

1 July 2021

Scott  
[fyi-request-15842-cd8bd1bb@requests.fyi.org.nz](mailto:fyi-request-15842-cd8bd1bb@requests.fyi.org.nz)

Our ref: F29328

Dear Scott

**Request for Official Information – copies of the Integrated Maritime Incident Readiness and Response Strategy and the Integrated Maritime Incident Readiness and Response Plan**

I refer to your request under the Official Information Act 1982 (the Act) on 21 June 2021, in which you requested the following:

*“...I would like to request a copy of the Integrated Maritime Incident Readiness and Response Strategy (aka the Integrated Maritime Incident Response Strategy).*

*I would also like to request a copy of the Integrated Maritime Incident Response Plan...”*

We have considered your request under the Act. Accordingly, please find attached the information you have requested.

If you wish to discuss this decision, please feel free to email me or contact me on direct dial 04 495 9661 or freephone 0508 225 522.

Yours sincerely



**Anna Dwen**  
Advisor, Ministerial Services

Enclosed: Documents covered by request

# INTEGRATED MARITIME INCIDENT READINESS AND RESPONSE STRATEGY

ISSUE 4





## VERSION HISTORY

ISSUE	DATE	NATURE OF THE AMENDMENTS
1	24 April 2015	Initial release.
2	17 August 2015	Title of position that leads ECC changed to Regional Controller (from Incident Controller); title of position that leads from MIRT changed to MIRT Controller (from MIRT Coordinator); associated text and diagrams changed.
3	8 March 2016	Concepts of accountability and liability included in section 7 (investigation); critical success factors revised in sections 7–9 (investigation, salvage, and non-oil pollution); clarification of MIRT leadership (MIRT Controller/National Controller); minor edits.
4	30 January 2018	Updated post-Exercise Whakautu II and to better align with structure and approach of the oil spill readiness and response strategy.

# FOREWORD

The New Zealand Integrated Maritime Readiness and Response Strategy Issue 4 is the latest version of a strategy developed in the aftermath of the founding of the *container ship, MV Rena*, in 2011 off the coast of Tauranga. This revision builds on the previous edition and provides information about New Zealand's approach to managing maritime incidents.

The vision of the strategy – New Zealand has an efficient, effective, resilient and fit-for-purpose maritime incident response system – fits well with Maritime NZ's 'safe, secure and clean' vision, and directly reflects what we are working to achieve.

The two goals outlined in the strategy, with their supporting objectives, target areas that are critical for maintaining and improving our overall readiness and response system. These areas are:

- New Zealand can respond effectively to a significant or major maritime incident
- New Zealand's readiness and response is intelligence-led.

Typically, most maritime incidents in our waters are small, of short duration, and pose a low risk to New Zealand – so are easily managed and of low impact. However, New Zealand also needs to be ready to respond to significant and major incidents, which are low probability events but of high impact. Therefore, the maritime incident response system needs to

be broad in its application with the capability to manage a response to all maritime incidents in New Zealand's waters.

The system continues to reflect world best practice, carefully adapted to New Zealand's marine and maritime environments. This is challenging because our marine waters are extensive and often remote, and the maritime industry is complex and dynamic with rapidly changing technology, multiple stakeholders, and diverse views.

The regular review of the strategy provides an excellent opportunity to capture the most important principles and lessons and to cast an eye to the future for emerging trends and opportunities in maritime incident readiness and response.

This version of the strategy will be complemented in 2018 by a capability plan that will set out how Maritime NZ gives effect to the strategy and the work required to achieve the goals and objectives in the period 2018/19 to 2020/21.

Finally, Maritime NZ would like to acknowledge all of its partners (locally and internationally), who are valued contributors to New Zealand's capability to respond to a significant or major maritime incident, and thank everyone who contributed to the development of this strategy.

**Keith Manch**  
Director, Maritime NZ

# CONTENTS

FOREWORD	1
CONTENTS	2
<b>1 PURPOSE OF THIS STRATEGY</b>	<b>5</b>
1.1 Setting the strategic direction for and promoting a standard approach to incident readiness and response	5
1.2 Facilitating Maritime NZ's incident response role	5
1.3 Definitions of key terms	6
<b>2 BACKGROUND TO THIS ISSUE OF THE STRATEGY</b>	<b>8</b>
2.1 Context in which this strategy was developed	8
2.2 Focus of this issue of the strategy	8
2.3 Implementing this strategy	9
<b>3 CONTEXT FOR THIS STRATEGY</b>	<b>12</b>
3.1 Response activity reflects the type and scale of the incident	12
3.2 Strategic assumptions for New Zealand	13
3.3 National security system	14
<b>4 VISION, VALUES, AND PRINCIPLES UNDERPINNING THE MARITIME INCIDENT RESPONSE SYSTEM</b>	<b>17</b>
4.1 Vision	17
4.2 Values	17
4.3 Principles	17

5	GOALS AND OBJECTIVES	21
5.1	Introduction	21
5.2	Goal 1: New Zealand can respond effectively to a significant or major maritime incident	22
5.3	Goal 2: New Zealand's readiness and response capability is intelligence led	23
	APPENDICES	25
	Appendix A: Overall Approach to Incident Response	25
	Appendix B: Maritime incident response organisation and governance at the national level	28
	Appendix C: Additional policy context	30

RELEASED UNDER THE OFFICIAL INFORMATION ACT

# 1. Purpose of this strategy



# 1. PURPOSE OF THIS STRATEGY

## 1.1 SETTING THE STRATEGIC DIRECTION FOR AND PROMOTING A STANDARD APPROACH TO INCIDENT READINESS AND RESPONSE

The Integrated Maritime Incident Readiness and Response Strategy:

- sets out the strategic intent and direction that shape how Maritime NZ maintains and enhances its readiness for an effective response to maritime incidents (whatever their scale, duration, and level of complexity)
- promotes a standard and coordinated national readiness and response system.

This strategy is a companion document to the legislatively required New Zealand Marine Oil Spill Readiness and Response Strategy.<sup>1</sup> Together, the two strategies form the core of how Maritime NZ contributes to New Zealand's marine environment being and remaining safe, secure, and clean for all its users.

