strong pre-requisites for an environmentally friendly sinking and we had to maintain strict guidelines for the complete removal of pollutants and hazardous materials. The explosive technicians employed on the project have been involved in many similar vessel sinkings and complemented our ship preparation as the best that they had encountered.



Coastal trader the ‘Troy D’



Our Tug ‘Weela’ and Barge ‘Big D’ during the cleanup process



Our crane ‘Robbo D’



Removal of engine room machinery



“BOOM” controlled sinking



A successful Dive Wreck

## **SOME OF OUR WELL PUBLICISED SALVAGE OPERATIONS ON THE EAST COAST**

### **'EXCALIBUR' – Lost at sea with casualties**



Located by Devine Marine Group after the authorities gave up. Divers prepare 'Excalibur'



Towed 300nm back to Sydney for Police forensics



'High and Dry' Salvage of a boat washed ashore in a cyclone, North of Coffs Harbour



'Manu Wai' Hydrofoil taking water and towed to our depot for repairs



'Everwilling' aground at Admiralty House



3 Vessels salvaged during a storm

## Personnel

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Devine Marine Group has at its disposal a crew of highly trained and qualified staff, who are capable of rising to the challenges of the modern marine environment.

Our qualified crew includes:

- Masters, Mates and deck hands
- Crane and machinery operators
- Highly experienced Salvage Masters and Project Managers
- Commercially qualified and experienced divers
- Structural, civil, environmental and marine engineers who are well versed in all facets of marine operations. This includes development applications, dredging, construction, demolition, pile driving, wharf / jetty building, and the fabrication of marine structures.
- Marine environmental impact assessors



Crane barge operating from our depot



Loading Turpentine hardwood pylons



Fitters at work on a salvage job

## Quality Policy Statement

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**DEVINE MARINE GROUP** is engaged in providing specialised services that include Salvage, Removal of Wrecks, Tug & Barge Operations, Beach and Foreshore Reclamation, Ocean & Coastal Towage, Workboats, Marine Charter, Accommodation & Supply Vessels, Underwater Survey & Pipe layers, and other Marine activities.

It is Company policy to:-

- Be responsive to the needs of Clients at a competitive price
- Conduct business in a professional and ethical manner
- Maintain and enhance its reputation for efficient, cost effective and timely performance that meets Client needs and expectations
- Comply with applicable standards and specifications
- Respond in a timely and constructive manner to Client comments, thereby ensuring prompt corrective and preventative actions
- Build on our experience by innovative use of technology and strategic planning
- Properly respect and safeguard all information of a proprietary or commercial nature
- To comply with EPA regulations ensuring the protection of the environment

**Captain Brett Devine**

**Managing Director**

# **BRADLEY BARGE**



## Principal Characteristics

Deck Cargo Barge	
Length between Perpendicular	82.3 m
Molded Breadth	21.4 m
Molded Depth	4.9 m
Gross Tonnage	2132 (Registered)
Net Tonnage	639 (Registered)
Bulkheads	10 watertight
DWT	5251 tons
Calculated Freeboard	2118 mm
Max Crane tonnage	700 ton
Official Registry Number	856274
Flag Name	Commonwealth of Australia
Port of Registration	Brisbane, Queensland
Delivery Date	03 May 1994

## ABS

ABS Class Notations	A1, Barge
ABS Class No.	9424236
Service Limit	Unrestricted Service

## BROOKE D



### Principal Characteristics

- Australian Registered No. – 332003
- 232 Gross Tons
- Bollard Pull 26.4t
- Fuel capacity 40,000ltr
- Length OA: 32.20m
- Breadth 8.17m / Depth 4.80m / Draft 4.43m
- Ballast Tanks
- Machinery 1680hp @ 450RPM
- Accommodation for 12 crew
- Grove M977 deck crane 6.6TM
- 2 gensets
- Free running performance - 10kts @ 3mt/d consumption

## HUSKY



### Principal Characteristics

Class	2C
Length	15.25 M
Beam	4.6 M
Draft	2.13 M
Gross tonnage	43
Registered tonnage	18.21
Power	254 KW
Bollard Pull	5.5 Tons (approx)
Registered tonnage	18.21
Propulsion	Detroit GM V12 13.96 litres rated at 254kw @ 1800 rpm, two stroke
Fuel Capacity	2 x 3450 litre tanks
Auxiliary Engine	Yanmar TF 90 diesel 240volt 6 hp Southern Cross diesel

## **BAILEY D**



### Principal Characteristics

Deadweight capacity	1000 tonnes
Length o.a.	49.5 Metres
Beam (moulded)	10.6 Metres
Depth (moulded)	4.3 Metres
Draught	3.3 Metres
Gross Tonnage	633 tonnes
Freshwater	10 tons
Fuel	20 tons
Ballast water	1000 tons
Engines	Twin Cummins V12 500M
Propulsion	Twin Schottel 4 blade 360 degree
Service Speed	7.5 knots
Towing	Winch Fwd & winch aft pump engine COO
Fire Fighting equipment	Pegson Marlow
Pumping capacity	4 x pumps at 200litres/min each

# RUSHCUTTER



## Principal Characteristics

Previous name	HMAS Rushcutter
Class and type:	Bay class minehunter
Builder:	Carrington Slipways
Launched:	3 May 1986
Commissioned:	1 November 1986
Decommissioned:	14 August 2001
Displacement:	178 tons full load
Length:	101.7 ft (31.0 m)
Beam:	29.5 ft (9.0 m)
Draught:	6.6 ft (2.0 m)
Propulsion:	2 Poyaud 520-V8-S2 diesel generators, 650hp (m) (487 kW)
Cruising Speed:	10 knots (19 km/h)
Max Speed:	18 knots approximate
Range:	1,500 nautical miles (2,800 km) at 10 knots (19 km/h)
Berths:	18
Deck Crane:	Grove 6ton

Additional Capacities: 2 x ROVs, Dive fitout, UAV deployment, helicopter, RHIBs etcetera

## PIPER JEAN

With a wide variety of capabilities this versatile crane barge has been successfully operating in salvage, construction, demolition, dredging and heavy goods transport.

With a cargo capacity of up to 100 tonnes and can accommodate excavators, trucks, cherry pickers, bulk building materials and machinery. Large lockable storage area in hull for stowage of work equipment, chains, tools, etc.

The useful spud mooring system allows the 'Piper Jean' to stand steady when working to provide safer and more effective operating conditions



### Principal Characteristics

Deck Length	24.6 metres
Beam (moulded)	8.30 metres
Depth extreme	2.40 metres
16t P&H Crane	
RoRo ramps	
Versatile 100t capacity	
Twin spud mooring system	

## **BARBARA D**



The Barbara D is a 300ton capacity bottom opening dump barge suitable for dredging and sea transportation of materials.

She is fitted with a 30t Lima crane and 1 metre dredging grab bucket.

Materials may be stored in the enclosed hull or on deck. A suitable combination can be adapted to optimise efficient use of the vessel capacity.

## ENCHANTRESS 'AP3'



*Amenities Barge*

There were three of these sturdy and stable floating complexes built for the Roads and Maritime Services, two are currently being utilised in Sydney Harbour by marine contractors as a purposeful barge operating as a temporary and portable office, amenities, galley, first aid station, accommodation, storage and site control centre.

Commercial Vessel	Class 2E
Registered number	53966
Length	17m
Beam	13m
Draft	3m
Power	Shore power 415V and 240V input
Gas	Cooking

### Facilities;

Galley, stove, oven, fridges, hot water, showers, office facilities, storage, meeting rooms for management and operating staff

## LITTLE TROY



33' UTILITY/LOGISTICS VESSEL. STURDY GRP CONSTRUCTION. Ex Naval.

### Little Troy

Capacities:	3 Crew and 24 passengers or 1.75t cargo.
Construction:	GRP, round bilge
Length:	Hull 33'0"      Over fenders – 33'0"
Beam:	Hull 9'6"      Over fenders – 10'3"
Speed:	14 Knots
Fuel Capacity:	290 litres
Engines:	2 x Perkins T6.354m Turbocharged diesels

## LE CABARET



Our luxuriously appointed and spacious corporate vessel *Le Cabaret*.

Searay 540 Sundancer	
Overall Length	16.69 m
With Swim Platform	17.58 m
Beam	4.85 m
Draft (Inboards)	119.4 cm
Fuel Capacity	2,271 L
Water Capacity	567.8 L plus desalinator
Holding Tank	257.4 L
Navigational	Raytheon electronics suite, GPS, radar, chart plotter etc
Main Engines	2 x Detroit Diesels twin turbo supercharged
Staterooms	Master w/ ensuite & forward berth
Total berths	8 (4 x double berths)
Air conditioning	3 x independent systems
Atlas Power converter	240V / 110V
Genset	240V / 110V
Tender	Jet powered RHIB launched from hydraulic swim platform

Well equipped galley, leather lounges, spacious open cockpit, too much to list.

## TROJAN 2



Tow boat / Dive boat / Workboat / Transport / Logistics Vessel

Make	Skipper Craft
Material	GRP
Length	20 feet
Engine	150 hp Yamaha four stroke with only 1000 operating hours on the clock
Survey	Vessel surveyable to 2C and 2D South Australian commercial operating requirements
Trailer	Dual Axel

## MANU WAI



### Hydrofoil – High Speed passenger ferry

An individualistic craft of awe-inspiring design, a former “Manly” type hydrofoil of recent historical significance, this eighty kilometre per hour hydrofoil does not only evoke the technological nostalgia of yore, but is undeniably and irresistibly impressive to observe at high speeds – indeed its sheer presence, elevated and gracefully planing at speeds in excess of all other water craft, is nothing short of captivating. For the passenger fortunate to be aboard this vessel, it provides a most unforgettable, unique and exhilarating experience.

The vessel was designed and built in Italy with all the flair, care and panache you would expect of other such exemplary Latin manufacturers, such as Ferrari and Armani. It is an Australian owned and registered vessel, and is currently nearing completion of an extensive refit and refurbishment ready for Class.

# 'BAILEY D' & 'TROY D'- LONGREACH EXCAVATORS

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2 x Komatsu PC1000 Excavators  
Extended 18 Metre longreach  
Capacity 100 ton.  
Weight 140.50 Tonnes  
Track Length 5.03 Metres  
Track Width 1.01 Metres  
Fitted with 5m3 bucket, La Bounty Cutting Shears or D9 Ripping Tyne.



# ELLY D – 45ton EXCAVATOR

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Caterpillar 450 E

Fitted with 3m<sup>2</sup> bucket or LaBounty heavy duty cutting shears

Capacity 45ton



## TRUCK CRANES

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**P&H 440T – 36ton SWL**



**P&H 670 TC - 65ton SWL**



## **Media Statement on Qld Govt reelection Dec 2017 No 8 a**

### **Maritime Services Qld's GM Patrick Quirk ( MSQ) exposed as an "outlaw"**

"MSQ's Patrick Quirk for the State of Qld refused to recognise a ship owner's right to carry out the salvage of his ship, the historic Defender sunk at moorings in Ross Creek Townsville," Captain Devine salvage master said today as the second anniversary of her sinking approaches.

"Mr. Les Dick the owner at the time of sinking contracted me on 27 February 2016 to refloat her and take her out of the water at no cost to him as he also sold her to me," Captain Devine stated.

"Instead MSQ took the Defender from me without my consent for the State and destroyed Australian maritime history with her break up.

Patrick Quirk stated to the media the State salvage was to cost close to a million dollars, yet no action has been taken to get Mr Dick to pay for the salvage and disposal costs.

Mr Quirk knows his wrongful action against Mr Dick denying the salvage contract has made the million dollars of taxpayers' money uncollectable.

Mr Quirk knows denying my ownership was unlawful, yet continues to refuse to make good his wrong by a replacement Defender as compensation.

Maritime heritage enthusiasts everywhere hold out hope the reelected Qld Government will do the right thing in 2018, restore lawfulness to MSQ denied as yet by Patrick Quirk and compensate the Defender loss," Captain Devine said as his New Year wish today.

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)



## **Media Statement on Qld Govt reelection Dec 2017 No 7**

### **Maritime Services Qld's GM Patrick Quirk an "outlaw"**

"MSQ's Patrick Quirk for the State of Qld compulsorily acquired the iconic Australian tall ship Defender on the 21 June 2017.

This resumption action without compensation against a ship owner is troubling and was directed to proceed from on high through the Qld Premier Palaszczuk's office.

Remarkably, the Premier gave the Minister and MSQ's Patrick Quirk authority to resume my priceless Australian ship in the name of public safety, wreck it and then deny compensation to me as the owner" Captain Devine repeated yet again today.

"Ship owners in Qld waters should be alarmed.

You can be the Commonwealth Government registered owner one day, and the State of Qld through "outlaw" Patrick Quirk can refuse to recognize your ownership under cover of fallible Qld Crown Law legal advice and destroy it the next, without compensation, a citizen's right for private property under common law since Magna Carta 1215". XXIX. NO Freeman shall be disseised of his Freehold.

## **Australian General Shipping Register**

### **Title Extract as at 20.06.2017**

**Generated: 22.08.2017 10:29:53 AM**

#### **Identification Of Ship:**

Official Number	: 101146
Ship name	: DEFENDER
Status	: Registered on 20.02.1926
Home Port	: Launceston
Type of Ship	: Yacht

#### **Particulars of Ownership:**

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James
	243 Carlton Beach Road, Carlton, Tasmania 7173, Australia
	Australian

## Australian General Shipping Register

### Title Extract as at 21.06.2017

Generated: 22.08.2017 10:30:23 AM

#### Identification Of Ship:

Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
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#### Particulars of Ownership:

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	STATE OF QUEENSLAND ACTING THROUGH DEPARTMENT OF TRANSPORT AND MAIN ROADS Department of Transport and Main Roads, Floor 2, 61 Mary Street, Brisbane City Queensland 4000, Australia Australia

This is refusal to pay is a remarkable change in resumption policy by the re-elected Queensland Labor Government led by the Premier.

“All property owners in Queensland should wonder if their property is next for compulsory acquisition without compensation.” Captain Devine said today.

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

## Media Statement No 6

September 29, 2017. Friday.

### Maritime Services Qld's Patrick Quirk refuses to recognise ship ownership

"MSQ's Patrick Quirk for the State of Qld compulsorily acquired the Australian tall ship Defender on the 21 June 2017.

This resumption action against a ship owner is troubling and was directed from on high through the Qld Premier Palaszczuk's office.

Remarkably, the Premier has given the Minister and MSQ's Patrick Quirk authority to resume my ship in the name of public safety, wreck it and then deny payment to me as the owner" Captain Devine said today.

"Queensland voters and vessel owners should be alarmed.

You can be the registered owner one day, and the State through Patrick Quirk can refuse to recognize your ownership under cover of legal advice and destroy it the next.

### Australian General Shipping Register

#### Title Extract as at 20.06.2017

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This is refusal to pay for a compulsory acquisition is a remarkable change in resumption policy by the current Queensland Labor Government led by the Premier.

All property owners in Queensland should wonder if their property is next for compulsory acquisition without reinstatement as compensation." Captain Devine said today.

MSQ's Patrick Quirk claimed he was acting on legal advice as a cover to deny my ownership, but the legal advice was clearly wrong.

Even after being advised of the error, Patrick Quirk refuses to have that internal legal advice reviewed and negotiate on the consequences of compulsory acquisition.

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

## **Media Statement No 5**

**September 28, 2017. Thursday.**

**Maritime Services Qld's Patrick Quirk has Australian Tall Ship Defender resumed by the State then broken up.**



Breakup of Defender 21 June 2017 Townsville. Brett Devine

“MSQ’s Patrick Quirk for the State of Qld compulsorily acquired the Australian tall ship Defender on the 21 June 2017 and had the ship broken up the same day.

This resumption action against a ship owner is troubling and was directed from on high through the Qld Premier Palaszczuk’s office.

Remarkably, the Premier has given the Minister and MSQ’s Patrick Quirk authority to resume my ship in the name of public safety, wreck it and then deny payment to me as the owner” Captain Devine said today.

“Queensland voters and vessel owners should be alarmed.

You can be the registered owner one day, and the State through Patrick Quirk can refuse to recognize your ownership and destroy it the next.

Australian General Shipping Register  
Title Extract as at 20.06.2017

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All property owners in Queensland should wonder if their property is next for compulsory acquisition without reinstatement as compensation.” Captain Devine said today.

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

## **Media Statement No 4**

**September 27, 2017. Wednesday.**

### **Maritime Services Qld's Patrick Quirk wrecks Tangalooma tourism icons, then breaks up Australian maritime icon Defender**

"Not content with wrecking the Tangalooma wrecks in the name of public safety, MSQ's Patrick Quirk has followed up with the wrecking of Australian tall ship Defender.



