

# TABLED DOCUMENT NO.1

File Reference: 7.00208; 1.00804; 7.00007

Significance of Decision: Low



**Report To:** Extraordinary meeting of Operations, Monitoring and Regulation Committee

**Meeting Date:** 10 October 2011

**Report From:** Mary-Anne Macleod, Chief Executive

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## Emergency Appointment of Maritime Enforcement Officers for the Rena Vessel Grounding Incident

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### Executive Summary

The extraordinary meeting of the Committee has been called to enable Council to appoint specific positions of the Royal New Zealand Navy and New Zealand Police as maritime enforcement officers for the purpose of managing the safety of the response the Rena vessel grounding incident. These positions will receive powers to carry out enforcement duties under the Local Government Act 1974 and the Bay of Plenty Regional Navigation Safety Bylaw 2010.

### 1 Recommendations

That the Operations, Monitoring and Regulation Committee under its delegated authority:

- 1 Receives the report, Emergency Appointment of Maritime Enforcement Officers for the Rena Vessel Grounding Incident.
- 2 Appoints under section 650B of the Local Government Act 1974 the positions and persons listed in Appendix 1 of this report as enforcement officers with the specified powers for a term of six months and effective immediately.
- 3 Provides the Bay of Plenty Regional Council Harbour Master, Deputy Harbour Master and enforcement officers with warrants pursuant to section 174 of the Local Government Act 2002.
- 4 Confirms that the appointment of Royal New Zealand Navy and New Zealand Police as enforcement officers section 650B of the Local Government Act 1974 does not interfere with the command and control structure of the national response to Operation Rena currently under the control of the National On-Scene Commander (Maritime New Zealand).
- 5 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under

**section 78 LGA: (c) Any further written record of the manner in which section 77 and 78 matters have been addressed.**

**2 Purpose**

To seek a resolution from the Committee to appoint enforcement officers to carry out duties under the provisions of the Local Government Act 1974 (Part 39A) and the Bay of Plenty Regional Council Navigation Safety Bylaw 2010 (the 'Bylaw') specific to ensuring maritime safety for the response operation of the Rena vessel grounding incident.

**3 Background**

The Regional Harbourmaster has established an exclusion zone surrounding the grounded vessel Rena using his delegated powers from the Bylaw. The vessel made contact with the Astrolabe reef (off the coast Pāpāmoa Beach) at 2.20am on Wednesday, 5 October 2011. The reason for establishing the exclusion zone was to ensure the safety of the public and the emergency response operations currently being run by Maritime New Zealand through the National On-Scene Commander.

The National On-Scene Commander has requested that Council appoints specific positions of the Royal New Zealand Navy and New Zealand Police (see Appendix 1) as Enforcement Officers under section 650B of the Local Government Act 1974 to enforce the exclusion zone.

Under section 650B of the Local Government Act 1974, Council may appoint Enforcement Officers for the purposes of ensuring navigation safety in the waters of its region. The relevant powers are those specified in Part 39A and Part 43 of the Act and these include enforcing the Bylaw.

For non-staff appointments, powers need to be provided by the Committee through an appointment process. The Committee is delegated to appoint these powers under their terms of reference dated 10 March 2011. The Chief Executive is not delegated to make these appointments or to specify powers for enforcement officers to carry out duties under the provisions of the Local Government Act 1974.

Council usually appoints identified persons as enforcement officers, as is the case for New Zealand Police officers as listed in Appendix 1. However, due to the significance and urgency of the current situation Maritime New Zealand and the Royal New Zealand Navy (RNZN) have requested that specific positions of the RNZN be delegated enforcement powers. The reason for appointing positions of the RNZN rather than identified officers is due to uncertainties around:

- the operational hours of the response, which may require 24 hour enforcement;
- the evolving requirements of RNZN vessels in regards to Operation Rena;
- redeployment of RNZN vessels and their officers to other operations; and,
- the length of the response to Operation Rena.

Staff recommend that the Committee also appoints Council's Pollution Prevention enforcement officers as maritime enforcement officers empowered under section 650B of the Local Government Act 1974 for a 6-month period. Staff will present a paper to the Committee in the future about a long-term solution to appointing Pollution Prevention enforcement officers, currently appointed under the Resource Management Act 1991, to be empowered as maritime enforcement officers. Council's Pollution Prevention staff are therefore also included in Appendix 1.

## 4 **Financial Implications**

### **Current Budget**

The staff costs of the enforcement officers will initially be covered by the employing agency. In other words, Council is only liable to cover staff costs for its own staff. Council's staff costs are provided for in the current Annual Plan 2011/12. There may be possible increases in costs due to the increased use of Council's contracted enforcement officers. Council's staff and contractor expenses related to Operation Rena will be recovered from Maritime New Zealand once the operation is completed.

### **Future Implications**

There are no future financial implications due to Council's ability to recover its costs through Maritime New Zealand



Mary-Anne Macleod  
**Chief Executive**

10 October 2011

# Appendix 1

## Appointment of Maritime Enforcement Officers

The following positions of the Royal New Zealand Navy seeking appointment as enforcement officers under section 650B of the Local Government Act 1974 for a 6-month period are:

- Any Commanding Officer or Executive Officer in charge of a vessel of her majesty's Royal New Zealand Navy that has been deployed as part of Operation Rena.
- The positions above include the following nominated officers and any other officer of the Royal New Zealand Navy that is appointed to their positions during Operation Rena:
  - Lieutenant Laymon Bakewell - Commanding Officer
  - Lieutenant Luke Taylor - Commanding Officer
  - Lieutenant Commander Wiremu Leef - Commanding Officer
  - Commander Keith Robb - Commanding Officer
  - Lieutenant Tom Cook – Executive Officer
  - Lieutenant Tuijo Thompson – Executive Officer
  - Lieutenant Peter Jensen – Executive Officer
  - Lieutenant Commander Phil Rowe – Executive Officer

The following officers of the New Zealand Police Force seeking appointment as enforcement officers under section 650B of the Local Government Act 1974 for a 6-month period are:

- Steven CAMPBELL
- Jean - Marie WRIGHT
- Thomas Deane O'CONNOR
- Andrew MINKHURST
- Andrew McCARTHY
- Michael WOTTON

The following officers of the Bay of Plenty Regional Council's Pollution Prevention section seeking appointment as enforcement officers under section 650B of the Local Government Act 1974 for a 6-month period are:

- Nick Zaman - Pollution Prevention Manager
- Steve Pickles - Pollution Prevention Team Leader
- Adrian Heays - Pollution Prevention Officer
- Annabelle Ellis – Pollution Investigation Officer
- David Ede - Pollution Prevention Officer
- Jessica Hunter-Smith - Pollution Prevention Officer
- John Holst - Pollution Prevention Officer
- John Morris - Pollution Prevention Officer
- Mike Caldwell - Pollution Prevention Officer
- Mike Collins - Pollution Prevention Officer
- Paul Futter – Senior Project Implementation Officer
- Reece Irving - Pollution Prevention Officer
- Sam Weiss - Project Implementation Officer
- Wiki Mooney - Pollution Prevention Officer