## 1.2 FACILITATING MARITIME NZ'S INCIDENT RESPONSE ROLE

This strategy supports Maritime NZ in its role as the national regulatory, compliance, and response agency for the safety, security, and environmental protection of New Zealand waters.<sup>2</sup>

A core role of Maritime NZ is incident response in the maritime domain, which means:

- managing the development and improvement of national maritime incident and oil spill response capability
- leading New Zealand's responses to significant maritime incidents and emergencies, including oil spills
- providing a national land, sea, and air search and rescue coordination service.

Maritime NZ's responsibility for maintaining and implementing the country's maritime incident response system means it works with other government agencies, regional councils, and operators to maintain a response capability that includes the provision of equipment (primarily in the oil spill response area), risk assessments, contingency plans, and training for response staff. For significant and major maritime incidents, Maritime NZ takes the role of response leader.

Maritime NZ is building New Zealand's capability to respond to a variety of maritime incidents (whether involving oil or not) within New Zealand waters. To achieve this, Maritime NZ:

- has developed this strategy (to complement the oil spill response strategy), which it maintains and reviews regularly
- develops strong relationships with other agencies and international parties to facilitate a transparent and shared understanding of respective roles in a response, and formalising such understandings in contracts or memoranda of understanding

<sup>1</sup> The New Zealand Marine Oil Spill Readiness and Response Strategy meets the requirement under section 283 of the Maritime Transport Act 1994. See Maritime NZ. 2017. *New Zealand Marine Oil Spill Readiness and Response Strategy 2018–2022*. Wellington: Maritime New Zealand.

<sup>2</sup> Maritime NZ was established as a Crown entity in 1993 and is governed by a five-member board appointed by the Minister of Transport under the Maritime Transport Act 1994. About 230 staff are distributed across head office in Wellington, 10 regional offices, the Marine Pollution Response Centre in Auckland, and the Rescue Coordination Centre New Zealand in Lower Hutt. Maritime NZ works closely with the Environmental Protection Agency, which has accountability for ensuring environmental protection in New Zealand's Exclusive Economic Zone.



- maintains incident response plans that give effect to this strategy
- prepares capability plans so it can build and maintain a sustainable, well-trained, and well-exercised pool of responders across all necessary response functions
- trains and exercises the response plans at organisational and national levels
- aims to have, or to be able to access, sufficient resources (people, technology, and equipment) to effectively implement the strategy and associated plans.

Maritime NZ promotes and enhances maritime response capabilities through an on-going programme of training, exercises, resources, and continued support and coordination through agency partnerships and industry relationships.

### 1.3 DEFINITIONS OF KEY TERMS

An **incident** is an instance of something happening; an event or occurrence that poses an actual or potential threat to life, the environment, the economy, or property.

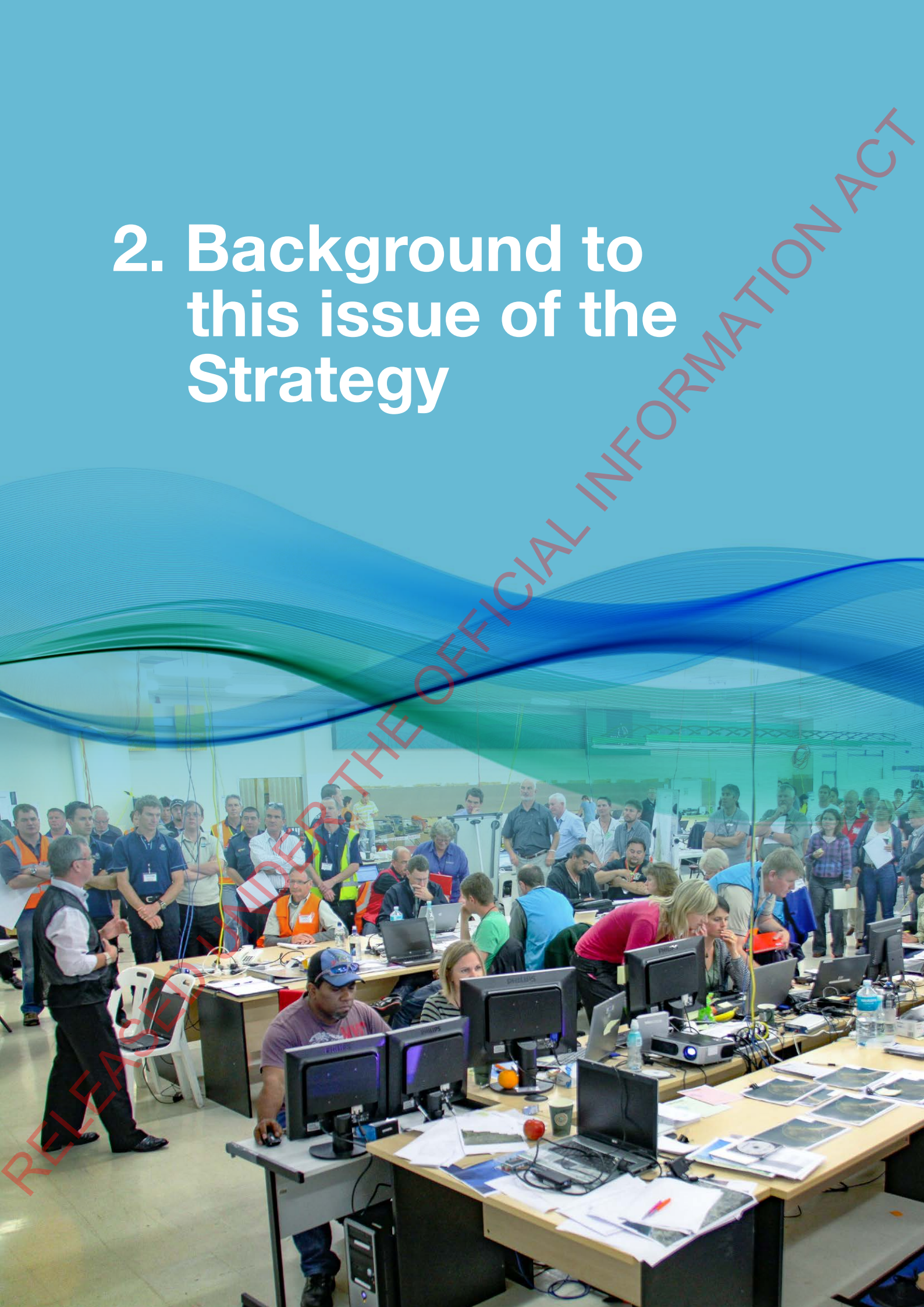
The New Zealand **maritime domain** comprises the:

- internal and marine waters of New Zealand
- continental waters (being waters beyond the 200-mile Exclusive Economic Zone over the New Zealand continental shelf and realm territories)
- areas of Antarctica and the South Pacific for which the government has obligations derived from treaties and regional agreements.