Breakup of Defender 21 June 2017 Townsville Brett Devine

These actions are troubling and have been directed from on high through the Qld Premier Palaszczuk's office" Captain Devine said today.

"Remarkably, the Premier has given the Minister and MSQ's Patrick Quirk authority to resume my ship in the name of public safety, wreck it and then deny payment to me as the owner before the State.

Queensland voters and property owners should be alarmed.

This is refusal to pay is a remarkable change in resumption policy by the current Queensland Labor Government led by the Premier.”

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

## Media Statement No 3

September 26, 2017. Tuesday.

### Maritime Services Qld's Quirk wrecks maritime history



The Defender sailing through the Whitsundays. Source: News Limited

"The Acting Minister for Main Roads and Ports, Steven Miles is responsible for the State wrecking my property acting through Maritime Services Queensland's General Manager Patrick Quirk."

This action has been directed from on high through the Qld Premier Palaszczuk's office" Captain Devine said today.

"Remarkably, the Premier has given the Minister and Patrick Quirk authority to resume and then deny payment to me as the former owner from 27 February 2016.

Queensland voters and property owners should be alarmed.

This is refusal to pay is a remarkable change in resumption policy by the current Queensland Labor Government led by the Premier."

Media:

Captain Brett Devine

Salvage Master

0412 812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)



## Media Statement No 2

September 25, 2017. Monday.

### Queensland's Labor Government wrecks maritime history

"The Acting Minister for Main Roads and Ports, Steven Miles is responsible for the State taking my property, the historic tall ship Defender, and destroying it in the name of public safety.



The Defender sailing through the Whitsundays. Source: News Limited

This action has been directed from on high through the Qld Premier Palaszczuk's office" Captain Devine said today.

"Remarkably, the Premier has given the Minister and Maritime Services Queensland's General Manager Patrick Quirk authority to resume and then deny payment to me as the former owner from 27 February 2016.



Historic tall ship Defender is now officially history, broken up on Ross Creek slipway.

21-06-2017 6:07:00 PM Pat Hession ABC

Queensland voters and property owners should be alarmed.

This is refusal to pay is a remarkable change in resumption policy by the current Queensland Labor Government led by the Premier."

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)



## **Media Statement No 1**

**September 22, 2017. Thursday.**

### **Queensland's Labor Government takes private property, refuses to pay for it**

"The Acting Minister for Main Roads and Ports, Steven Miles is responsible for the State taking my property, beginning on 1 March 2016 by Crown Law and ending on 21 June 2017 when title was registered to the State.

This action has been directed from on high through the Qld Premier Palaszczuk's office" Captain Devine said today.

"Remarkably, the Premier has given the Minister and his public servants authority to resume and then deny payment to me as the former owner from 27 February 2016.

My property was taken without my consent by a court order of 18 August 2016 in a dispute between the State and the owner before me.

Queensland voters and property owners should be alarmed.

This is refusal to pay is a remarkable change in resumption policy by the current Queensland Labor Government led by the Premier."

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Minister Mark Bailey, on misleading advice from Patrick Quirk Maritime Services Qld boss, in an embarrassment to the State announced on 31 May 2017:

“With the owner failing to accept responsibility for salvage, the court forfeited the ship to the State, leaving us to do the job.”



Captain Brett Devine on location March 2016, blocked from salvage of the Defender by MSQ boss Quirk

“Minister Bailey, the owner did accept responsibility for salvage.

On 27<sup>th</sup> February 2016, Les Dick the owner at the time of sinking, contracted me to salvage her.

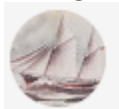
He immediately informed Maritime Services Qld of my contract to comply with the removal notice, as did I to Quirk.

Quirk blocked Dick’s court sanctioned right to salvage from February 2016 for the full 8 months granted by His Honour until the ship was forfeited to the State by court order for his failing to remove her.

Quirk made an absolute mockery of the court order he consented to, and the priceless Defender was lost” Captain Devine said,

“The State is now accountable for replacing her new for old, a blessing for Australia’s maritime history.”

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## State of Qld consents to a court order, then own goals.

“Queensland Minister of Transport the Honourable Mark Bailey’s Maritime Services Queensland head Patrick Quirk consented to a court order Quirk applied for 10 March 2016 to allow Les Dick, the owner of the tall ship Defender 8 months to raise her, after sinking at her moorings in Townsville.

That done, Quirk blocked immediately Les Dick’s right to raise her until the court ordered 8 months expired, after which time she was forfeited to the State of Qld to dispose under the court order Quirk consented to and framed.

Les Dick had contracted me on 27 th February 2016 to raise her to comply with his obligations under Qld’s *Transport Operations (Marine Safety) Act 1994*.

Quirk blocked my performance of the contract to raise the Defender” Captain Devine said today.

“This own goal is a blessing from above in disguise. The State of Qld is now accountable for her taking and disposal. The Defender new for old project is now underway” said Captain Devine, “ I am confident the State of Qld will do the right thing and replace her given their own goal on this.”



DEFENDER is nearing Sydney to take part in the 1988 Bi- Centennial celebrations. Courtesy City of Sydney archives

Captain Brett Devine    Salvage master and maritime entrepreneur  
0412 812 655    brettdevine1@ gmail.com  
Media 0013    9 Feb 2018

## Minister misled on Tall Ship Defender

“Patrick Quirk, Maritime Services Queensland boss, misled his Minister the Honourable Mark Bailey” Captain Devine said today.

“Quirk misled the Minister into her disposal to the ship wreckers. He advised the Minister she was

- not of historical importance
- a replica ”.

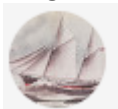


Defender after restoration from a Bass Strait cargo trader to a tourism icon in the Whitsundays on Queensland's Great Barrier Reef which generates \$ 6.4 billion a year in tourism (Deloitte Access Economics).

“She is an original Minister, classified by the National Trust as an original, the last one afloat of her kind and priceless before her disposal. The State is accountable for a replacement new for old Defender”



Captain Brett Devine 0412 812 655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur.



Defender to sail again project leader

Media 0014 Mon 12 Feb 2018

## Tall ship Defender to grace Australia's seas again

"Defender, Australian built in 1895 and the fastest cargo ketch in the mainland timber trade from Tasmania before gracing Queensland's Whitsunday Islands in the tourist trade was Australia's closest equivalent to the wool trade clipper, Cutty Sark. She was a precious piece of Australia's maritime history according to Bruce Stannard, the maritime historian behind Captain Cook's Endeavour replica based in Sydney. My aim is to have her rebuilt new for old" Captain Devine said today.



Captain Brett Devine Salvage master and marine entrepreneur 0412812655  
[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Media 0012 7 February 2018

## Stuff up unjustly shipwrecks Defender:

“On the bright side, the stuff up by the Minister’s “Carry on” crew at MSQ is an opportunity to replace her new for old for the maritime history of Australia” Captain Devine said today.

- Defender, the last remaining tall ship of her kind, sank at her moorings in Townsville overnight on 4<sup>th</sup> January 2016. Maritime Services Queensland MSQ issued a Notice on 5<sup>th</sup> Jan 2016 (**Notice**) to remove her to Tasmanian shipping identity Les Dick, the owner’s agent at the time of sinking.



March 2016 at a lower tide

In the Whitsundays 1996

Les Dick and Defender awaiting refloating in Ross Creek 22 January 2016

- The legal **Notice** did not detail any MSQ requirements (as it may have) as how the removal was to be conducted, leaving the removal process completely up to Les Dick. On 27<sup>th</sup> February 2016 Dick chose to remove her to comply with the **Notice** under the *Transport Operations (Marine Safety) Act 1994* (TOMSA) by contracting the removal to notable specialist, Australian salvage master Captain Brett Devine as Dick was perfectly entitled to do so under the **Notice** terms supported by the provisions of TOMSA. Dick at the same time sold the ship to Devine to ensure her future was in his safe hands with an unblemished marine safety record over many decades.
- But Qld Minister Mark Bailey’s MSQ boss Patrick Quirk immediately intervened on 26<sup>th</sup> Feb 2016 upon Dick’s informing MSQ of the sale and of a salvage contractor appointed to comply with the **Notice**. Quirk’s preselected general marine contractor Pacific Marine Group had quoted \$770,000 to Quirk, and Quirk unjustly refused to allow Dick and Captain Devine to refloat and remove the ship at no cost to the State of Qld, but at their own cost as legislated under the Act.
- On 10 March 2016 Quirk rushed to court suing Dick to enforce the **Notice** to order the Defender forfeited to the State of Qld if the ship was not removed under the **Notice** period extended to 30<sup>th</sup> October 2016, some 8 months into the future, plenty of time for Dick’s experienced contractor Devine to refloat and remove her, a month’s work at the most.
- The court order sought by Quirk failed to vary the **Notice** to get court approval to block Dick’s salvage contract with Devine. Quirk unjustly blocked the contract performance thus unjustly disrespecting the court order allowing 8 months for Dick’s contractor to perform the removal.
- Quirk carried on blocking for the full 8 months, making 100% certain forfeiting the Defender’s ownership to the State of Qld happened, making a sham of the court order by his own agenda.
- Quirk had the opportunity to get court approval requiring one of Quirk’s preselected panel of salvage contractors to do the salvage rather than Dick’s specialist salvage contractor Devine, but he failed to do so, unjustly blocking Dick so as to have his MSQ contractors perform the refloat.

### Compensation for loss of the Defender by Captain Devine to the State of Queensland

TOMSA, an Act of the Queensland Parliament, in s 178 converts the unjust loss of the ship and the salvage contract into a right of compensation for Captain Brett Devine, who requests a new for old Defender to continue his maritime business and to honour our maritime heritage.

**An open letter to the Minister for Transport the Honourable Mark Bailey:**

**The State taking by blocking performance of the court order to force the taking is unjust.**

“The State of Queensland’s Patrick Quirk of Maritime Services Queensland has gone where no King or Crown has dared go for 800 years. Quirk has upended justice for a salvage master and maritime entrepreneur whose tall ship **Defender**, priceless to him and to the nation was taken on 21 June 2017, by blocking my right to refloat her and put her back to productive work” Captain Devine said today.

*Magna Carta 1297. The King cannot:*

*Article 28. Take chattels of anyone without immediate payment therefor in money.*

“Queensland Parliament has legislated compensation for loss to the State in *The Transport Operations (Marine Safety) Act 1994* in Section 178, an Act that both the Minister and Quirk administer.

Patrick Quirk’s typical response to me from when I purchased her is summarised below

“MSQ has repeatedly set out its position... you are not the owner... and have no standing...

If you wish to waste your time and money by looking at the Defender from behind a fence, as any member of the public may do, then that is a matter for you.”



**PHOTO:** Brett Devine claims to have purchased the vessel for \$1 in 2016, but his ownership has not been recognised. (ABC North Queensland: Nathalie Fernbach)

“Patrick Quirk obtained title for the State under a consent court order with Les Dick, the owner at the time of sinking. I was not a party sued by Quirk, so the order was without my knowledge or my consent. The order allowed Les Dick to refloat the ship within 8 months of the court application of 10 March 2016 or face forfeiture to the State. He sold the ship to me on 27 February 2016 and contracted me to refloat and remove her to comply within Quirk’s removal notice of 5 January 2016.

**Taking unjustly by Quirk blocking performance of the court order**

But Quirk unjustly abused the court order terms by wrongly blocking Les Dick and me, the registered owner after the sinking, to refloat and remove her, making an absolute mockery of the court order requiring Les Dick to remove her, but thereby unjustly making certain the Defender was taken by the State from me without my consent, a compulsory acquisition.

Minister, a Defender rebuild will right the State’s wrong, and honour our maritime heritage”

Captain Brett Devine 0412 812 655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

**Media statement    31 January 2018**

**Defender rebuild:**

**Will the State of Qld right the wrong? That is the question for the Premier.**

The State of Qld

- without the consent of Captain Brett Devine as owner, broke up the historic 1895 Australian built tall ship, the one of a kind National Trust classified **Defender** on 21 June 2017 in a wrong done to the nation and to the private owner.
- bureaucrat Patrick Quirk, Maritime Services Queensland Chief Executive knew directly from both the Tasmanian shipping identity Les Dick as the former owner, and from Devine the title to the ship changed on 27 February 2016 and Devine was appointed Dick's salvage contractor to remove the ship from her moorings in Townsville's Ross Creek.
- blocked removal of the Defender by Dick and Devine triggering forfeiture to the State.

**So how was Devine well and truly stitched up by the State?** Quirk applied on 10 March 2016 to the court for an order against Dick to stop him selling the ship which was granted from 11 March 2016, too late to stop the past sale completed to Devine two weeks before the granted injunction. Also, to have Dick remove the ship by 30 October 2016 or face forfeiture of the ship to the State. Dick consented to that order being granted as the 8 months ordered by Durward J was plenty of time for Devine as salvage contractor to have complied with the removal notice and it was Devine's ship at risk, not Dick's ship. Devine, salvage master and maritime entrepreneur, was standing by ready willing and able to perform the removal to comply with the order against Dick, a simple one month at most refloat and lift onto the Defender barge to comply, and the 8 months ordered by the court ensured plenty of time to avoid forfeiture to the State, the worst result for Queensland taxpayers. Quirk indicated to the public on 30 March 2016 the State taxpayers would be out of funds by one million dollars if that happened. It did happen, and by abuse of the court order by the State of Qld.

**So how did Quirk stitch up Dick, Devine and Qld taxpayers?** Quirk's stitch up was an abuse of the court order terms of 8 months for Dick to remove the ship. Despite the court order terms permitting removal by Dick within 8 months by 30 October 2016, Quirk wrongly refused to recognise Devine as Dick's salvage contractor to remove the Defender for the full 8 months. Quirk thereby deliberately abused the court order, blocking all attempts by Dick and Devine to comply with the order, triggering the removal by the State's contractors Pacific Marine Group. This outcome was apparently intended all along by Quirk with the consequence of the certain forfeiture to the State of the Defender and its unnecessary disposal to the wreckers.

**How will the wrong done be put right by the State?**

By the Premier authorising a Defender rebuild to compensate the unjust loss to the nation and the owner.

Media statement 009    Captain Brett Devine 0412 812 655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

## **Media Statement on Qld Govt reelection Dec 2017**

### **Maritime Services Qld's GM Patrick Quirk ( MSQ) exposed as an "outlaw"**

"MSQ's Patrick Quirk for the State of Qld refused to recognise a ship owner's right to carry out the salvage of his ship, the historic Defender sunk at moorings in Ross Creek Townsville," Captain Devine salvage master said today as the second anniversary of her sinking approaches.

"Mr. Les Dick the owner at the time of sinking contracted me on 27 January 2016 to refloat her and take her out of the water at no cost to him as he also sold her to me," Captain Devine stated.

"Instead MSQ took the Defender from me without my consent for the State and destroyed Australian maritime history with her break up.

Patrick Quirk stated to the media the State salvage was to cost close to a million dollars, yet no action has been taken to get Mr Dick to pay for the salvage and disposal costs.

Mr Quirk knows his wrongful action against Mr Dick denying the salvage contract has made the million dollars of taxpayers' money uncollectable.

Mr Quirk knows denying my ownership was unlawful, yet continues to refuse to make good his wrong by a replacement Defender as compensation.

Maritime heritage enthusiasts everywhere hold out hope the reelected Qld Government will do the right thing in 2018, restore lawfulness to MSQ denied as yet by Patrick Quirk and compensate the Defender loss," Captain Devine said as his New Year wish today.

Media:

Captain Brett Devine

Salvage Master

0412 812655

[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)



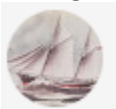
***General Manager Patrick Quirk, Maritime Services Qld***

Do the right thing, admit the error and deal with the consequences as a responsible public servant is required to do under the Qld Public Service Code of Conduct.

<https://www.forgov.qld.gov.au/about-code-conduct>

Thank you in anticipation

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

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**Particulars of Registered Agent:**


Name and Address of Registered Agent:

DEVINE, Brett Barry James  
 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

The Premier and cabinet have been wrongly advised by GM Patrick Quirk on the ownership of the ship Defender, s 133 (3) applies not (2) and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 requires compensation for the taking in the form of a reinstatement replica.

I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.



  
 Registrar of Ships or Delegate  
 Date: 22 August 2017

Page 1 of 4

Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017.

Why does MSQ General Manager Patrick Quirk not admit his embarrassing error as Chief Executive?

Quirk has been exposed applying s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken.

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
 Salvage master and maritime entrepreneur



*Defender to sail again project leader*



Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017.

Why does MSQ General Manager Patrick Quirk not admit his fundamental error?