This domain includes anything on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances that impact on New Zealand's interests.



## 2. Background to this issue of the Strategy



## 2. BACKGROUND TO THIS ISSUE OF THE STRATEGY

### 2.1 CONTEXT IN WHICH THIS STRATEGY WAS DEVELOPED

This strategy and its associated plans are not legislatively prescribed – unlike the New Zealand Marine Oil Spill Response Strategy and the National Marine Oil Spill Contingency Plan, which are required under the Maritime Transport Act 1994. The first issue of this current strategy was developed in response to the independent review of Maritime NZ's response to the 2011 **Rena** incident.<sup>3</sup>

The review identified (among other things) that a gap existed between Maritime NZ's planned capability and the scale of the incident. This deficiency in planned capability might not have shown up in a less serious incident, but was exposed due to the complexity of the **Rena** incident and the multiplicity of the challenges it posed.

The oil spill strategy and contingency plan were (appropriately) limited to oil-related matters, and Maritime NZ was not prepared for the multi-dimensional response required to address wider incident related risks.

### 2.2 FOCUS OF THIS ISSUE OF THE STRATEGY

This strategy focuses on the non-oil aspects of a maritime incident, recognising that any response to such an incident must be operationalised in a complementary and cohesive manner with any concurrent oil spill response.

This strategy also emphasises the importance of 'readiness', without which a response may be less effective and will likely be less efficient than it could be. For this reason, we have changed the strategy's title slightly (from Integrated Maritime Incident Response Strategy) to be explicit about the need for readiness.

The previous issue of this strategy focused on collating the different elements of a maritime response (other than an oil spill response) into a single document. At the same time, we started developing response plans for each element. In this issue, material that deals with the 'how' of a response has been removed into plans (or supporting operational documents).

This issue of the strategy incorporates lessons from Exercise Whakautu II<sup>4</sup> in 2016 and continues to build on the lessons from the 2013 independent review of Maritime NZ's response to the **Rena** incident. These lessons will also inform revisions to the response plans and subsequent training and exercising activities.

All of these activities serve to build 'organisational memory' to contribute to more effective and efficient responses in future. This strategy fits into Maritime NZ's overall readiness and response documentation framework, as illustrated in Figure 1.

<sup>3</sup> S Murdoch. 2013. *Independent Review of Maritime New Zealand's Response to the MV Rena Incident on 5 October 2011*. Wellington: Maritime New Zealand. [www.maritimenz.govt.nz/Environmental/Responding-to-spills-and-pollution/Past-spill-responses/Rena-response.asp](http://www.maritimenz.govt.nz/Environmental/Responding-to-spills-and-pollution/Past-spill-responses/Rena-response.asp)

<sup>4</sup> Exercise Whakautu II was a major, large-scale All-of-Government exercise based on a collision between two vessels. The exercise covered all aspects of the response, initial planning for recovery and was focused on the interactions between multiple Government entities and other stakeholders.