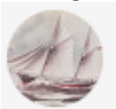
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***General Manager Quirk***

Do the right thing, admit the error and deal with the consequences as a responsible public servant is required to do.

Thank you in anticipation

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*Defender to sail again project leader*

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**Particulars of Registered Agent:**

Name and Address of Registered Agent:  
  
DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

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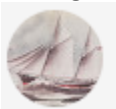
  
Registrar of Ships or Delegate  
Date: 22 August 2017

Page 1 of 4



Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

The Honourable Annastacia Palaszczuk,  
Dear Premier,

Maritime Services Qld's stuff up in wrongly deciding salvage master Devine was not the owner of the Defender by sale from Dick on 27<sup>th</sup> Feb 2016 caused the immediate salvage of the National Trust tall ship by her true owner Devine to be blocked and led to her destruction 16 months later by the State of Qld.

MSQ's ownership investigator, ex Water Police Sergeant Paul C Campbell, stepping outside of his maritime area of competence, made a fundamental error by concluding the legal effect of Devine's trustee's disclaimer of the Defender had the effect of "terminating" Devine's ownership from 27<sup>th</sup> Feb 2016 by s 133(2). It did not.

*s133(2) A disclaimer .... operates to determine forthwith the rights, interests and liabilities of the bankrupt and his or her property in or in respect of the property disclaimed.*

**Remarkably, the fatally flawed investigation failed to consider the effect of s133 (3), reversing (2).**

*s133 (3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth or of a State or Territory of the Commonwealth, the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

Devine's trustee did not give the s 133 (3) notice of the disclaimer of the Defender to the Registrar of Ships in Canberra. In consequence, the incomplete disclaimer did not "terminate" Devine's title as claimed by Campbell.

The stuff up continued under Patrick Quirk General Manager, who blocked salvage from 27<sup>th</sup> Feb 2016.

### **Conclusion**

Devine was the true owner and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017.

*Premier,*

*Your Minister Mark Bailey,*

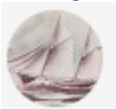
*your Director General Neil Scales,*

*your MSQ General Manager Patrick Quirk,*

*have all gone silent in full knowledge of the stuff up, "missing in action" and have left the ultimate decision to fix the classic stuff up by the first in line person Campbell to you to make the right decision to reinstate the owner dispossessed of his priceless Australian heritage ship.*

Thank you in anticipation

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping RegisterTitle Extract as at 20.06.2017

Generated: 22.08.2017 10:29:53 AM

**Identification Of Ship:**

Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

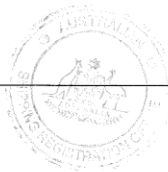
No. of Shares : 64  
Name, Address and Nationality/Country of Incorporation of Owner(s)  
DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia  
Australian

**Particulars of Registered Agent:**

Name and Address of Registered Agent:  
DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

The Premier and cabinet have been wrongly advised by Patrick Quirk on the ownership of the ship Defender and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 in Launceston with former owner Warren Dick and his agent Les Dick for two years and continuing. Enough time wasting.

I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.



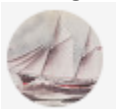
  
Registrar of Ships or Delegate  
Date: 22 August 2017

Page 1 of 4



Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

PCC-8

Australian General Shipping RegisterTitle Extract as at 01.03.2016

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Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

No. of Shares : Name, Address and Nationality/Country of Incorporation of Owner(s)  
64 : DICK, WARREN  
79 James Road, Medowie New South Wales, Australia  
Australlian

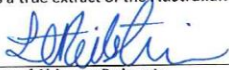
**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DICK, WARREN  
79 James Road, Medowie New South Wales 2318, Australia

I Samantha REICHSTEIN, Delegate of the Registrar of Ships certify that this is a true extract of the Australian Register of Ships.



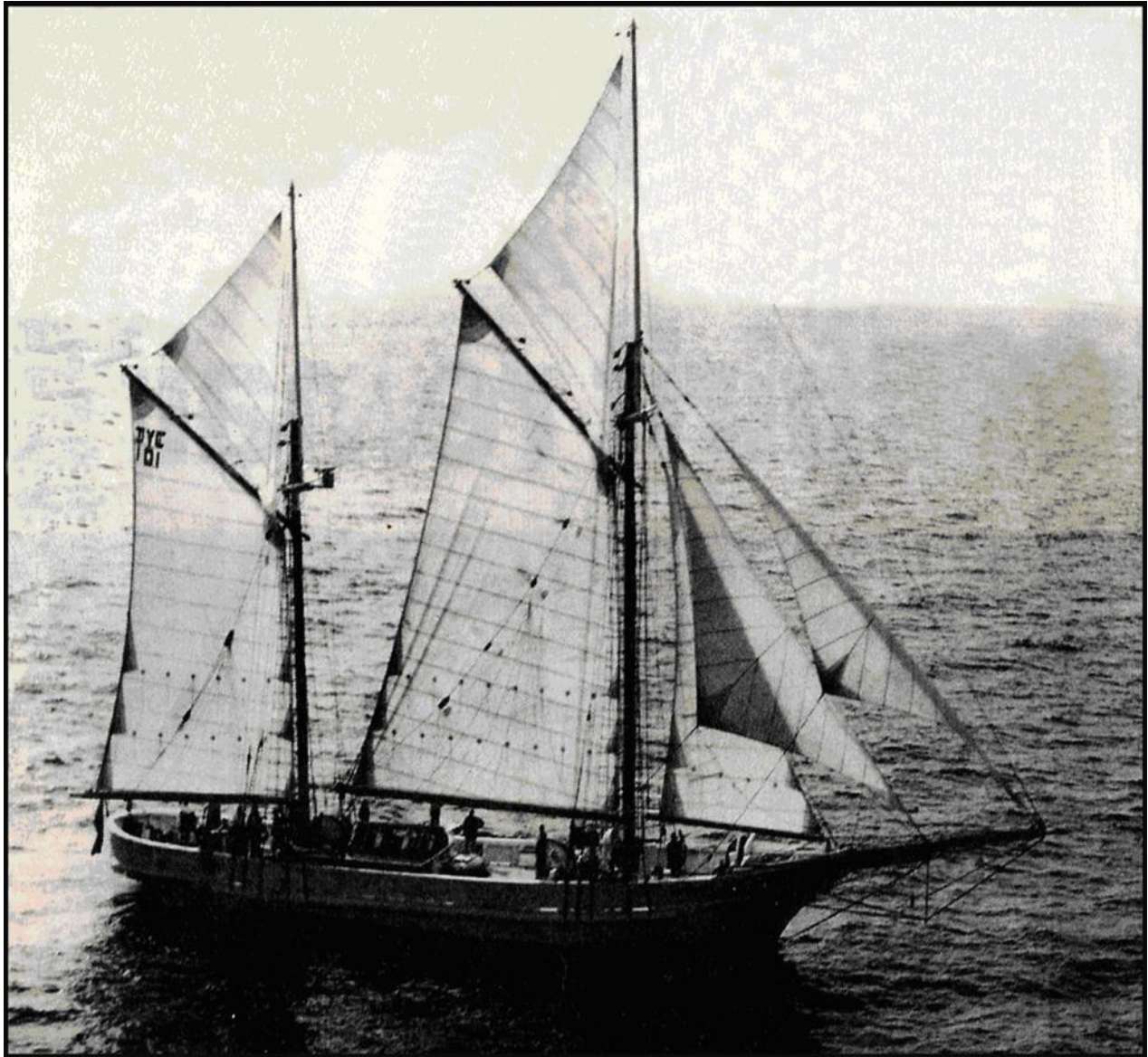
  
Registrar of Ships or Delegate  
Date: 01 March 2016

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27

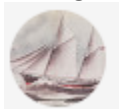
Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur

*Defender to sail again project leader*



Defender top sail ketch, the last remaining Bass Strait cargo tall ship in the world destroyed by stuff up by MSQ's Quirk.

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Minister Mark Bailey, the investigation led by MSQ Regional Manager Paul C Campbell from 26<sup>th</sup> Feb 2016 was fatally flawed. Wrong assumptions and conclusions were clearly made by the investigator beyond his area of competence. The hasty investigation led to MSQ's Quirk not recognizing the Dick sale and salvage contract to Devine. The loss of the Defender to the State in a compulsory acquisition without compensation remains a Brisbane desk top investigator's elementary mistake not yet corrected within MSQ.

Australian General Shipping Register

Title Extract as at 20.06.2017

Generated: 22.08.2017 10:29:53 AM

**Identification Of Ship:**

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Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht



**Particulars of Ownership:**

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

**Particulars of Registered Agent:**

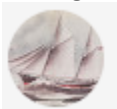
Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.	
	 Registrar of Ships or Delegate Date: 22 August 2017

Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping RegisterTitle Extract as at 21.06.2017

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Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	STATE OF QUEENSLAND ACTING THROUGH DEPARTMENT OF TRANSPORT AND MAIN ROADS Department of Transport and Main Roads, Floor 2, 61 Mary Street, Brisbane City Queensland 4000, Australia Australia

**Particulars of Registered Agent:**


Name and Address of Registered Agent:

STATE OF QUEENSLAND ACTING THROUGH DEPARTMENT OF TRANSPORT AND MAIN ROADS  
Department of Transport and Main Roads, Floor 2, 61 Mary Street, Brisbane City Queensland 4000, Australia

The Minister has been wrongly advised on the ownership of the ship Defender and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 in Launceston with former owner Warren Dick and his agent Les Dick.

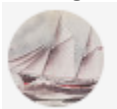
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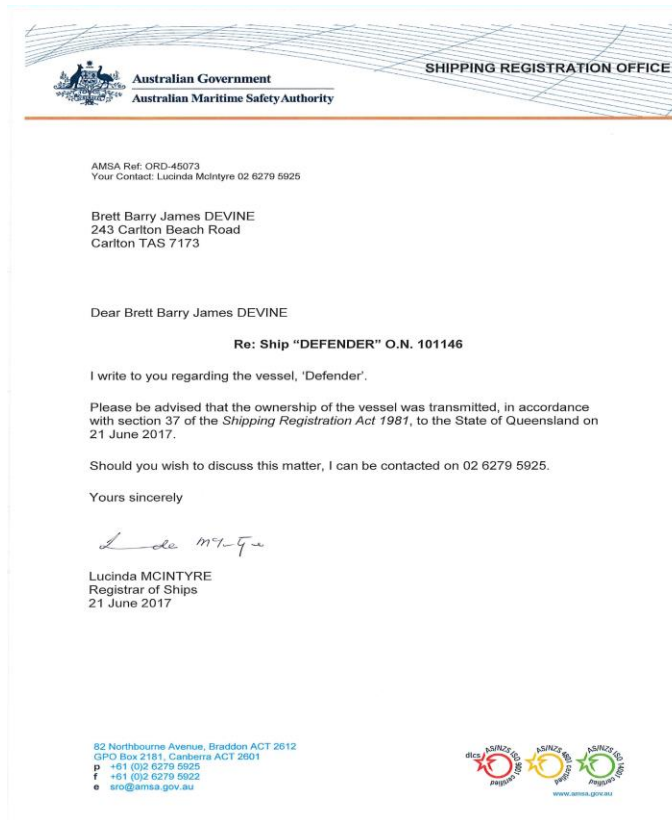
  
Registrar of Ships or Delegate  
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Salvage master and maritime entrepreneur



*Defender to sail again project leader*



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Salvage master and maritime entrepreneur



*Defender to sail again project leader*



**BILL OF SALE**  
Shipping Registration Act 1981  
Section 36, Regulation 23



Official number

101146

Ship's name

DEFENDER.

## Particulars of sale

Seller's full name and residential address

WARREN DICK  
685 SAWPITT HILL ROAD  
BLESSINGTON TAS 7212.

Buyer's full name and residential address<sup>1</sup>

BRETT BARLEY JAMES DEVINE  
243 CARLTON BACH RP.  
CARLTON 7173 HOBART  
TAS.

## NOTE

<sup>1</sup> The address must be: Residential address (not PO Box) - for an individual; Principal place of business - for a foreign company or statutory body; Registered office address - Australian company.

Amount paid, or consideration

\$1-000,000.00

Number of shares transferred (total of 64 shares)

FULL 64 TOTAL SHARES

## Declaration

I, the registered owner and seller, hereby acknowledge the transfer of shares in the ship described above to the buyer for the amount shown. Further, for myself and my successors I covenant with the buyer and his/her/their assigns that I have power to transfer the shares.

Date

27 FEB. 2016.

Place

LAUNCESTON TAS.

Signature of seller(s)

If the seller is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name and designation and have the signature witnessed.

Signature of witness

Name of witness

Philip Mackrill

Address of witness

17 Eastfield Drive  
Newham 7248.

Except where indicated by \* the collection of information requested in this form is either required or authorised by the Shipping Registration Act 1981 (the Act). It will be used for purposes related to the Act (including possible overseas disclosure) and will be available for public search in circumstances as the Act requires. It may be made available to government agencies for statistical and administrative purposes. Failure to provide the information will result in the transaction not being processed. To contact us, or for more information on how to access or correct your personal information or how to make a privacy complaint, visit [www.amsa.gov.au/privacy-policy](http://www.amsa.gov.au/privacy-policy)

AMSA159 (09/15)

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



Defender to sail again project leader

PCC-8

Australian General Shipping RegisterTitle Extract as at 01.03.2016

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**Identification Of Ship:**

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Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

No. of Shares : Name, Address and Nationality/Country of Incorporation of Owner(s)  
64 : DICK, WARREN  
79 James Road, Medowie New South Wales, Australia  
Australlian

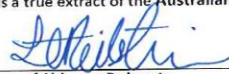
**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DICK, WARREN  
79 James Road, Medowie New South Wales 2318, Australia

I Samantha REICHSTEIN, Delegate of the Registrar of Ships certify that this is a true extract of the Australian Register of Ships.



  
Registrar of Ships or Delegate  
Date: 01 March 2016

Page 1 of 4

27

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur

*Defender to sail again project leader*

DEVINE, Brett Barry James was the owner of Defender on 20 June 2017, the day before she was taken by the State of Qld on 21 June 2017 as shown on the Shipping Register certified by the Registrar.

Australian General Shipping Register

Title Extract as at 20.06.2017

Generated: 22.08.2017 10:29:53 AM

**Identification Of Ship:**

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Ship name : DEFENDER  
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Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**


No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

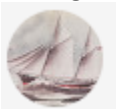
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Registrar of Ships or Delegate  
Date: 22 August 2017



Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping Register

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**Particulars of Ownership:**

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**Particulars of Registered Agent:**

Name and Address of Registered Agent:

STATE OF QUEENSLAND ACTING THROUGH DEPARTMENT OF TRANSPORT AND MAIN ROADS  
Department of Transport and Main Roads, Floor 2, 61 Mary Street, Brisbane City Queensland 4000, Australia

The Minister has been wrongly advised on the ownership of the ship Defender and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 in Launceston with former owner Dick.

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Registrar of Ships or Delegate  
Date: 22 August 2017

Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



AMSA Ref: ORD-45073  
Your Contact: Lucinda McIntyre 02 6279 5925

Brett Barry James DEVINE  
243 Carlton Beach Road  
Carlton TAS 7173

Dear Brett Barry James DEVINE

Re: Ship "DEFENDER" O.N. 101146

I write to you regarding the vessel, 'Defender'.

Please be advised that the ownership of the vessel was transmitted, in accordance with section 37 of the *Shipping Registration Act 1981*, to the State of Queensland on 21 June 2017.

Should you wish to discuss this matter, I can be contacted on 02 6279 5925.

Yours sincerely

Lucinda MCINTYRE  
Registrar of Ships  
21 June 2017

82 Northbourne Avenue, Braddon ACT 2612  
GPO Box 2181, Canberra ACT 2601  
p +61 (0)2 6279 5925  
f +61 (0)2 6279 5922  
e [smo@amsa.gov.au](mailto:smo@amsa.gov.au)



Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



**BILL OF SALE**  
Shipping Registration Act 1981  
Section 36, Regulation 23



Official number

101146

Ship's name

DEFENDER.

**Particulars of sale**

Seller's full name and residential address

WARREN DICK  
685 SAWPITT HILL ROAD  
BLESSINGTON TAS 7212.

Buyer's full name and residential address<sup>1</sup>

BRETT BARCLAY JAMES DEVINE  
243 CARLTON BACH RP.  
CARLTON 7173 HOBART  
TAS.

**NOTE**

<sup>1</sup> The address must be: Residential address (not PO Box) - for an individual; Principal place of business - for a foreign company or statutory body; Registered office address - Australian company.

Amount paid, or consideration

\$1-000,000

Number of shares transferred (total of 64 shares)

FULL 64 TOTAL SHARES

**Declaration**

I, the registered owner and seller, hereby acknowledge the transfer of shares in the ship described above to the buyer for the amount shown. Further, for myself and my successors I covenant with the buyer and his/her/their assigns that I have power to transfer the shares.

Date

27 FEB. 2016.

Place

LAUNCESTON TAS.

Signature of seller(s)

*If the seller is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name and designation and have the signature witnessed.*

Signature of witness

Name of witness

Philip Mackrill

Address of witness

17 Eastfield Drive  
Newham 7248.

Except where indicated by \* the collection of information requested in this form is either required or authorised by the *Shipping Registration Act 1981* (the Act). It will be used for purposes related to the Act (including possible overseas disclosure) and will be available for public search in circumstances as the Act requires. It may be made available to government agencies for statistical and administrative purposes. Failure to provide the information will result in the transaction not being processed. To contact us, or for more information on how to access or correct your personal information or how to make a privacy complaint, visit [www.amsa.gov.au/privacy-policy](http://www.amsa.gov.au/privacy-policy)

AMSA159 (09/15)

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

PCC-8

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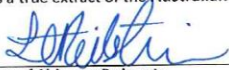
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Registrar of Ships or Delegate  
Date: 01 March 2016

Page 1 of 4

27

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur

*Defender to sail again project leader*



The ketch Defender on the Tamar River in 1988.

R.I.P. "Defender" - The last of the Bass Straight ketches.

A genuine classic gaff ketch rigged wooden trading vessel, the hull over 100 foot long, It is the last ship of it's heritage and lineage remaining in Australia.

<http://teria563.blogspot.com.au/2016/12/tall-ship-defender.html>

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



George and Elizabeth Frost of Kincumber Brisbane Water

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



George Frost's shipbuilding yard Kincumber Creek 1906. Here, between 1884 and 1906, Frost built 19 ketches, schooners and steamships. **Defender** was built in 1895.

"Anywhere that the water was deep enough to launch a vessel, and there was sufficient timber to build one, you had small shipyards springing up. Timber getters cut timber to build ships. Bullockies and their teams transported the timber to the yard. Blacksmiths repaired, sharpened and created tools and metalware. At the work site lived the shipwrights and their families, attracting storekeepers, publicans and so on.

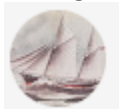
George Frost's house was home to the Frosts, George and Elizabeth (the daughter of a local shipbuilder) and their 18 children.

The property had the shipyard, 'dormitories' for the Frost boys and workers, a store, Post Office, dairy and sawmill. The Frost boys kept bullock teams, which were much needed when launching new vessels in the narrow Kincumber Creek. Bullock teams, many operated by members of the Frost family, brought loads of timber in from the surrounding bush. Kincumber was proclaimed a village in 1885." Extracts from Gosford City Council website.



Claude Frost's bullock team.

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## Qld Premier first to take private property without compensation Mar 2018

"I call on the Qld Premier to confirm her cabinet supports taking private property without compensation; to deny my loss of property to the State is an error yet to be corrected.

*The State of Qld destroyed part of my livelihood and my private property, the historic last remaining Australian built tall ship Defender without replacing her in exchange for the taking, bad government and a reversal of government policy in place for 800 years since the Crown agreed otherwise in Magna Carta.*

*Defender will sail again to make good the loss".*



Persisting in error on Defender  
*Qld Minister for Transport and Ports Mark Bailey.*



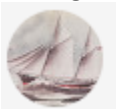
Persisting in error on Defender  
*Maritime Services boss Patrick Quirk*



January 2016 Les Dick with his 1895 last of her kind tall ship Defender sold 27 February 2016 with a salvage contract to Devine to raise and sail again

March 2016 Captain Devine and his priceless ship Defender, in Ross Creek Townsville blocked from removal for no good reason by Quirk, causing her total loss, a disaster for Australia's maritime history and her owner dispossessed.

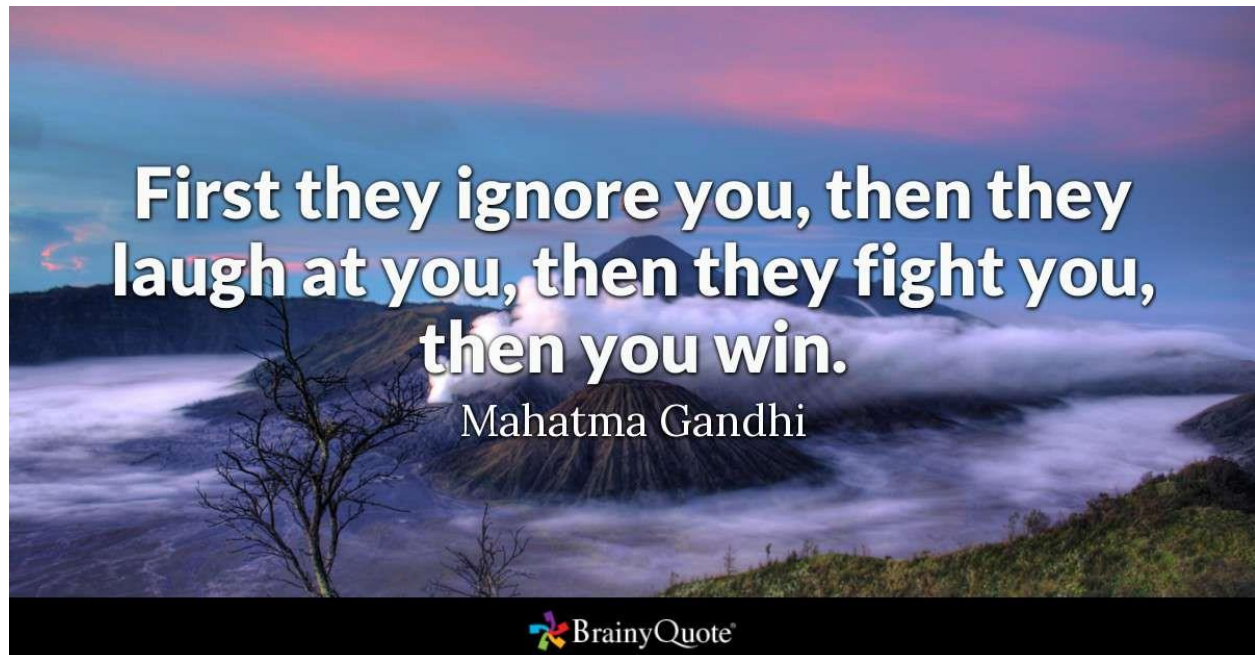
Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

"I call on the Premier's Qld cabinet to do the right thing, for good government

*The State of Qld destroyed part of my livelihood as a salvage master and my private property, the last remaining historic Australian built tall ship Defender without replacing her as compensation due for her taking, bad government. Minister Bailey's Maritime Services boss Quirk made a mistake in refusing to recognize the salvage contract and the Defender sale to me on 27<sup>th</sup> Feb 2016 by Mr Dick and so blocked her raising and removal. They persist in their error, a pair of galahs, awaiting reversal from a higher power. Defender will sail again to make good the loss".*



Persisting in error on Defender  
*Qld Minister for Transport and Ports Mark Bailey.*



Persisting in error on Defender  
*Maritime Services boss Patrick Quirk*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
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*Defender to sail again project leader*

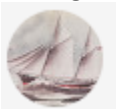


January 2016 Les Dick with his 1895 iconic tall ship Defender in Ross sold 27 February 2016 with a salvage contract to Devine to raise and sail again

March 2016 Captain Devine and his ship Defender, in Ross Creek Townsville blocked from removal for no good reason by Quirk, causing her total loss, a disaster.

Thank you

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

"I call on the Premier's Qld cabinet to do the right thing, to cause no harm.

**"Do wrong to none"** William Shakespeare.

*The Government destroyed part of my livelihood as a salvage master and my private property, the historic 1895 Australian built tall ship Defender. Minister Bailey's Maritime Services boss Quirk made a mistake in refusing to recognize the salvage contract and the Defender sale to me on 27<sup>th</sup> Feb 2016 by Mr Dick and so blocked her raising and removal. They persist in their error, awaiting reversal from a higher power.*



Persisting in error causing harm

*Photo: AAP Image/ Jono Searle*

*Qld Minister for Transport and Ports Mark Bailey.*

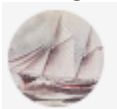


Persisting in error causing harm

*Maritime Services boss Patrick Quirk*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Media 46 Quirk's conduct against the rule of law : reportable misconduct  
April 2018



MSQ Chief Executive Officer Quirk: Others have a duty to report your misconduct

Dick to MSQ 26 Feb 2016 Les Dick advises ... that the Defender has been sold...that he has a salvage company to carry out the raising of the vessel....

***Maritime Services Qld to Les Dick: 15 April 2016***

- MSQ cannot accept any authorisation you give to Mr Devine to act ... in the salvage.
- The contract of sale from you to Mr Devine was not effective to transfer ownership to him. Mr Devine has no legal right or interest in the ship because his ..trustee has disclaimed the ship under s.133 ....

Chief Executive Quirk,

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## Media 46 Quirk's conduct against the rule of law : reportable misconduct

April 2018

Do the right thing. Uphold the rule of law. Section 133 upholds the salvage contract and sale. Admit your mistake. Admit liability in your wrongful blocking of Dick and Devine carrying out their responsibilities to comply with the Removal notice of the shipping inspector Haste of 5 Jan 2016.

Deal with the consequences of State of Qld you direct acting against the rule of law.

As a Chief Executive public servant, you required to do so under the *Public Service Ethics Act 1994 (Qld) including the Qld Public Service Code of Conduct*. (the Act)

*Your reckless conduct from 26<sup>th</sup> February 2016 and ongoing reckless disregard of Commonwealth law s 133 (5A) and 133 (3) is dishonest, official misconduct under the Act and has consequences. Others have a duty to report your misconduct in office for the public good.*

Chief Executive Quirk,

You well know the trustee never did apply to the court under 133(5A) to terminate the salvage rights contract to make lawful your position, nor did the trustee register the disclaimer transfer under s 133(3) to make the disclaimer of lawful effect.

You have been dishonest in misrepresenting the effect of the s 133 disclaimer to Dick to Devine to your Minister and cabinet.

Both s 133 (5A) as to the salvage rights contract and s133 (3) as to ownership clearly and without doubt say you are wrong to have applied 133(2) to justify your wrongdoing..

Admit liability as you are required to do under the Act and deal with the unjust outcome of State of Qld v Dick 204/17 produced by your deceptive misconduct in office.

Had you not blocked the salvage contract performance by Devine, no \$776,000 cost to the State of Qld would have happened, as Dick had already paid for the salvage in the contract you falsely said was terminated or not effective.

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth ( Registration with the Australian Ships Registrar Canberra)... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

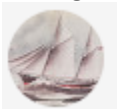
On the authority of High Court Judge Keane J in a disclaimer case, failure to comply with the relevant disclaimer provisions makes the disclaimer "ineffective"

Willmott Growers Group Inc v Willmott Forests Limited (Receivers and Managers Appointed)

(In Liquidation) & Ors [2013] HCA 51; (2013) 251 CLR 592 at [134]; [161].

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## Media 46 Quirk's conduct against the rule of law : reportable misconduct April 2018

According to his Honour, given that that the liquidators had not sought and obtained leave of the Court, the purported disclaimer was of no effect.

**Australian General Shipping Register**  
**Title Extract as at 20.06.2017**  
Generated: 22.08.2017 10:29:53 AM

**Identification Of Ship:**

Official Number	: 101146
Ship name	: DEFENDER
Status	: Registered on 20.02.1926
Home Port	: Launceston
Type of Ship	: Yacht

**Particulars of Ownership:**

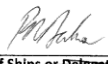
No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.

  
Registrar of Ships or Delegate  
Date: 22 August 2017

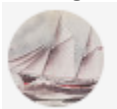


Page 1 of 4

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history. Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017. Again, Quirk is exposed as wrongfully terminating Devine's salvage contract in that s 133(5A) court approval was not obtained for termination.

Others have a duty to report misconduct in public office, a post Fitzgerald reform for the public good.

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



MSQ Chief Executive Office Quirk

Dick to MSQ 26 Feb 2016 Les Dick advises via email that the Defender has been sold..., that he has a salvage company to carry out the raising of the vessel....

***Maritime Services Qld to Les Dick: 15 April 2016***

- MSQ cannot accept any authorisation you give to Mr Devine to act ... in the salvage.
- The contract of sale from you to Mr Devine was not effective to transfer ownership to him. Mr Devine has no legal right or interest in the ship because his ..trustee has disclaimed the ship under s.133 ....

Chief Executive Quirk

Do the right thing.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Deal with the consequences of State of Qld misleading Les Dick into the error of believing your false representations to his detriment in that

1. the Dick salvage contract with Devine was not effective and so not acceptable to MSQ.
2. the Dick sale of the ship to Devine was terminated.

As a Chief Executive public servant, you required to do so under the *Public Service Ethics Act 1994 (Qld)* including the *Qld Public Service Code of Conduct*. (the Act)

*Your reckless conduct from 26<sup>th</sup> February 2016 and ongoing reckless disregard of Commonwealth law s 133 (5A) and 133 (3) appears dishonest, official misconduct under the Act and has consequences.*

Mr Quirk,

You well know the trustee never did apply to the court under 133(5A) to terminate the salvage rights contract, nor did the trustee register the disclaimer transfer under s 133(3).

You have been dishonest in misrepresenting the effect of the s 133 disclaimer to Dick to Devine and your Minister.

Both s 133 (5A) as to the salvage rights contract and s133 (3) as to ownership clearly and without doubt say you are wrong to have applied 133(2) to justify your wrongdoing..

Admit liability as you are required to do under the Act and deal with the unjust outcome of State of Qld v Dick 204/17 produced by your deceptive misconduct in office.

Had you not blocked the salvage contract performance by Devine, no \$776,000 cost to the State of Qld would have happened, as Dick had already paid for the salvage in the contract you falsely said was terminated or not effective.

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth ( Registration with the Australian Ships Registrar Canberra)... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

On the authority of High Court Judge Keane J in a disclaimer case, failure to comply with the relevant disclaimer provisions makes the disclaimer "ineffective"

Willmott Growers Group Inc v Willmott Forests Limited (Receivers and Managers Appointed) (In Liquidation) & Ors [2013] HCA 51; (2013) 251 CLR 592 at [134]; [161].

According to his Honour, given that that the liquidators had not sought and obtained

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Salvage master and maritime entrepreneur



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leave of the Court, the purported disclaimer was of no effect.

Australian General Shipping Register  
Title Extract as at 20.06.2017  
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Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht


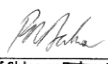
**Particulars of Ownership:**

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

**Particulars of Registered Agent:**

Name and Address of Registered Agent:

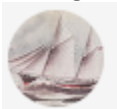
DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

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	 Registrar of Ships or Delegate Date: 22 August 2017

Page 1 of 4

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history. Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017. Again, Quirk is exposed as wrongfully terminating Devine's salvage contract in that s 133(5A) court approval was not obtained for termination.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*



***Chief Executive Quirk, Maritime Services Qld to Devine:***

*“You are not the owner. You have no rights.”*

*“My position remains unchanged.” “I will not be responding to any further submissions.”*

Chief Executive Quirk

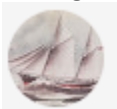
Do the right thing.

Deal with the consequences of State of Qld liability for the loss of property by Captain Devine by your unlawful blocking of his right to salvage Defender. As a Chief Executive public servant, you required to do so under the *Public Service Ethics Act 1994 (Qld)* including the *Qld Public Service Code of Conduct*. (the Act)

***Your reckless conduct from 26<sup>th</sup> February 2016 and ongoing reckless disregard of Commonwealth law appears dishonest, official misconduct under the Act and has consequences.***

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

**From:** Patrick J Quirk <[patrick.j.quirk@msq.qld.gov.au](mailto:patrick.j.quirk@msq.qld.gov.au)>

**Date:** 2 April 2016 at 11:11:40 am AEDT

**To:** Brett Devine <[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)>,

... your trustee's disclaimer of the ship under s.133 of the *Bankruptcy Act 1966* (Cth) terminated your rights.... and your property in the ship...

Patrick Quirk

GM - Maritime Safety Queensland

Mr Quirk,

You well know the trustee never did apply to the court under 133(5A) to terminate the salvage rights contract, nor did the trustee register the disclaimer transfer under s 133(3).

You have been dishonest in misrepresenting the effect of the s 133 disclaimer to Devine and your Minister.

Both s 133 (5A) as to the salvage rights contract and s133 (3) as to ownership clearly and without doubt say you are wrong to have applied 133(2) to justify your wrongdoing..

Admit liability as you are required to do under the Act and deal with compensation for compulsory taking.