Figure 1: Maritime NZ’s readiness and response documentation framework



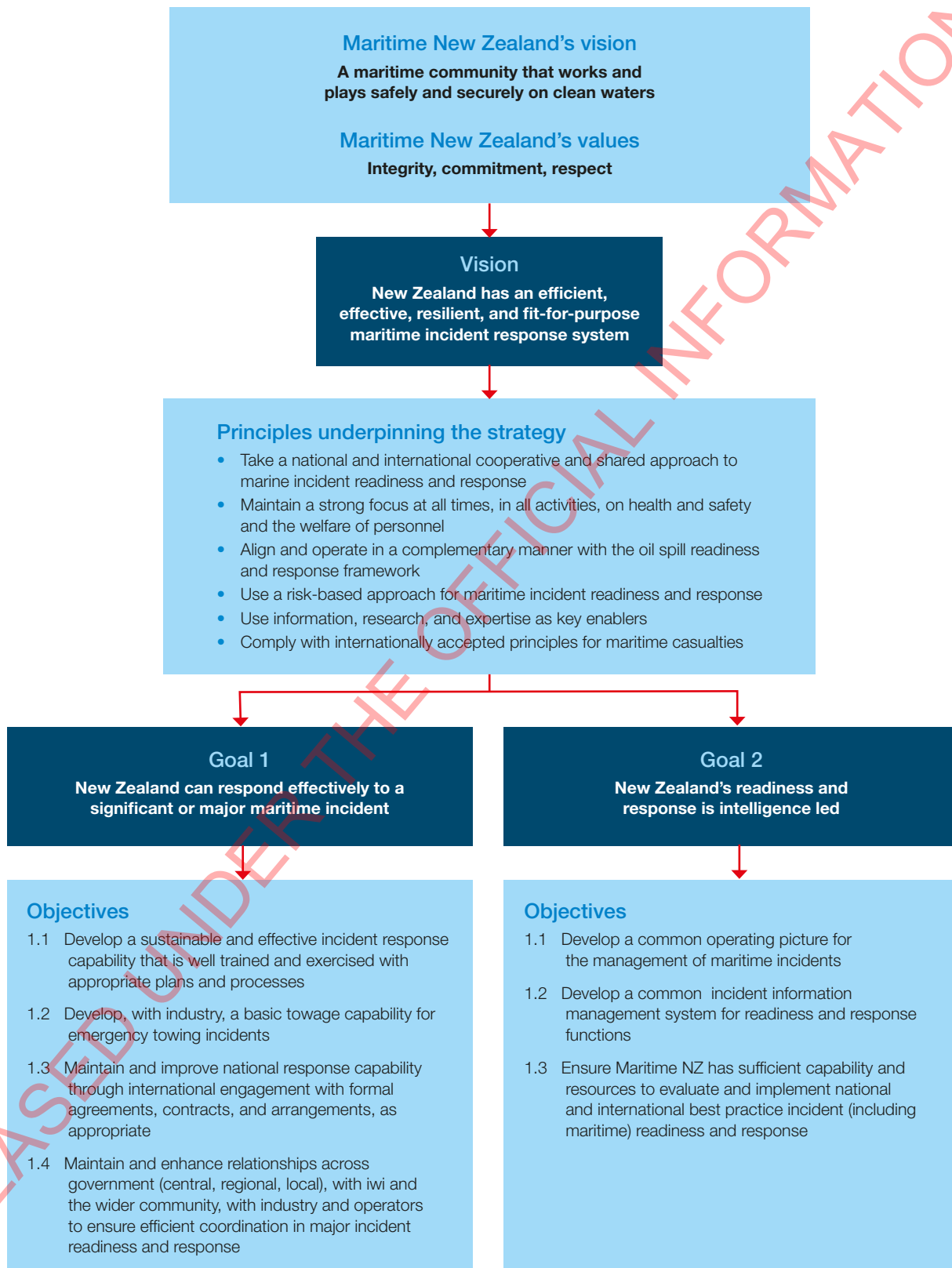
### 2.3 IMPLEMENTING THIS STRATEGY

This strategy now also sets out the vision and values, principles, and goals and objectives for a maritime readiness and response system that is appropriate, efficient, and effective (and that aligns with the oil spill strategy). The implementation of this strategy will require a capability plan that describes the tasks and actions and associated costs and risks to enable Maritime NZ to achieve the strategy’s goals and objectives.

In time, this strategy and the oil spill strategy will be aligned fully in terms of their respective scopes and review timeframes, as well as their look and feel. Such alignment is likely within the timeframe for the next edition of the oil spill strategy.

The components of this strategy fit into the wider organisational context of Maritime NZ, which, in turn, sits within a broader context as shown in Figure 2.

**Figure 2: Components of the Integrated Maritime Incident Readiness and Response Strategy**



# 3. Context for this Strategy



RELEASED UNDER THE OFFICIAL INFORMATION ACT

## 3. CONTEXT FOR THIS STRATEGY

### 3.1 RESPONSE ACTIVITY REFLECTS THE TYPE AND SCALE OF THE INCIDENT

Incidents vary widely as to their nature and the possible consequences, so the response activity required also varies widely. The level of management, oversight, governance, and assurance required also varies widely, and different parties will have different perspectives at different times. In addition, an incident can (and usually will) evolve up and down a 'scale of seriousness'. Therefore, it is challenging to determine the level and scale of response activity required, and it requires careful judgement to be exercised as well as frequent reviews to 'recalibrate' the approach being taken.

Maritime NZ applies a guiding framework for the response to maritime incidents based on three 'levels' of incident 'seriousness': Minor/routine, significant, and major. Classification is driven fundamentally by the actual or potential seriousness of the consequences of the incident in terms of risks to life, the environment, the economy (national and local), and property, along with the level of involvement or activity Maritime NZ needs to undertake.

Table 1 summarises the indicative characteristics used to determine the appropriate response level. However, judgement is required at all times; for example, a short duration incident could be very high risk. The overall approach to incident response is summarised in Appendix A.

**Table 1: Indicative characteristics used to guide the appropriate level of response**

Classification of incident	Characteristic			
	Scale	Risk	Duration	Interest
Minor/routine	Small	Low	Short	Low – nil or few enquiries, information pushed
Significant	Moderate	Medium	Medium	Moderate – some enquiries, some information pull (local, regional, international)
Major	Large to very large	High	Long	High – many enquiries, significant information pull (national, international)

A major maritime incident by its very nature will be complex, large scale, and enduring with serious actual or potential impacts and implications for New Zealand. Overall, the response to such an incident will be an All-of-Government effort. (The national-level organisation and governance for a maritime incident is illustrated in Appendix B.)

Maritime NZ is likely to be the lead operational agency for at least the initial stages of the response. From the beginning, a significant focus will be on minimising harm to New Zealand, as well as recovery planning and action. Therefore, the response to a major incident sits within the broader National Security System framework and must fully integrate with that framework.

### 3.2 STRATEGIC ASSUMPTIONS FOR NEW ZEALAND

Two strategic assumptions dictate New Zealand’s response arrangements.

- There are affordability limits to the amount of response capabilities owned or held by central and local government, so New Zealand will require significant international inputs for incidents of a certain scale or complexity.
- New Zealand’s relative global remoteness will impact on the timeliness of delivery of these international inputs.

These assumptions have led to the concept of ‘adequate domestic first response capability’, which underlies Maritime NZ’s strategy and plans for response. For oil spill response, the concept is operationalised through a three-tiered response regime.<sup>5</sup> This regime, administered by Maritime NZ, meets New Zealand emergency management principles and International Maritime Organization norms.

However, when considering a major maritime incident, with a wider risk spectrum, including a Tier 3 response to oil and non-oil threats, the intensity of the incident and the severity of the consequences may necessitate decision powers beyond those available under the Maritime Transport Act 1994 and may require decision-making at a strategic level.

If a full national emergency were declared (under the Civil Defence Emergency Management Act 2002), the response leadership might still belong within the transport sector under its Minister and lie with the Director of Maritime NZ, but operating within national security guidelines and procedures.<sup>6</sup> Judgements such as these about governance, and others of similar criticality about response management structures, would be raised to the levels of the Officials Committee for Domestic and External Security Coordination (ODESC) and Cabinet as dictated by the severity of the threats, in aggregate, and assessed against sector-specific escalation criteria (see Figure 3).