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth ( Registration with the Australian Ships Registrar Canberra)... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping Register

Title Extract as at 20.06.2017

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Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history. Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017. Again, Quirk is exposed as wrongfully terminating Devine's salvage contract in that s 133(5A) court approval was not obtained for termination.

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Registrar of Ships or Delegate  
Date: 22 August 2017

Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



***Chief Executive Quirk, Maritime Services Qld: “My position remains unchanged”***  
*The king can do no wrong days have passed Mr Quirk, since Magna Carta 1215.*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Do the right thing, admit the error in your decision two years ago on Devine's salvage contract 27<sup>th</sup> Feb 2016 with Dick to remove Defender and her ownership and deal with the consequences of admission of liability as a Chief Executive public servant is required to do under the *Public Service Ethics Act 1994 (Qld) including the Qld Public Service Code of Conduct*.

<https://www.forgov.qld.gov.au/about-code-conduct>

*Code of conduct breach*

2.1 (c) *treat complaints from clients seriously.....*

*respond to constructive feedback.....*

*When requested to seek external legal advice to resolve the s133 (3) issue raised by Captain Devine which renders null and void the operation of s 133 (2) relied on by Quirk to deny ownership and the salvage contract, Quirk refused, knowing the obvious outcome, that Quirk was wrong.*

*His response " My position remains unchanged" and " I will not be responding to any further submissions."*

**From:** Patrick J Quirk <[patrick.j.quirk@msq.qld.gov.au](mailto:patrick.j.quirk@msq.qld.gov.au)>

**Date:** 2 April 2016 at 11:11:40 am AEDT

**To:** Brett Devine <[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)>,

... your trustee's disclaimer of the ship under s.133 of the *Bankruptcy Act 1966* (Cth) terminated your rights, interests and liabilities and your property in the ship with effect from the date of the disclaimer.

Patrick Quirk

GM - Maritime Safety Queensland

Mr Quirk,

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth or of a State ... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

[http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/ba1966142/s133.html](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ba1966142/s133.html)

Sir, what part of s 133(3) do you not understand?

Failure to register negates the claimed 133 (2) "termination of your (contract salvage) rights and your property " if you care to read (3). Ignoring Devine's complaints and feedback is misconduct under the Code. Regarding the 27 Feb 2016 contracted salvage rights Devine owned from Dick to refloat and remove the Defender, those rights remained with Devine. Again you are wrong to have held the view the rights were terminated. Why so?

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

MSQ failed to cause the trustee to comply with s133 (5A) regarding court approval to disclaim the salvage contract.

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

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**Particulars of Ownership:**

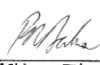
No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian


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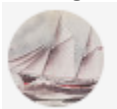
  
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*Defender to sail again project leader*

Proof of the pudding is in the eating.

Public Salvage Tenders should be called in the best interest of the Tax Payers. The outrageous Salvage Costs for "Defender" by Pacific Marine Group, tenderer of choice for MSQ, Townsville is another Classic example Government malpractice. We are now awaiting results of Pending Court Action on this matter.

The QLD Government accepted salvage quote was close to \$800,000 for a Weeks work by an incompetent salvage company who caused major damage to the historic vessel. The salvage task, a simple smooth, shallow water salvage could have been achieved by a competent Salvage Master with no damage to the hull or superstructure during the lifting salvage. BUT Holes were punched in the bottom by engineering calculation Incompetence. The masts was broken during the process. The remains were eventually placed several meters out of position on the slipway.

Capt. Brett Devine, owner, together with assistance from local Farmer Chris Cannavan, with many successful salvages and lots of local ability and Salvage equipment and years of experience could have Salvaged Defender for a much lower cost quoted at \$20,000 to Les Dick, previous owner who is liable for the removal of the casualty.

Being the last of her build in the World, with lots of Classic Australian Maritime History and her authentic resumes as a genuine historic Vessel, properly and safely refloated and renovated, Defender would now be Worth a Fortune from use in movies, Books, T.V. Series . Ect ect .

Sadly the old lady is now Lost, Wilfully destroyed buy Queensland Labour Government's Minister for Ports, Mark BAILEY and Patrick Quirk, QLD Maritime Services Manager's bureaucratic incompetence In deliberate delaying Salvage Recovery actions ordered as urgent buy the Townsville Courts as the vessel was suffering unnecessary damage from Toledo worms, crustaceans and Tide and Time.

It is clear that M.S.Q. Government Bureaucrats were calling the shots and must bear legal responsibility for the deliberate destruction of a National Trust registered, Historic vessel. Stupidity, incompetence and questionable legal action won the day. This is an immense loss to its legal owner who lost the vessel by deliberate action of QLD Government for which he should be compensated.



***Chief Executive Quirk, Maritime Services Qld: “My position remains unchanged”***  
*The king can do no wrong days have passed Mr Quirk, since Magna Carta 1215.*

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*Code of conduct breach*

2.1 (c) *treat complaints from clients seriously.....*

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*When requested to seek external legal advice to resolve the s133 (3) issue raised by Captain Devine which renders null and void the operation of s 133 (2) relied on by Quirk to deny ownership and the salvage contract, Quirk refused, knowing the obvious outcome, that Quirk was wrong.*

*His response " My position remains unchanged" and " I will not be responding to any further submissions."*

**From:** Patrick J Quirk <[patrick.j.quirk@msq.qld.gov.au](mailto:patrick.j.quirk@msq.qld.gov.au)>

**Date:** 2 April 2016 at 11:11:40 am AEDT

**To:** Brett Devine <[brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)>,

... your trustee's disclaimer of the ship under s.133 of the *Bankruptcy Act 1966* (Cth) terminated your rights, interests and liabilities and your property in the ship with effect from the date of the disclaimer.

Patrick Quirk

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Mr Quirk,

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth or of a State ... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

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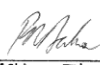
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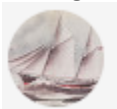
  
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Salvage master and maritime entrepreneur



*Defender to sail again project leader*



*Chief Executive Quirk, Maritime Services Qld*

Do the right thing, admit the error in your hasty decision two years ago on Devine's ownership of the Defender and salvage contract and deal with the consequences as a responsible Chief Executive public servant is required to do by the Qld Public Service Code of Conduct under the *Public Service Ethics Act 1994 Qld*.

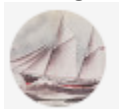
<https://www.forgov.qld.gov.au/about-code-conduct>

*Standards of conduct breached by Chief Executive Quirk*

*1.1 Commit to the highest ethical standards*

*(b) ensure decision making is ethical....*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

*(c) engage in a manner that is consultative, respectful and fair....*

*2.1 (c) treat complaints from clients seriously.....*

*3.1(c) comply with the laws of the State and Australian governments...*

*4.1(a) apply due care in our work, provide accurate and impartial advice ...*

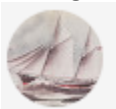
*(b) demonstrate procedural fairness and natural justice when making decisions.*

*(c) exercise our powers and authority with care...*

Patrick Quirk's conduct regarding Captain Devine's ownership of the Defender was carried out hastily without due care, was done recklessly without regard to property rights, and remains in breach of the *Public Service Ethics Act 1994 Qld Code of Conduct* and constitutes continuing unjust wrongdoing, denying liability for private property destruction.

The Premier and cabinet have been wrongly advised by Patrick Quirk on the ownership of the ship Defender and contract of salvage rights, s 133 (3) applies not (2) argued by Quirk and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 requires admission of liability and compensation for the taking in the form of a reinstatement replica.

Captain Brett Devine    0412812655    [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping RegisterTitle Extract as at 20.06.2017

Generated: 22.08.2017 10:29:53 AM

**Identification Of Ship:**

Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia


Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017.

Why does MSQ General Manager Patrick Quirk not make good the loss of the Defender, the outcome of his embarrassing unjust unlawful conduct as Chief Executive?

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history.

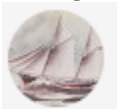
I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.



  
Registrar of Ships or Delegate  
Date: 22 August 2017

Page 1 of 4

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*



***Chief Executive Quirk, Maritime Services Qld***

Do the right thing, admit the two year old error in your decision making on Devine's ownership of the Defender and salvage contract and deal with the consequences as a responsible Chief Executive public servant is required to do by the Qld Public Service Code of Conduct under the *Public Service Ethics Act 1994 Qld*.

<https://www.forgov.qld.gov.au/about-code-conduct>

***Standards of conduct***

***1.1 Commit to the highest ethical standards***

*(b) ensure decision making is ethical....*

*(c) engage in a manner that is consultative, respectful and fair....*

***2.1***

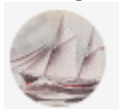
*(c) treat complaints from clients seriously.....*

***3.1***

*(c) comply with the laws of the State and Australian governments*

Patrick Quirk's conduct regarding Captain Devine's ownership of the Defender remains in breach of the *Public Service Ethics Act 1994 Qld Code of Conduct* and constitutes continuing unjust wrongdoing.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping Register  
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 Type of Ship : Yacht



**Particulars of Ownership:**

No. of Shares 64	Name, Address and Nationality/Country of Incorporation of Owner(s) DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian
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**Particulars of Registered Agent:**

Name and Address of Registered Agent:  
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 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

The Premier and cabinet have been wrongly advised by GM Patrick Quirk on the ownership of the ship Defender, s 133 (3) applies not (2) argued by Quirk and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 requires compensation for the taking in the form of a reinstatement replica.

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	 Registrar of Ships or Delegate Date: 22 August 2017

Page 1 of 4

Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017.

Why does MSQ General Manager Patrick Quirk not make good his embarrassing unjust unlawful conduct as Chief Executive?

Quirk has been exposed applying s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed.

Captain Brett Devine    0412812655    [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
 Salvage master and maritime entrepreneur



*Defender to sail again project leader*



*Chief Executive Quirk, Maritime Services Qld*

Do the right thing, admit the error in your decision making on Devine's ownership and salvage contract and deal with the consequences as a responsible Chief Executive public servant is required to do by the Qld Public Service Code of Conduct under the *Public Service Ethics Act 1994 Qld*.

<https://www.forgov.qld.gov.au/about-code-conduct>

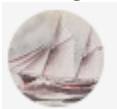
*Standards of conduct 3.1*

*(c) comply with the laws of the State and Australian governments*

Patrick Quirk's unlawful conduct was in breach of the *Public Service Ethics Act 1994 Qld Code of Conduct*, and was unjust wrongdoing

- (i) by refusing to recognise the clear ownership of Captain Devine from 27 February 2016 under Commonwealth law of the tall ship Defender, evidenced by Registration on the Australian Register of Ships Canberra and communicated to Quirk.
- (ii) by refusing to permit Captain Devine to perform the raising and removal of the Defender from Qld waters as was his right under the salvage contract with the former owner at the time of sinking, Les Dick as required under Qld State law and as communicated to Quirk.
- (iii) by refusing to permit Captain Devine's salvage to be carried out as permitted by law before the order of the court took effect from 19<sup>th</sup> August 2016.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping Register  
Title Extract as at 20.06.2017

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**Identification Of Ship:**



Official Number : 101146  
 Ship name : DEFENDER  
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 Home Port : Launceston  
 Type of Ship : Yacht

**Particulars of Ownership:**

No. of Shares 64	Name, Address and Nationality/Country of Incorporation of Owner(s) DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian
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The Premier and cabinet have been wrongly advised by GM Patrick Quirk on the ownership of the ship Defender, s 133 (3) applies not (2) and her taking by the State of Qld on 21 June 2017 from the true owner and registered title owner being DEVINE, Brett Barry James under Bill of Sale completed 27<sup>th</sup> Feb 2016 requires compensation for the taking in the form of a reinstatement replica.

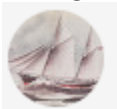
Devine was the true owner of the historic Australian

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Why does MSQ General Manager Patrick Quirk not make good his embarrassing unjust unlawful conduct as Chief Executive?

Quirk has been exposed applying s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed.

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 Salvage master and maritime entrepreneur



*Defender to sail again project leader*



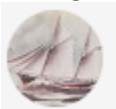
MSQ Chief Executive Officer Quirk:

Conduct has been in reckless disregard of his obligations under the Public Service Ethics Act 1994 ; not caring if the shipowners' salvage contract and sale was good under the rule of law ; in reckless disregard for private property unjustly taken by the State and destroyed by Quirk, the great helmsman in abuse of his powers and authority despite immediate and continuous furious objection from the sale and purchase shipowners.

Dick to MSQ's Haste: 26 Feb 2016 Les Dick advises ... that the Defender has been sold...that he has a salvage company to carry out the raising of the vessel....

*Maritime Services Qld to Les Dick: 15 April 2016*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

- MSQ cannot accept any authorisation you give to Mr Devine to act ... in the salvage.
- The contract of sale from you to Mr Devine was not effective to transfer ownership to him. Mr Devine has no legal right or interest in the ship because his trustee has disclaimed the ship under s.133 ....

Chief Executive Quirk,

Do the right thing. Uphold the rule of law, ethical decision making which includes correcting mistakes, due care to shipowners and responsibility to the system of government including reporting to your Minister.

Section 133 upholds the salvage contract and sale. How can you honestly read s.133 otherwise unless in reckless disregard?

Admit your mistake. Admit liability in your wrongful blocking of Dick and Devine carrying out their responsibilities to comply with the Removal notice of shipping inspector Max Haste of 5 Jan 2016.

Deal with the consequences of the State of Qld you direct as helmsman acting against the rule of law, natural justice, due care, accountability to your Minister and a host of other legal and ethical requirements.

As a Chief Executive public servant, you are required to do so under the *Public Service Ethics Act 1994 (Qld) including the Qld Public Service Code of Conduct*. (the Act)

*Your reckless conduct from 26<sup>th</sup> February 2016 and ongoing reckless disregard of Commonwealth law s 133 (5A) and 133 (3) is dishonest, official misconduct under the Act and has consequences, serious consequences if the matter progresses uncorrected and if so found.*

*Others have a duty to report suspected misconduct in office for the greater public good as set out in the Qld Act Crime and Misconduct Act 2001 s 38 and the Qld Criminal Code s 92 A.*

### **38 Duty to notify commission of official misconduct**

*(1) This section applies if a public official suspects that a complaint, or information or matter (also a **complaint**), involves, or may involve, official misconduct.*

*(2) The public official must notify the commission of the complaint, subject to section 40.*

### **CRIMINAL CODE 1899 - SECT 92A**

*Misconduct in relation to public office*

#### **92A MISCONDUCT IN RELATION TO PUBLIC OFFICE**

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

*(1) A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person—  
(a) deals with information gained because of office; or  
(b) performs or fails to perform a function of office; or  
(c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office;  
is guilty of a crime.*

**Penalty:** Maximum penalty—7 years imprisonment.

Chief Executive Quirk,

You claimed a maritime regulatory interest in the Defender to the trustee requiring his action as if the trustee had a vested interest in the ship. He did not have any property interest in the \$1 “as is” ship, an exempt asset remaining at all times the property of Devine.

But even if he did have assuming the Defender was worth \$30 million (over \$3,700), you well know the trustee never did seek the leave of the court under 133(5A) to terminate the salvage rights contract to make lawful your position, nor did the trustee register the disclaimer transfer under s 133(3) to make the disclaimer of lawful effect against Devine's ownership.

That makes your decision and conduct subsequent unlawful, and reportable official misconduct. You have failed to perform a function of office.

You have been dishonest in misrepresenting the effect of the s 133 disclaimer to Dick to Devine to your Minister, Cabinet and the Premier.

Both s 133 (5A) as to the salvage rights contract and s133 (3) as to ownership clearly and without doubt say you are wrong to have applied 133(2) to justify your wrongdoing.

Admit liability as you are required to do under the Act and deal with the unjust outcome of State of Qld v Dick 204/17 produced by your deceptive misconduct in office.

Had you not blocked the salvage contract performance by Devine, no \$776,000 cost to the State of Qld would have happened, as Dick had already paid for the salvage in the contract you falsely said was terminated or not effective.

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth ( Registration with the Australian Ships Registrar Canberra)... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

On the authority of High Court Judge Keane J in a disclaimer case, failure to comply with the relevant disclaimer provisions makes the disclaimer "ineffective"

Willmott Growers Group Inc v Willmott Forests Limited (Receivers and Managers Appointed) (In Liquidation) & Ors [2013] HCA 51; (2013) 251 CLR 592 at [134]; [161].

According to his Honour, given that that the liquidators had not sought and obtained leave of the Court, the purported disclaimer was of no effect.

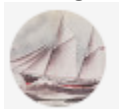
Despite continuous feedback arising from your decision by Dick and Devine, you have consistently held to your wrong decision and have refused to respond since Oct 2017, necessitating an escalation of exposure of your wrongdoing in the interests of the public good. A system failure at MSQ's head office is evident.



March 2016

Shipowner Devine and salvage contractor to Dick denied access by Quirk to raise and remove his ship Defender to comply with the shipping inspector's Removal notice of 5 Jan 2016.

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Australian General Shipping Register  
Title Extract as at 20.06.2017

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**Identification Of Ship:**

Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

**Particulars of Ownership:**

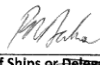
No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian


**Particulars of Registered Agent:**

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

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Registrar of Ships or Delegate  
Date: 22 August 2017



Page 1 of 4

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history. Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017. Again, Quirk is exposed as wrongfully terminating Devine's salvage contract in that s 133(5A) court approval was not obtained for termination.

Others have a duty to report misconduct in public office, under the Crime and Misconduct Act 2001 a post Fitzgerald reform for the public good and s 92 A of the Qld Criminal Code "Misconduct in public office" has been enacted in 2009 by the Qld Parliament to provide a criminal charge to face for misconduct.

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*Defender to sail again project leader*



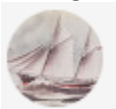
MSQ Chief Executive Officer Quirk: Has misled his Minister: Time is up to confess your mistake or face referral to the Misconduct Commission.

Dick to MSQ's Haste: 26 Feb 2016 Les Dick advises ... that the Defender has been sold...that he has a salvage company to carry out the raising of the vessel....

***Maritime Services Qld to Les Dick: 15 April 2016***

- MSQ cannot accept any authorisation you give to Mr Devine to act ... in the salvage.
- The contract of sale from you to Mr Devine was not effective to transfer ownership to him. Mr Devine has no legal right or interest in the ship because his trustee has disclaimed the ship under s.133 ....

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

# Media 47 Quirk's conduct misleads his Minister : reportable misconduct April 2018

Chief Executive Quirk,

Do the right thing. Uphold the rule of law, ethical decision making and responsibility to the system of government including reporting to your Minister.

Section 133 upholds the salvage contract and sale. Admit your mistake. Admit liability in your wrongful blocking of Dick and Devine carrying out their responsibilities to comply with the Removal notice of shipping inspector Max Haste of 5 Jan 2016.

Deal with the consequences of State of Qld you direct acting against the rule of law, natural justice, accountability to your Minister and a host of other legal and ethical requirements.

As a Chief Executive public servant, you are required to do so under the *Public Service Ethics Act 1994 (Qld) including the Qld Public Service Code of Conduct*. (the Act)

*Your reckless conduct from 26<sup>th</sup> February 2016 and ongoing reckless disregard of Commonwealth law s 133 (5A) and 133 (3) is dishonest, official misconduct under the Act and has consequences, serious consequences if the matter progresses uncorrected and if so found.*

*Others have a duty to report suspected misconduct in office for the greater public good as set out in the Qld Act Crime and Misconduct Act 2001 s 38.*

## **38 Duty to notify commission of official misconduct**

*(1) This section applies if a public official suspects that a complaint, or information or matter (also a **complaint**), involves, or may involve, official misconduct.*

*(2) The public official must notify the commission of the complaint, subject to section 40.*

Chief Executive Quirk,

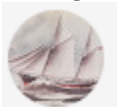
You well know the trustee never did apply to the court under 133(5A) to terminate the salvage rights contract to make lawful your position, nor did the trustee register the disclaimer transfer under s 133(3) to make the disclaimer of lawful effect. That makes your decision and conduct subsequent unlawful, and reportable official misconduct .

You have been dishonest in misrepresenting the effect of the s 133 disclaimer to Dick to Devine to your Minister, Cabinet and the Premier.

Both s 133 (5A) as to the salvage rights contract and s133 (3) as to ownership clearly and without doubt say you are wrong to have applied 133(2) to justify your wrongdoing.

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## Media 47 Quirk's conduct misleads his Minister : reportable misconduct April 2018

Admit liability as you are required to do under the Act and deal with the unjust outcome of State of Qld v Dick 204/17 produced by your deceptive misconduct in office.

Had you not blocked the salvage contract performance by Devine, no \$776,000 cost to the State of Qld would have happened, as Dick had already paid for the salvage in the contract you falsely said was terminated or not effective.

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth ( Registration with the Australian Ships Registrar Canberra)... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

On the authority of High Court Judge Keane J in a disclaimer case, failure to comply with the relevant disclaimer provisions makes the disclaimer "ineffective"

Willmott Growers Group Inc v Willmott Forests Limited (Receivers and Managers Appointed) (In Liquidation) & Ors [2013] HCA 51; (2013) 251 CLR 592 at [134]; [161].

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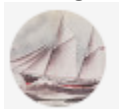
Despite continuous feedback arising from your decision by Dick and Devine, you have consistently held to your wrong decision and have refused to respond since Oct 2017, necessitating an escalation of exposure of your wrongdoing in the interests of the public good. A system failure at MSQ's head office is evident.



Shipowner Devine and salvage contractor to Dick denied access to raise and remove his ship Defender.

Dick to MSQ's Haste: 26 Feb 2016 Les Dick advises ... that the Defender has been sold...that he has a salvage company to carry out the raising of the vessel....

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

# Media 47 Quirk's conduct misleads his Minister : reportable misconduct April 2018

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Official Number : 101146  
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Status : Registered on 20.02.1926  
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Type of Ship : Yacht

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No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
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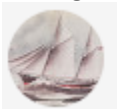


Page 1 of 4

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Others have a duty to report misconduct in public office, a post Fitzgerald reform for the public good.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

Media 47 Quirk's conduct against natural justice: reportable misconduct  
April 2018



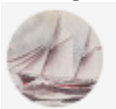
MSQ Chief Executive Officer Quirk: Ethical decision making requires natural justice

Dick to MSQ 26 Feb 2016 Les Dick advises ... that the Defender has been sold...that he has a salvage company to carry out the raising of the vessel....

***Maritime Services Qld to Les Dick: 15 April 2016***

- MSQ cannot accept any authorisation you give to Mr Devine to act ... in the salvage.
- The contract of sale from you to Mr Devine was not effective to transfer ownership to him. Mr Devine has no legal right or interest in the ship because his trustee has disclaimed the ship under s.133 ....

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## Media 47 Quirk's conduct against natural justice: reportable misconduct

April 2018

Chief Executive Quirk,

Do the right thing. Uphold the rule of law and ethical decision making. Section 133 upholds the salvage contract and sale. Admit your mistake. Admit liability in your wrongful blocking of Dick and Devine carrying out their responsibilities to comply with the Removal notice of shipping inspector Max Haste of 5 Jan 2016.

Deal with the consequences of State of Qld you direct acting against the rule of law, natural justice and a host of other legal requirements.

As a Chief Executive public servant, you are required to do so under the *Public Service Ethics Act 1994 (Qld) including the Qld Public Service Code of Conduct*. (the Act)

*Your reckless conduct from 26<sup>th</sup> February 2016 and ongoing reckless disregard of Commonwealth law s 133 (5A) and 133 (3) is dishonest, official misconduct under the Act and has consequences, serious consequences if the matter progresses uncorrected and if so found.*

*Others have a duty to report your misconduct in office for the greater public good.*

*Natural justice required of a Chief Executive went overboard on and from 26 Feb 2016.*

**Natural Justice** Natural justice is about giving a person who may be affected by a decision a fair hearing before the decision is made. Generally, a fair hearing involves disclosing the critical issues and adverse information to the affected person, giving the affected person a reasonable opportunity to respond, and an impartial decision-maker. <https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/public-sector-ethics>

Chief Executive Quirk,

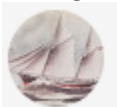
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You have been dishonest in misrepresenting the effect of the s 133 disclaimer to Dick to Devine to your Minister and cabinet.

Both s 133 (5A) as to the salvage rights contract and s133 (3) as to ownership clearly and without doubt say you are wrong to have applied 133(2) to justify your wrongdoing..

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)

Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## Media 47 Quirk's conduct against natural justice: reportable misconduct

April 2018

Admit liability as you are required to do under the Act and deal with the unjust outcome of State of Qld v Dick 204/17 produced by your deceptive misconduct in office.

Had you not blocked the salvage contract performance by Devine, no \$776,000 cost to the State of Qld would have happened, as Dick had already paid for the salvage in the contract you falsely said was terminated or not effective.

*133(3) If a trustee disclaims property whose transfer must be registered under a law of the Commonwealth ( Registration with the Australian Ships Registrar Canberra)... the trustee must give notice of the disclaimer as soon as practicable to the officer who has the function of registering the transfer.*

*133 (5A) A trustee is not entitled to disclaim a contract .... without the leave of the Court.*

On the authority of High Court Judge Keane J in a disclaimer case, failure to comply with the relevant disclaimer provisions makes the disclaimer "ineffective"

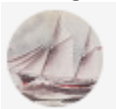
Willmott Growers Group Inc v Willmott Forests Limited (Receivers and Managers Appointed) (In Liquidation) & Ors [2013] HCA 51; (2013) 251 CLR 592 at [134]; [161].

According to his Honour, given that that the liquidators had not sought and obtained leave of the Court, the purported disclaimer was of no effect.

Despite continuous feedback arising from your decision, you have consistently held to your wrong decision and have refused to respond, necessitating an escalation of exposure of your wrongdoing in the interests of the public good. A system failure in MSQ is evident.

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Salvage master and maritime entrepreneur



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## Media 47 Quirk's conduct against natural justice: reportable misconduct April 2018

### Australian General Shipping Register

#### Title Extract as at 20.06.2017

Generated: 22.08.2017 10:29:53 AM

#### Identification Of Ship:

Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

#### Particulars of Ownership:

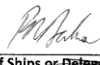
No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

#### Particulars of Registered Agent:

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.

  
Registrar of Ships or Delegate  
Date: 22 August 2017



Page 1 of 4

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history. Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017. Again, Quirk is exposed as wrongfully terminating Devine's salvage contract in that s 133(5A) court approval was not obtained for termination.

Others have a duty to report misconduct in public office, a post Fitzgerald reform for the public good.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

“I call on the Queensland Premier to show leadership on this scandal of the State of Queensland taking and breaking up my historic Australian built ship Defender, as featured on Coast Australia” Captain Devine said.

“Leadership from the Premier is required to make good a new for old Defender to right the wrong done by the State.”



Defender destroyed by misconduct of Patrick Quirk CEO of Maritime Services Queensland



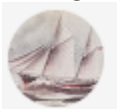
World famous maritime historian Neil Oliver showcases Defender in a Coast Australia segment on Foxtel's TV History Channel 611 Sunday 6 May 7.30 pm and Monday 7 May 2018 at 9.30 am.

<https://www.foxtel.com.au/tv-guide/Coast-Australia/94502194>

DVD Coast Australia Series 1 to 3 ABC online shop <https://shop.abc.net.au/>

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Sydney welcomes the Australian Tall Ship **Defender** ^ 1988 Bi centenary

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*Defender to sail again project leader*

Media 54 Defender on Coast Australia 6 May 2018 7.30 pm Foxtel Ch 611

“Defender is showcased on Coast Australia on Foxtel’s TV History Channel 611 Sunday night 6 May 2018 at 7.30 pm” Captain Devine, her dispossessed owner at the time of her taking by the State of Queensland said today.

This international scandal of her destruction based on fake news from MSQ’s CEO to justify her disposal is on show for the world to see.

<https://www.foxtel.com.au/tv-guide/Coast-Australia/94502193>

DVD Coast Australia Series 1 to 3 ABC online shop <https://shop.abc.net.au/>



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*Defender to sail again project leader*



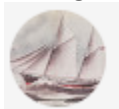
**Chief Executive MSQ Patrick Quirk faces misconduct allegations**

Maritime Services Queensland's CEO Patrick Quirk, in a low act of misconduct, found and paid a consultant to say my priceless tall ship Defender was "not of historical importance" to justify his wrecking her in an abuse of his office" Captain Devine said today, " yet world famous maritime historian Neil Oliver of the acclaimed series Coast Australia chose to showcase my ship Defender to the world because of her historical importance."



*Brendan Moar uncovers the living  
history of a hidden slave trade.*

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Salvage master and maritime entrepreneur



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Coast Australia on Foxtel's TV History Channel 611 Sunday night 6 May 2018 at 7.30 pm.

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*Defender to sail again project leader*

Media 52 Royal Commissioner Justice Hayne's next task\_Misconduct at MSQ  
April 2018

“There is work to be done after the Banking Royal Commission for Justice Hayne at MSQ” Captain Devine said today. “Misconduct at the top takes many forms such as knowingly failing to do the right thing after it is obvious for all to see the wrong thing has been done. Doing nothing is misconduct, a sackable offence and even criminal conduct in Qld.”

The Fitzgerald Inquiry Report 1989 in Qld led to many reforms, including The Public Service Ethics Act 1994 and The Crime and Misconduct Act 2001. That 2001 Act's object is expressed in s 4

(b) to continuously improve the integrity of, and to reduce the incidence of misconduct in, the public sector.

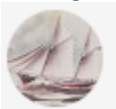
**In 2009 Qld Parliament made misconduct in public office a criminal offence, jail term 7 years. S 92 A Criminal Code.**

Good government in Qld requires a good Qld public sector. Ethical decision making means it's never too late to correct a mistake.



Chief Executive MSQ Patrick Quirk

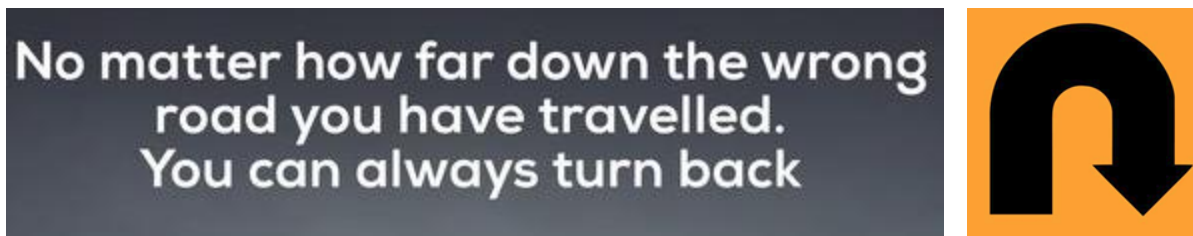
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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

## Media 52 Royal Commissioner Justice Hayne's next task\_Misconduct at MSQ April 2018

As a Chief Executive public servant, you are required to correct your mistakes under the *Public Service Ethics Act 1994 (Qld)* including the *Qld Public Service Code of Conduct* (the Act).



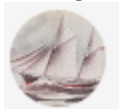
Shipowner Devine and salvage contractor to Dick were denied access by Quirk from 26<sup>th</sup> Feb 2016 to



raise and remove his ship Defender to comply with the shipping inspector's Removal notice of 5 Jan 2016 on the untrue basis the sale and the salvage contract was not effective.

This was a mistake by Chief Executive Quirk and needs to be corrected by compensation to avoid misconduct in public office consequences.

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

# Media 52 Royal Commissioner Justice Hayne's next task\_Misconduct at MSQ April 2018

## Australian General Shipping Register Title Extract as at 20.06.2017

Generated: 22.08.2017 10:29:53 AM

### Identification Of Ship:

Official Number : 101146  
Ship name : DEFENDER  
Status : Registered on 20.02.1926  
Home Port : Launceston  
Type of Ship : Yacht

### Particulars of Ownership:


No. of Shares	Name, Address and Nationality/Country of Incorporation of Owner(s)
64	DEVINE, Brett Barry James 243 Carlton Beach Road, Carlton, Tasmania 7173, Australia Australian

### Particulars of Registered Agent:

Name and Address of Registered Agent:

DEVINE, Brett Barry James  
243 Carlton Beach Road, Carlton, Tasmania 7173, Australia

I Peter BAKER, Deputy Registrar of Ships certify that this is a true extract of the Australian Register of Ships.

  
Registrar of Ships or Delegate  
Date: 22 August 2017



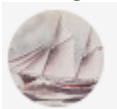
Page 1 of 4

Quirk has been exposed applying Commonwealth law s133 (2), rather than s133 (3), resulting in Devine's ownership from 27 February 2016 being wrongly taken by the State of Qld and destroyed, a priceless loss to the owner and Australian maritime history. Devine was the true owner of the historic Australian tall ship Defender and registered owner until the State of Qld became the registered owner by compulsory acquisition on 21 June 2017. Again, Quirk is exposed as wrongfully terminating Devine's salvage contract in that s 133(5A) court approval was not obtained for termination. Others have a duty to

report misconduct in public office, a post Fitzgerald reform for the public good.

**Notification by public officials.** Public officials who have a reasonable suspicion of corrupt conduct must [notify the CCC](#) (in accordance with ss. 38 and 40 of the *Crime and Corruption Act 2001*).