**Figure 3: Major maritime incident – threat severity and response escalation criteria**

<b>HUMAN</b>	Potential for loss of life	Potential for multiple loss of life
<b>ENVIRONMENT</b>	Significant impacts and natural recovery may take months; remediation required	Significant area and natural recovery may take months; remediation required
<b>WILD LIFE AND PLANTS</b>	Groups of wildlife or plants or threatened wildlife or plants	Large numbers of wildlife or plants
<b>ECONOMY</b>	Business failure	Disruption of sector
<b>SOCIAL</b>	Ongoing reduced services	Reduced quality of life
<b>INFRASTRUCTURE</b>	Medium term failure	Severe impairment
<b>PUBLIC AFFAIRS</b>	National media coverage Community and iwi unengaged	International media coverage Community and iwi alienated
<b>GOVERNMENTAL</b>	Fiscal – within budgets Legal – parties negotiate to settle; consent for operations/require negotiation Diplomatic – few foreign nationals affected	Fiscal – new appropriation required Legal – parties in dispute; consent/access denial Diplomatic – numerous foreign nationals affected

<sup>5</sup> For more information about this regime, see Maritime NZ. 2014. ‘Appendix D: Three-tiered readiness and response approach’, in Maritime NZ. 2017. *New Zealand Marine Oil Spill Readiness and Response Strategy 2018–2022*. Wellington: Maritime New Zealand.

<sup>6</sup> However, the incident could be such as to cast Maritime NZ in a joint lead role with another agency, or in a principal support role to another agency – the statutory powers of which are seen to be more appropriate for the circumstances.





### 3.3 NATIONAL SECURITY SYSTEM

Maritime NZ has sector-specific statutory functions for safety and emergency functions that contribute to the National Security System (NSS).<sup>7</sup>

The NSS is the Government's comprehensive policy statement about national security interests and risks. The NSS takes an 'all hazards – all

risks' approach to national security. It covers a wide spectrum of potentially harmful issues and situations (including major maritime incidents). It sets out the strategic objectives for systemic risk management of **reduction, readiness, response, recovery, and resilience**. Maritime NZ bases its operating model for its response role on these '5Rs' (see Table 2).

**Table 2: Strategic elements of systemic risk management for maritime incidents**

Element	Description	Main features
<p><b>REDUCTION</b></p> <p>Supporting activities seeking to minimise risks from maritime incidents</p>	<p>Identification and analysis of the risks from maritime incidents to the maritime environment, including taking steps to eliminate these risks if practicable, and, if not practicable, reducing the magnitude of their impact and the likelihood of their occurring.</p>	<p>Various international conventions and domestic laws, regulations, and rules</p> <p>Education and advice</p> <p>Vessel safety and spill prevention standards</p> <p>Tracked vessel movements</p> <p>Industry agreements for immediate rescue and salvage resources</p> <p>Industry operating within a safety culture</p> <p>Health, safety, and environmental regime for offshore oil</p> <p>Site marine oil spill contingency plans (which contain measures for preventing spills).</p>
<p><b>READINESS</b></p> <p>A key driver and focus of the Integrated Maritime Incident Readiness and Response Strategy</p>	<p>Development of operational systems and capabilities before a maritime incident happens, including contingency plans and exercise and training programmes for responders.</p>	<p>Risk assessment and environmental sensitivity undertaken</p> <p>Contingency plans that are comprehensive, integrated, well understood, monitored, exercised, and compliant with relevant legislation</p> <p>Systems developed for research into the application, effectiveness, and environmental risks and benefits of new technologies, innovations, and/or products (particularly in relation to oil spills).</p>
<p><b>RESPONSE</b></p> <p>A key driver and focus of the Integrated Maritime Incident Readiness and Response Strategy</p>	<p>Actions taken immediately before, during, or directly after a maritime incident to control, contain, and protect people and resources and to help communities recover.</p>	<p>Sufficient equipment available for a fit-for-purpose response</p> <p>Sufficient personnel available to respond.</p>

<sup>7</sup> See DPMC. 2016. *National Security System: Handbook*. Wellington: Department of the Prime Minister and Cabinet. [www.dPMC.govt.nz/publications/national-security-system-handbook-html](http://www.dPMC.govt.nz/publications/national-security-system-handbook-html)

Element	Description	Main features
<p><b>RECOVERY</b></p> <p>Supporting activities seeking to minimise environmental impacts from maritime incidents</p> <p>Note: Recovery occurs concurrently with response. Response effectiveness influences recovery effectiveness</p>	<p>Coordinated efforts and processes to bring about the immediate, medium-term, and long-term regeneration of the marine environment and community (as required) following a maritime incident. Maritime NZ's focus is on assisting recovery authorities to undertake base-lining activities at the start of a response and monitoring the environmental effects of the response activities.</p>	<p>Processes in place to promote environmental, economic, social, and cultural recovery after an incident, including:</p> <ul style="list-style-type: none"> <li>determining whether impacts have occurred and assessing them</li> <li>establishing and implementing a restoration plan (if needed)</li> <li>monitoring results over time.</li> </ul>
<p><b>RESILIENCE</b></p>	<p>The ability of individuals, communities, organisations, and states to adapt to and recover from hazards, shocks, or stresses without compromising long-term prospects for development.</p> <p>For a response organisation, resilience is the capacity and capabilities to sustain, over the long term, the necessary efforts to respond to and recover from the major stresses of a complex incident.</p>	<p>Systems, equipment, training, people, institutions, physical infrastructure, and communities with the size, depth, and strength to cope with and bounce back during the concentrated efforts needed to deliver the incident response and develop and implement the recovery activities necessary to restore the situation as far as possible to its pre-incident state.</p>

Security issues in New Zealand are managed within a three-tiered system, comprising emergency services, local authorities, and central government. In some incidents, public, private, and voluntary sector organisations and businesses may assist.

Major incidents and accidents requiring the interaction of several emergency services are managed within the Coordinated Incident Management System (CIMS). Emergencies of a more significant scale are likely to require the involvement of central government.

The Department of the Prime Minister and Cabinet, through ODESC, administers arrangements for the coordination of policy advice, facilitation of All-of-Government operational inputs, and escalation to a central response directly.

Within this framework, Maritime NZ has the lead role for ensuring public safety and protecting the natural environment in respect of a major maritime incident.