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

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**In 2009 Qld Parliament made misconduct in public office a criminal offence, with a jail term 7 years maximum by S 92A of the Criminal Code.**

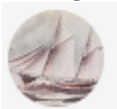
Good government in Qld requires a good Qld public sector. Ethical decision making means it is never too late to correct a mistake. That is a role for the CEO.



Chief Executive Officer MSQ Patrick Quirk

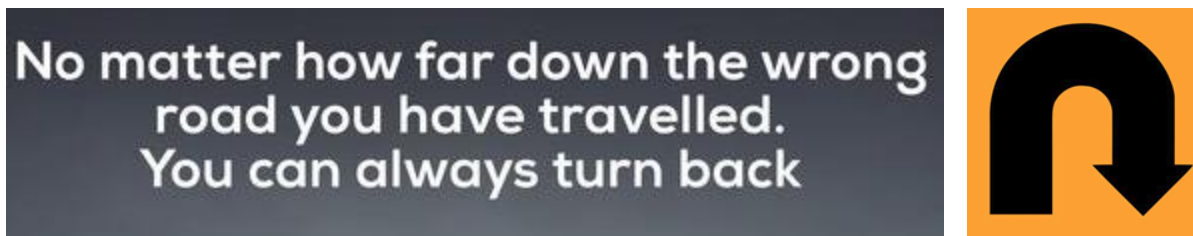
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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

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Shipowner Devine and salvage contractor to Dick and Dick were denied access by Quirk from 26<sup>th</sup> Feb 2016 to raise and remove the ship Defender to comply with the shipping inspector's Removal notice of 5

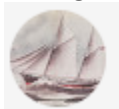


Jan 2016 on the untrue basis the sale to Devine and the salvage contract was not effective.

This was a grave mistake by Chief Executive Officer Quirk and needs to be corrected by compensation in the form of a reinstated Defender to avoid misconduct in public office consequences.

Quirk's unlawful decisions regarding Captain Devine and Les Dick and failure to carry out his CEO duties honestly as CEO has resulted in significant detriment to others. Corrective action by Quirk or his Minister is required to make good the wrongs done in the exercise of authority and power directing the shipping inspector in the enforcement of the Removal notice.

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*Defender to sail again project leader*

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 Type of Ship : Yacht

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*Peter Baker*  
 Registrar of Ships or Delegate  
 Date: 22 August 2017

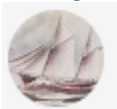
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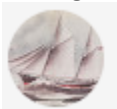


Chief Executive MSQ Patrick Quirk

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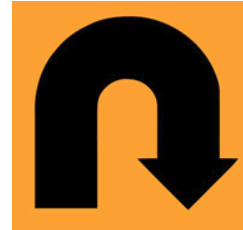
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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

No matter how far down the wrong  
road you have travelled.  
You can always turn back



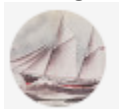
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*Defender to sail again project leader*

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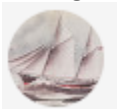


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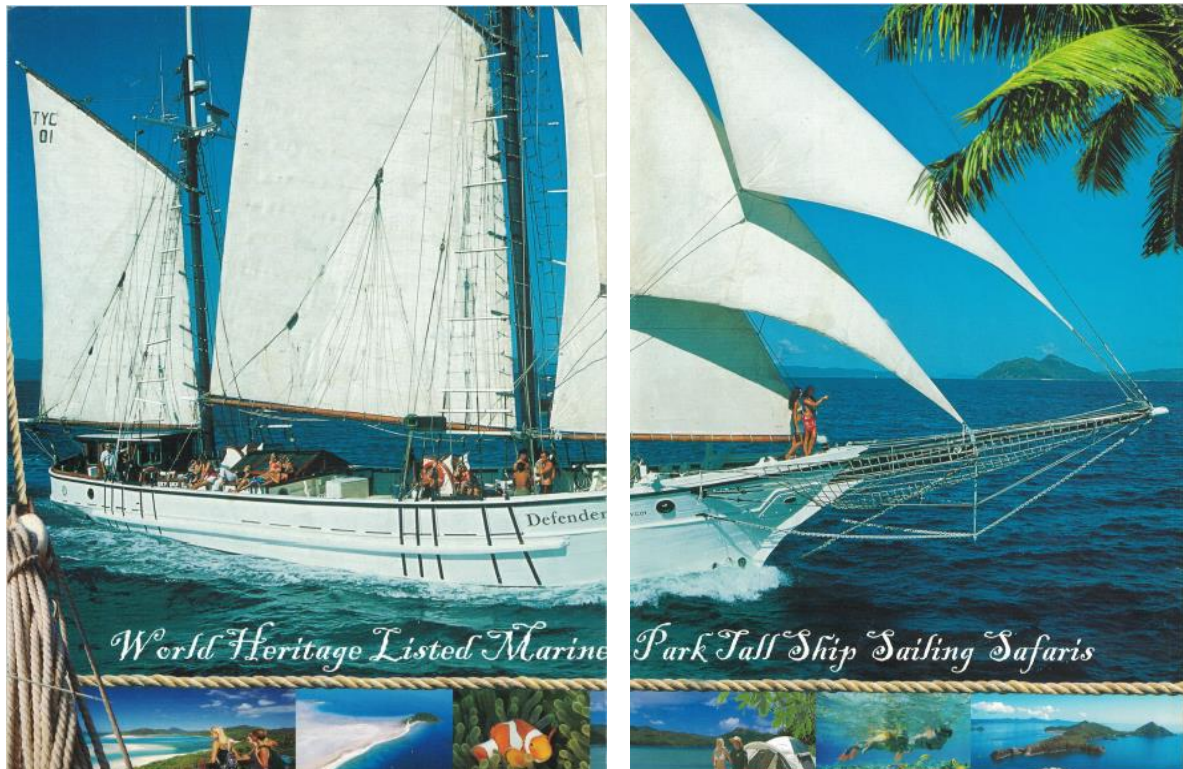


*Defender to sail again project leader*

“Premier, but for MSQ’s CEO Patrick Quirk circumventing His Honour’s court order by denying my salvage contract and ownership, the Great Barrier Reef Qld tourism legend **Defender** would be saved” Captain Devine said, “atop the Defender slave dock barge.

The State remains accountable to me for her reinstatement,

and Quirk must go for gross misconduct, a sackable offence under the Qld Public Service Ethics Act 1994.”



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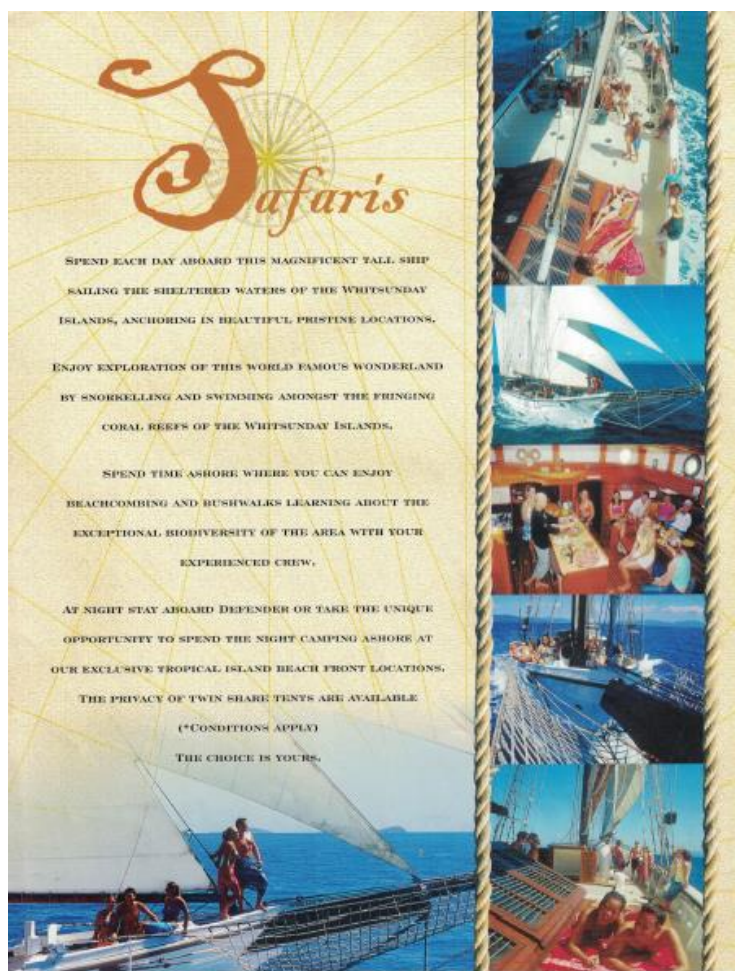
*Defender to sail again project leader*

Media 66 Premier, a Qld tourism legend taken by the State May 2018

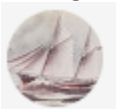
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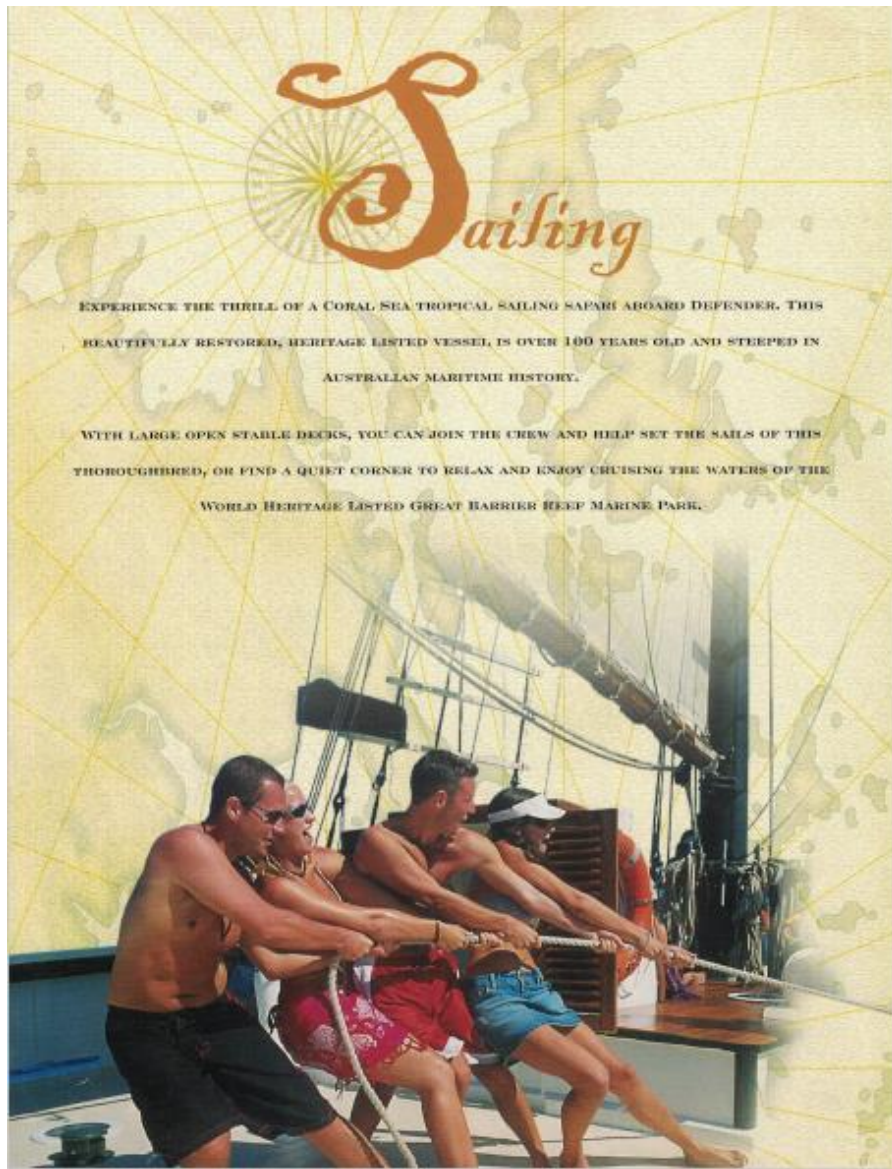
*Defender to sail again project leader*

Media 65 Premier, a Qld tourism legend destroyed by gross misconduct May 2018

“Premier, but for MSQ’s CEO Patrick Quirk circumventing His Honour’s court order by denying my salvage contract and ownership, the Great Barrier Reef Qld tourism legend **Defender** would be saved” Captain Devine said “atop the Defender slave dock barge.

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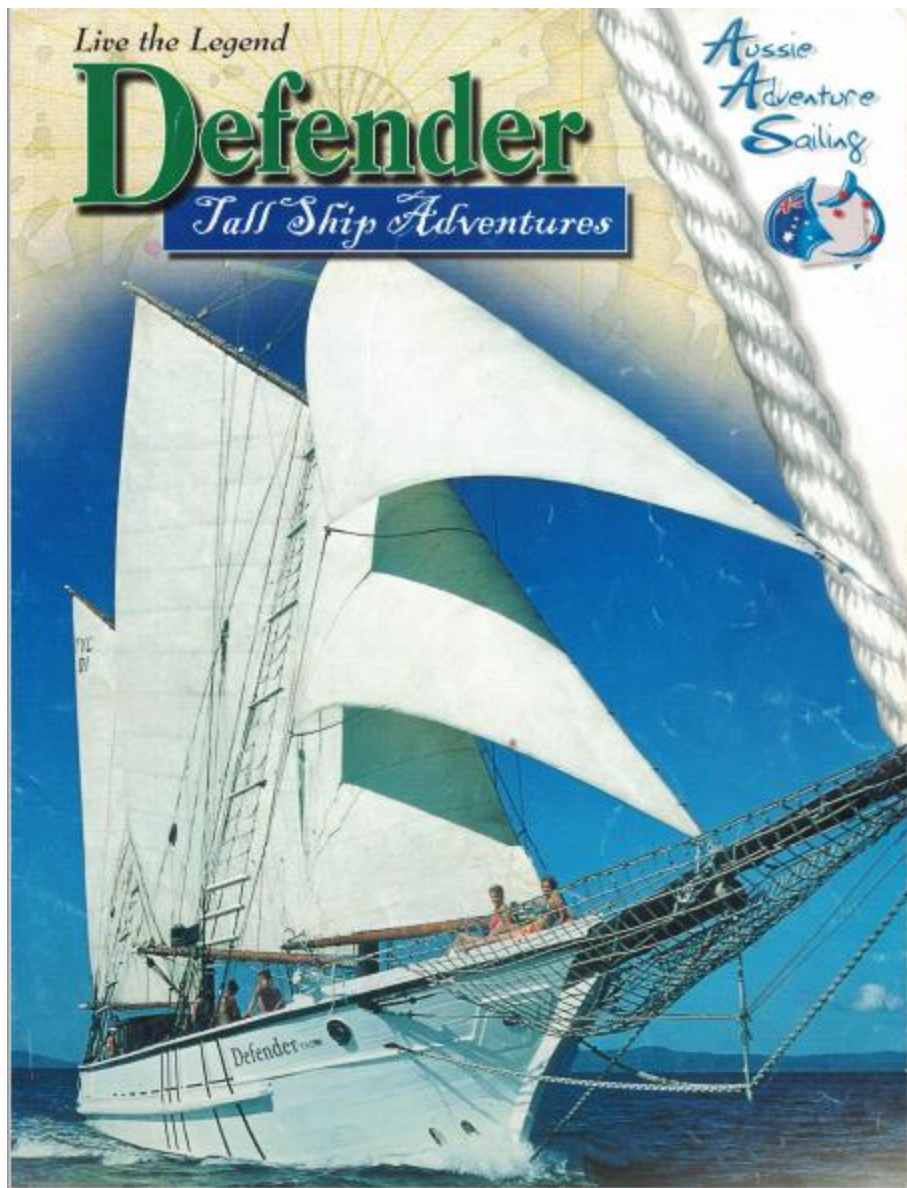
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*Defender to sail again project leader*

Media 63 Premier, the Defender barge was acquired to save Defender May 2018

“Premier, I acquired a barge to save my priceless tall ship **Defender** to comply with the removal notice. She was to be lifted from Qld waters atop my Defender Salvage barge to comply.



27 x 17m Defender Salvage Barge '21467'



But Maritime Services Qld's CEO Patrick Quirk unlawfully refused to recognise my salvage contract and ownership from Les Dick on 27 February 2016 to corruptly circumvent His Honour's court order requiring removal, so the State could take and destroy **Defender**, done on the very day of her registration transmission in Canberra from me to the State.

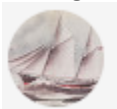


Source: Coast Australia: “City of Adelaide” atop ex Devine owned slave dock barge Bradley in Adelaide.