For further information, see Appendix C (which explains the role of the Maritime Security Oversight Committee, Maritime NZ's responsibilities under legislation and international conventions).



RELEASED UNDER THE OFFICIAL INFORMATION ACT

# 4. Vision, values, and principles underpinning the Maritime Incident Response System



RELEASED UNDER THE OFFICIAL INFORMATION ACT

## 4. VISION, VALUES, AND PRINCIPLES UNDERPINNING THE MARITIME INCIDENT RESPONSE SYSTEM

### 4.1 VISION

This strategy's vision supports Maritime NZ's organisational vision of a 'maritime community that works and plays safely on clean waters'.

#### VISION

New Zealand has an efficient, effective, resilient, and fit-for-purpose maritime incident response system

### 4.2 VALUES

Maritime NZ's most important values are that it acts with **integrity, commitment, and respect**. These values guide Maritime NZ's behaviour and action when working collaboratively with its response partners and the public (such as its All-of-Government partners, regional councils, industry, Māori, and the community) to minimise the risks of a maritime incident and to reduce the effects of an incident should one occur.

Maritime NZ also recognises and acknowledges the different perspectives and values of all who play a part in responding to maritime incidents – in particular, the community and Māori.

### 4.3 PRINCIPLES

The approach Maritime NZ takes to effectively and efficiently manage a maritime incident response is shaped by the principles shown in Figure 2, page 10. The principles in this section now align closely with those in the oil spill strategy and include the internationally accepted principles for maritime casualties.

We discuss supporting assumptions that also influence and underpin the strategy in section 3: Context for this strategy. Those assumptions include the concept of an 'adequate domestic first response capability'.

#### **Take a national and international cooperative and shared approach to maritime incident readiness and response**

The strategy supports a national (and, where necessary, an international) cooperative and shared approach to maritime incident readiness and response. This involves having an integrated incident management and response system to coordinate the involvement of all relevant players in an incident response.

The main aim of a response is to minimise the impacts of maritime incidents on, in priority order, people (responders and the public), the environment, the economy (national and local), and property. This aim is undertaken with the context of the safety of responders and the public superseding all other considerations during a response (see the next principle). Another key aim of a response is to help people to get back as close as reasonably possible and as quickly as possible to their pre-incident lives.

The response system for the non-oil aspects of a maritime incident has fewer statutory requirements than for the oil spill response. Nevertheless, the system must be efficient, effective, resilient, and fit-for-purpose.

Response capability can be most effectively developed and maintained if Maritime NZ has successful relationships and partnerships with other central government agencies, regional councils, industry and business, iwi, and non-governmental and overseas agencies.

### **Maintain a strong focus at all times and in all activities on the health, safety, and welfare of personnel**

As the national regulator for health and safety in the maritime domain in New Zealand, Maritime NZ expects the highest standards of health and safety from all participants in the system. As we undertake reduction, readiness, and response elements, and support recovery and resilience activities for maritime incidents, we will apply those standards to all that we are doing, leading, or managing.

Safety of life is paramount, so everything we do will be considered from a health and safety perspective.

Any response has inevitably difficult aspects to it, and the work can be draining and stressful. We will be mindful of these issues and will work to support the welfare needs of responders.

### **Align and operate in a complementary manner with the oil spill readiness and response framework**

The *Rena* incident taught us that a fully integrated response system should be able to address both oil and non-oil (such as salvage and pollution) aspects of a maritime incident. The best way to achieve this is for non-oil response activities to be undertaken in a consistent manner with the oil response. This means being sufficiently scalable and flexible to meet incident demands and utilising the Coordinated Incident Management System (CIMS).

CIMS is also the framework emergency services use in an emergency. A major maritime incident is likely to require the involvement of central government, so a consistent response framework for cross-agency work is vital.

Response readiness for an oil spill has been thoroughly tested, exercised, refined, and used in real events. Since *Rena*, Maritime NZ has been working actively towards an equal and complementary level of response capability for the non-oil aspects. The more the different components of a response can work together in a seamless fashion, using a common language with common understandings, the less likely tensions will impact on response effectiveness and efficiency.

### **Use a risk-based approach for maritime incident readiness and response**

The approach and implementation of the strategy is underpinned by an active assessment of the risks of a maritime incident. A transparent and systematic process is used when identifying and assessing risks and in communicating these risks to all relevant parties. The risk-based approach will be used in decision-making for preparing and planning for maritime incident response.

### **Use information, research, and expertise as key enablers**

Maritime NZ expects this strategy to facilitate the best use of information in decision-making for readiness and response, the undertaking of relevant research activity, and the efficient gathering and management of information.

Maritime NZ supports the development and maintenance of the variety of skills, expertise, and leadership capabilities needed for an effective, efficient, and resilient maritime incident response structure. These capabilities may be found internally or in parties beyond Maritime NZ or from outside the country.

The strategy promotes the sharing and understanding of best practice approaches to maritime incident risk management and operational response.

### Comply with internationally accepted principles for maritime casualties

Additionally, the incident management system for maritime casualties (vessels and installations in the maritime domain) is based on four internationally accepted principles.

- **Operational management of a maritime casualty rests with the commercial sector** (that is, towage and salvage contractors and well-control experts will undertake those highly specialised and technically demanding aspects of the response on behalf of the owners/operators).
- **The New Zealand Government's role is to oversee the actions of the owners/operators for operational management of the maritime casualty** (that is, a governance and assurance role). Only in extreme situations would the Government seek to directly engage specialists to undertake operational management tasks.
- **Communication must be facilitated among key stakeholders** in relation to appropriate situational information and necessary actions.
- **Maritime casualty and marine pollution response functions are separate**, yet connected, functions.



RELEASED

# 5. Goals and objectives



# 5. GOALS AND OBJECTIVES

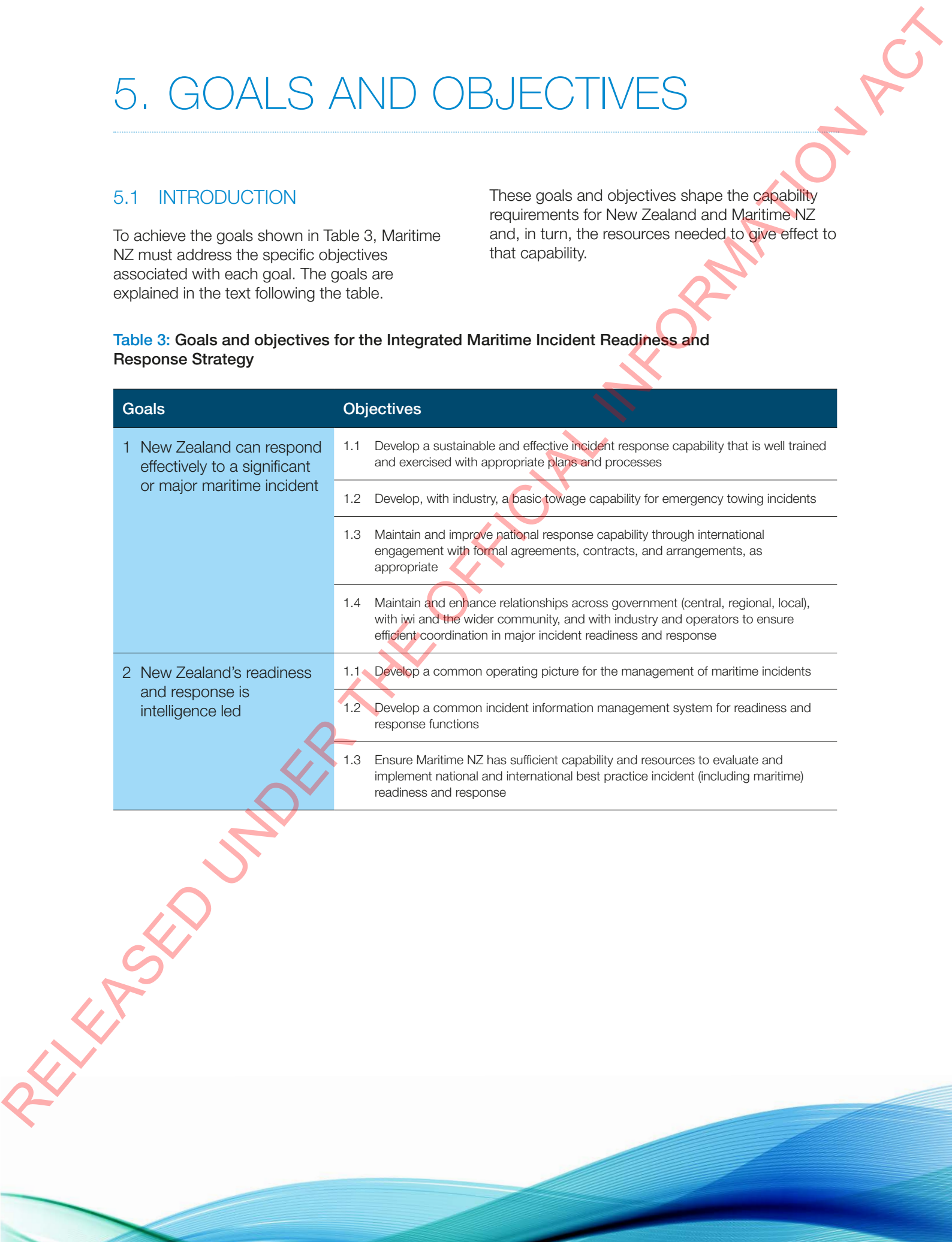
## 5.1 INTRODUCTION

To achieve the goals shown in Table 3, Maritime NZ must address the specific objectives associated with each goal. The goals are explained in the text following the table.

These goals and objectives shape the capability requirements for New Zealand and Maritime NZ and, in turn, the resources needed to give effect to that capability.

**Table 3: Goals and objectives for the Integrated Maritime Incident Readiness and Response Strategy**

Goals	Objectives
1 New Zealand can respond effectively to a significant or major maritime incident	1.1 Develop a sustainable and effective incident response capability that is well trained and exercised with appropriate plans and processes
	1.2 Develop, with industry, a basic towage capability for emergency towing incidents
	1.3 Maintain and improve national response capability through international engagement with formal agreements, contracts, and arrangements, as appropriate
	1.4 Maintain and enhance relationships across government (central, regional, local), with iwi and the wider community, and with industry and operators to ensure efficient coordination in major incident readiness and response
2 New Zealand’s readiness and response is intelligence led	1.1 Develop a common operating picture for the management of maritime incidents
	1.2 Develop a common incident information management system for readiness and response functions
	1.3 Ensure Maritime NZ has sufficient capability and resources to evaluate and implement national and international best practice incident (including maritime) readiness and response





## 5.2 GOAL 1: NEW ZEALAND CAN RESPOND EFFECTIVELY TO A SIGNIFICANT OR MAJOR MARITIME INCIDENT

Maritime NZ is the lead New Zealand agency for responding to significant and major maritime incidents. A significant incident can escalate to a major incident with serious consequences to safety of life at sea and to the maritime environment, as well as having serious social and economic impacts for New Zealand (regionally and nationally).

Although major incidents are rare, their consequences are high; so investment in readiness capability for such incidents is necessary.

### Objective 1.1: Develop a sustainable and effective incident response capability that is well trained and exercised with appropriate plans and processes

A sustainable readiness capability is essential for delivering an effective response to significant and major maritime incidents. More focus on, and effort in, readiness capability is required. A core team of personnel needs to be developed to:

- conduct incident response capability for Maritime NZ
- be responsible for developing and leading the incident readiness and response capability.

Maritime NZ needs capability for:

- developing appropriate training regimes
- developing doctrine, plans, and standard operating procedures
- delivering training and exercises that test the plans for each component of incident response effectively and in an integrated way.

### Objective 1.2: Develop, with industry, a basic towage capability for emergency towing incidents

New Zealand ports maintain modern and capable tugs, but are configured to conduct their work within harbour limits and do not have the capability to undertake offshore towing. A very small number of tugs in New Zealand could potentially assist in emergency towing; but the operators lack appropriate training and experience in exercising. Scope exists to develop a basic off-shore towing capability through training and exercises, and small enhancements to equipment for the vessels.