But for Quirk circumventing the court order, **Defender** would be saved” Captain Devine said. “The State remains accountable to me for her reinstatement... and Quirk has to go for gross misconduct, a sackable offence under the Qld Public Service Ethics Act 1994.”

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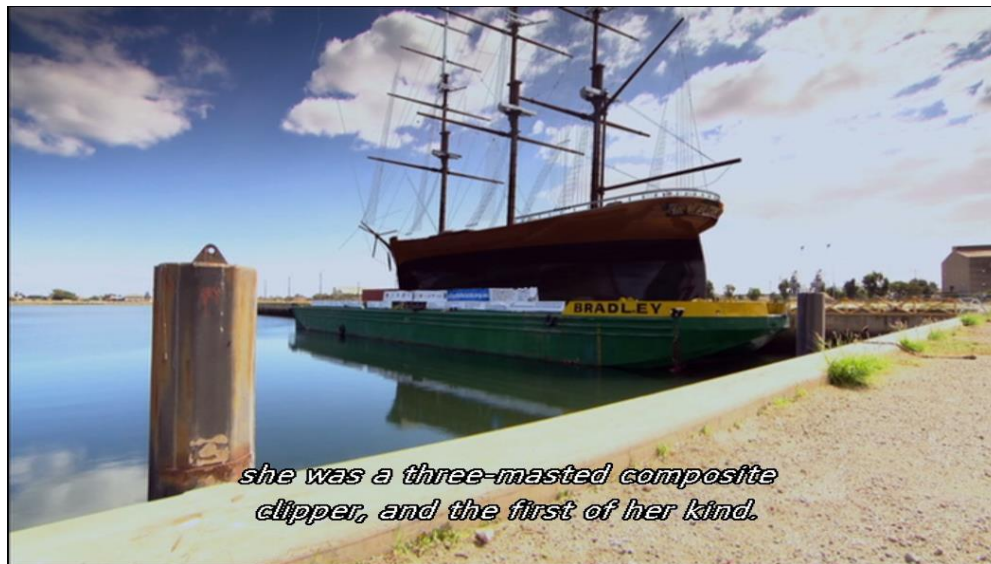
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

“Premier, I had the Defender barge ready to save my priceless **Defender** to comply with the 6 Jan 2016 removal from Qld waters notice. But Maritime Services Qld’s CEO refused to recognise my salvage contract and ownership from 26 February 2016 from the former owner Les Dick, so the State could take and destroy **Defender**. The State is accountable for her reinstatement.

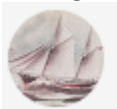
Devine Marine Group’s formerly owned “Bradley” barge now holds the historic immigrant ship the “City of Adelaide” awaiting restoration in Adelaide. But for the State blocking my salvage, **Defender** would be back in work” Captain Devine said.



Source: Coast Australia

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Salvage master and maritime entrepreneur



*Defender to sail again project leader*

The State of Queensland compulsorily acquired my National Trust classified Australian Tall Ship **Defender** from me on 21 June 2017 without payment and disposed of her that same day to the rubbish dump, knowing full well that I would be pressing the State to reinstate her as a priceless part of Australian maritime history.

I call on the Premier to right the wrong done in the name of the State and to approve the replica.

The Premier has so far turned a blind eye to the wrong done by the State, backing her error prone minister responsible for her taking without my consent or replacement, the Hon Mark Bailey ” Captain Devine said.

Mark Bailey in an error of judgment rubber stamped her destruction with his death knell release to the media

“I am advised the **Defender** is not of historical significance and is best described as a replica”

<http://oceancrave.blogspot.com.au/2017/03/historic-tall-ship-left-to-ruin.html>



Tall Ship **Defender** welcomed into Sydney Harbour ^ 1988 Bicentenary Flotilla

Captain Brett Devine 0412812655 [brettdevine1@gmail.com](mailto:brettdevine1@gmail.com)  
Salvage master and maritime entrepreneur



*Defender to sail again project leader*

The State of Queensland compulsorily acquired my National Trust classified Australian Tall Ship **Defender** from me on 21 June 2017 without payment and disposed of her that same day to the rubbish dump, knowing full well that I would be pressing the State to reinstate her as a priceless part of Australian maritime history.

I call on the Premier to right the wrong done in the name of the State and to approve the replica.

The Premier has so far turned a blind eye to the injustice by the State, backing her error prone minister responsible for her taking without my consent or replacement, the Hon Mark Bailey ” Captain Devine said.

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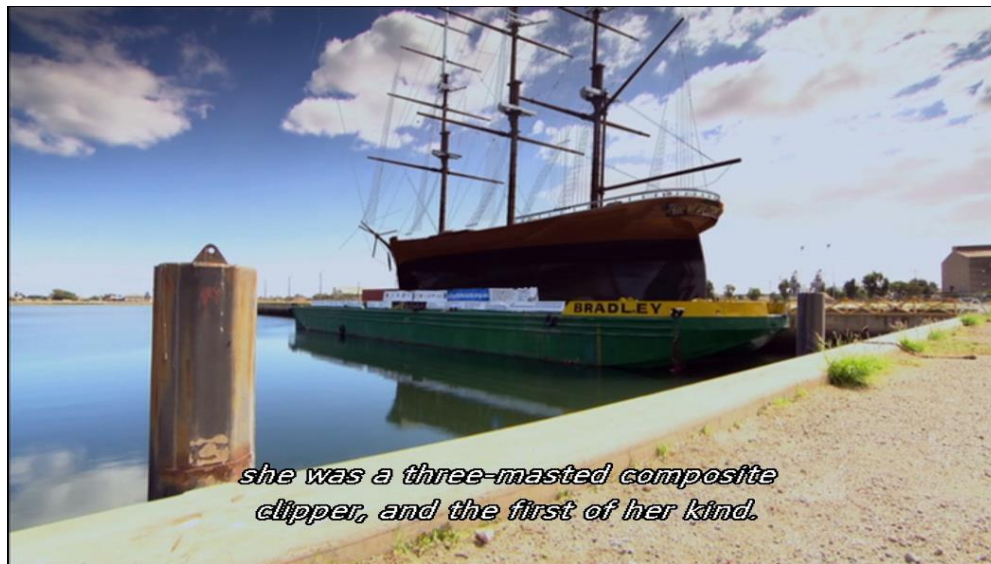
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“Premier, I had the Defender barge ready to save my priceless **Defender** to comply with the 6 Jan 2016 removal from Qld waters notice. But Maritime Services Qld’s CEO refused to recognise my salvage contract and ownership from 26 February 2016 from the former owner Les Dick, so the State could take and destroy **Defender**. The State is accountable for her reinstatement.

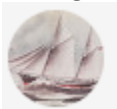
Devine Marine Group’s formerly owned “Bradley” barge now holds the historic immigrant ship the “City of Adelaide” awaiting restoration in Adelaide. But for the State blocking my salvage, **Defender** would be back in work” Captain Devine said.



Source: Coast Australia

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***Defender*: 766,000 good reasons to keep a tight ship**

How much do you spend on maintaining your vessel? If the answer is “not enough”, you might wish to consider the alternative.

Maritime Safety Queensland recently won a significant case in the Court as Plaintiff in a case between the State of Queensland and the owner of the ship *Defender*.

The *Defender* was a former sailing ship in a very poor structural condition that sank at its moorings in Ross Creek, Townsville in January 2016. Its owner had been directed by Maritime Safety Queensland on several occasions to return the vessel to a seaworthy state or remove it from Queensland waters.

In its partly submerged condition *Defender* represented a real and increasing hazard to navigation in a popular waterway, so Maritime Safety Queensland again directed its owner to remove it.

When that did not happen, after more than sufficient time had been allowed to put competent and achievable salvage arrangements in place, we were obliged to remove it ourselves.

That cost us, and through us the Queensland taxpayer, a lot of money.

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We felt there were a few important principles in this case that needed to be pursued.

The first was that owners of vessels are responsible for their vessels, no matter how big or small those vessels are, or whatever their circumstances. The broader community is not responsible and it expects government to enforce its reasonable expectations in that regard.

The second principle was that the community should not have to bear the costs of correcting the situation when owners fail to accept their responsibility to keep their vessels seaworthy.

So we set about recouping from the owner of *Defender*, through the Courts, the funds we spent in removing the vessel from Ross Creek and having it disposed of. Eventually, the owner consented to all that we sought and the Townsville District Court ordered that he pay the State of Queensland \$765,599.99 plus additional legal costs – which were substantial. We are currently working on the actual recovery of those monies.

We feel the outcome sent perhaps the strongest message yet from the Courts to those in the maritime community who might wish to leave their decaying vessels to the care of the State.

That message is simple: Don't! You are the owner, you are responsible, and it's cheaper to act now than later.

“Premier,

There are lessons to learn from this unprecedented maritime disaster that is the unlawful taking and destruction of the National Trust listed, last remaining Bass Strait trading ketch in the world, the historic **Defender**. MSQ's message punchlined above is “*You are the owner, you are responsible, and it's cheaper to act now than later*”.

Yes Premier, I was the owner and I was responsible for her salvage by contract and as owner. But MSQ denied my ownership acquired on 27th Feb 2016 and denied me, a salvage master, access to refloat her and remove her from Ross Creek Townsville for no good reason and in defiance by MSQ of the orders of the Townsville court.

I call for **Defender's** reinstatement to right the wrong done in the good name of the State of Qld. Your MSQ bureaucrats went rogue, an improper purpose to make an example of the former owner at the time of sinking as a message to all ship owners in Queensland waters. This now admitted real reason for **Defender's** taking and destruction is a wrongful State action exposed by the rogue wrongdoers themselves.”

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Australian Government  
Australian Maritime Safety Authority

AUSTRALIAN SHIPPING  
REGISTRATION OFFICE  
ENTERED IN REGISTER  
DATE: 15 March 2016  
TIME: 11:46 am  
P. J. Fisher  
REGISTRAR OF SHIPS

## BILL OF SALE

Shipping Registration Act 1981  
Section 36, Regulation 23

Official number

101146

Ship's name

DEFENDER.

### Particulars of sale

Seller's full name and residential address

WARREN DICK  
685 SANDPITT HILL ROAD  
BLESSINGTON TAS 7212.

Buyer's full name and residential address<sup>1</sup>

BRETT BARLEY JAMES DEVINE  
243 CARLTON BEACH RD.  
CARLTON 7173 HOBART  
TAS.

#### NOTE

<sup>1</sup> The address must be: Residential address (not PO Box) - for an individual; Principal place of business - for a foreign company or statutory body; Registered office address - Australian company.

Amount paid, or consideration

\$1-00 DOLLAR.

Number of shares transferred (total of 64 shares)

FULL 64 TOTAL SHARES.

### Declaration

I, the registered owner and seller, hereby acknowledge the transfer of shares in the ship described above to the buyer for the amount shown. Further, for myself and my successors I covenant with the buyer and his/her/their assigns that I have power to transfer the shares.

Date

27 FEB. 2016.

Place

LAUNCESTON TAS.

Signature of seller(s)

*If the seller is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name and designation and have the signature witnessed.*

Signature of witness

Name of witness

Philip Mackrill

Address of witness

17 Eastfield Drive  
Newham 7248.

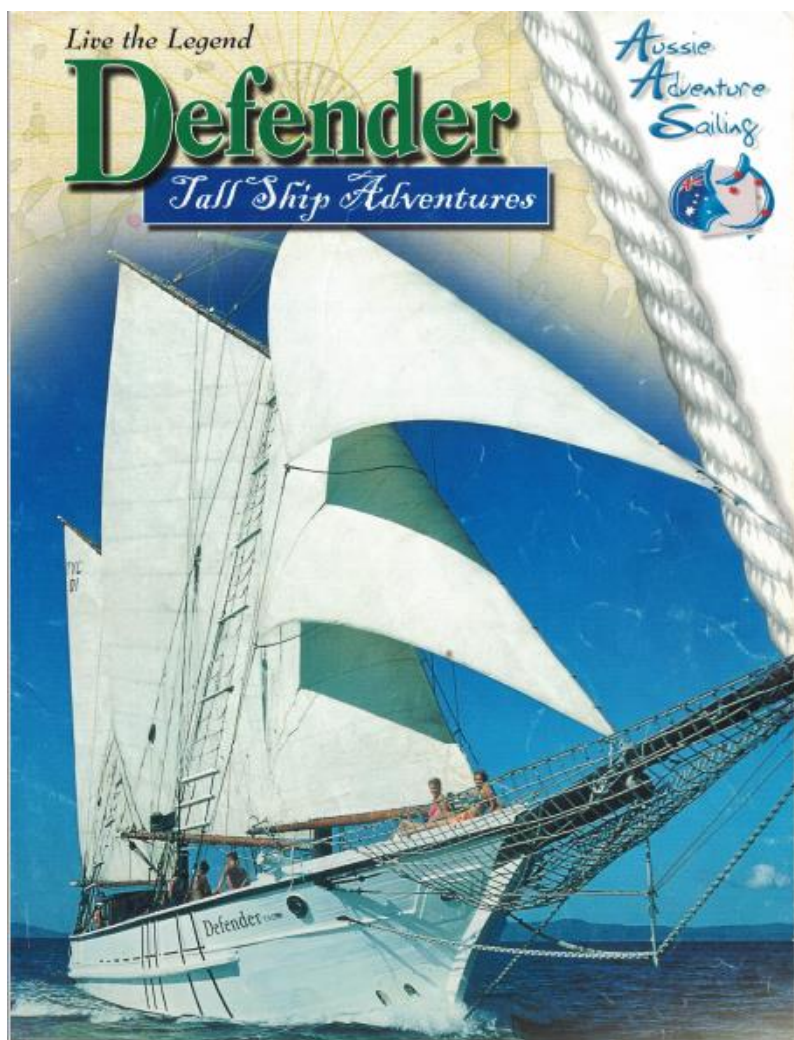
Except where indicated by \* the collection of information requested in this form is either required or authorised by the *Shipping Registration Act 1981* (the Act). It will be used for purposes related to the Act (including possible overseas disclosure) and will be available for public search in circumstances as the Act requires. It may be made available to government agencies for statistical and administrative purposes. Failure to provide the information will result in the transaction not being processed. To contact us, or for more information on how to access or correct your personal information or how to make a privacy complaint, visit [www.amsa.gov.au/privacy-policy](http://www.amsa.gov.au/privacy-policy)

"Premier, MSQ's CEO Patrick Quirk for the State of Qld can make amends for acquisition and destruction of my ship the **Defender** on 17 June 2017 without payment to me.

The first anniversary of the State taking and destroying is Sunday.

I have made application for her replacement to reinstate her as compensation, so far rejected by CEO Quirk.

Your calling out of this injustice by your top bureaucrat is requested.



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"Premier, MSQ's CEO Patrick Quirk for the State of Qld in defiance of the courts orders denied my raising her, corruptly masterminding the compulsory acquisition of my ship the **Defender** on 17 June 2017 without payment to me on the basis it was not my ship and the salvage contract from the then owner at the time of sinking Les Dick was not effective.

But it was my ship as registered in AMSA Canberra, and the salvage contract was good; the non recognition of my right to salvage by the State gross misconduct by an official.

The first anniversary of the State taking and destroying is days away.

I have made application for her replacement to reinstate her as compensation, so far rejected by CEO Quirk.

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The ketch Defender on the Tamar River in 1988.

R.I.P. "Defender" - The last of the Bass Straight ketches.

A genuine classic gaff ketch rigged wooden trading vessel, the hull over 100 foot long, It is the last ship of it's heritage and lineage remaining in Australia.

<http://teria563.blogspot.com.au/2016/12/tall-ship-defender.html>

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"Premier, MSQ's CEO Patrick Quirk for the State of Qld masterminded the compulsory acquisition of my ship the **Defender** on 17 June 2017 without payment to me on the basis it was not my ship and the salvage contract from the then owner at the time of sinking Les Dick was not effective.

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Media 68 Premier, a tall ship legend to return to Qld waters June 2018

“Premier, but for MSQ’s CEO Patrick Quirk’s villainous behaviour in circumventing His Honour’s court order by denying my salvage contract and ownership, the Great Barrier Reef Qld tourism legend **Defender** would be saved” Captain Devine said, “atop the Defender slave dock barge.

The State remains accountable for wrongdoing by her reinstatement, a replica **Defender** so the tall ship legend could again return to Qld waters.

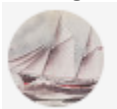


If left unaccountable, Quirk’s villainy is gross misconduct, a sackable offence under the Qld Public Service Ethics Act 1994,

or

If Quirk recognises his mistake, as a hero he should be nominated to the National Trust as a living National Treasure after **Defender** sails again by Quirk’s championing her replica reinstatement to turn a wrong done in haste to a right made good.”

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