### Objective 1.3: Maintain and improve national response capability through international engagement with formal agreements, contracts, and arrangements, as appropriate

The response to the *Rena* incident involved agencies and individuals from beyond as well as across New Zealand. The response was complex and lengthy and demonstrated that such incidents significantly affect New Zealand. Another major incident would almost certainly require international assistance and cooperation. Clear contracts, strong relationships, and managed expectations are essential ingredients for such responses to be successful.

### Objective 1.4: Maintain and enhance relationships across government (central, regional, local), with Māori and the wider community, and with industry and operators to ensure efficient coordination in major incident readiness and response

The response to the *Rena* incident involved agencies and individuals from across New Zealand. Another major maritime incident would again require a New Zealand All-of-Government response with industry assistance. Maritime NZ would likely be the lead agency and would need to manage the complexity of the incident while being mindful of its potential impact on New Zealand. Stronger relationships and higher trust between Government and industry are essential capabilities that need to be developed and sustained.

### 5.3 GOAL 2: NEW ZEALAND'S READINESS AND RESPONSE CAPABILITY IS INTELLIGENCE-LED

#### Objective 2.1: Develop a common operating picture for the management of maritime incidents

Situational awareness is a fundamental requirement for successfully and efficiently leading maritime incidents. A common picture of the situation, which all Maritime NZ response units can access easily – that displays rich, accurate, and current data and information in a timely fashion – is an important element for decision-makers.

#### Objective 2.2: Develop a common incident information management system for readiness and response function

An integrated response requires all participants to gain awareness fast, maintain that awareness,

be engaged, and make timely decisions. The outcome is intelligence-led and response-rich. Easily accessible information helps decision-makers to make the right decisions throughout the response, even as the situation changes.

Responders must be trained and exercised in using such tools in readiness for a response. A response itself is not the place for training in response fundamentals.

#### Objective 1.3: Ensure Maritime NZ has sufficient capability and resources to evaluate and implement national and international best practice incident (including maritime) readiness and response

Maritime NZ needs to assess its people capability to ensure it can undertake the required in-house investigation and analysis of environmental, technical, and incident response doctrine for best practice maritime response and readiness.



# 6. Appendices



## 6. APPENDICES

### APPENDIX A: OVERALL APPROACH TO INCIDENT RESPONSE

**Minor/Routine incidents** Maritime NZ is regularly called on to oversee, assist with, or manage minor/routine incidents. Operators, regional councils, specialist business units (such as the Rescue Coordination Centre New Zealand or Marine Pollution Response Service) and/or maritime officers deal with these incidents as part of their business-as-usual activities.

**Significant incidents** occur less frequently than, but may begin life as, minor/routine incidents. They may also be 'cold starts' (that is, not escalating from another incident). In a response to a significant incident, Maritime NZ will establish the Maritime Incident Response Team (MIRT) led by the MIRT Controller.

**Major incidents** are very rare and require not only a comprehensive, cross-organisation response from Maritime NZ but also a coordinated All-of-Government response effort.

Major incidents include, for example:

- a ship leaking a hazardous substance, that needs a place of refuge
- a mass casualty involving a ferry or cruise ship
- a significant oil spill where a comprehensive oil spill response is required.<sup>8</sup>

In the maritime domain, the response to a major incident will have multiple interlinked components. The independent review into the response to the 2011 **Rena** incident highlighted the need to consider a major maritime incident response

broadly and to adequately address all the component elements of an incident.<sup>9</sup>

Each component of a major maritime incident response needs plans, systems, and procedures. Maritime NZ has adopted this broad framework for its approach to responses to major incidents.<sup>10</sup>

#### Wider context to response to a major incident – large-scale, multi-agency

The response to major incidents will almost certainly be a large-scale, multi-agency effort with significant activity and engagement with central, regional, and local government, iwi and the wider community, and industry/operators.

Maritime NZ's approach to incident response is illustrated in Appendix B, and the national level governance and response organisation in a major maritime incident is in Appendix C.

#### Maritime NZ business-as-usual during a major incident response

Recognising the likely impact of a major maritime incident response on the whole organisation, Maritime NZ will activate its Business Continuity Plan. The Executive Team will be split with identified personnel forming part of the response arrangements and other personnel activating the plan to manage and sustain elements of business-as-usual.

8 New Zealand takes a three-tiered approach to marine oil spill readiness and response. Tier 1 oil spills are responded to and resolved by the operator. Tier 2 oil spills are generally beyond the capability of the operator acting alone, so the local regional council takes the lead. Tier 3 oil spills are generally more complex, of longer duration and higher impact, and beyond the response capability of the regional council or operator, so are nationally led and coordinated by Maritime NZ. For more information, see the New Zealand Marine Oil Spill Readiness and Response Strategy.

9 S Murdoch. 2013. *Independent Review of Maritime New Zealand's Response to the MV Rena Incident on 5 October 2011*. Wellington: Maritime New Zealand. [www.maritimenz.govt.nz/Environmental/Responding-to-spills-and-pollution/Past-spill-responses/Rena-response.asp](http://www.maritimenz.govt.nz/Environmental/Responding-to-spills-and-pollution/Past-spill-responses/Rena-response.asp).

10 For a more extensive overview about the development of this strategy, see Maritime NZ. 2014. *Approach to Maritime Incident Response and Oil and Other Pollution Risks*. Wellington: Maritime New Zealand.

### Maritime Incident Response Team

Maritime NZ convenes the Maritime Incident Response Team in response to any significant or major maritime incident. (For more information about the activation, operation, and close-down of the MIRT see the MIRT Plan.)

MIRT's three core functions, undertaken in various combinations, depending on the scenario are:

- monitoring – developing and maintaining situational awareness to determine what is occurring in the incident
- oversight – understanding the actions or proposed actions by the main parties, considering the perspectives of Government and New Zealand on these actions and forming a view as to their appropriateness
- intervention – considering options for intervention using available powers and influence if actions are inappropriate or insufficient, and executing and managing the approved intervention.

In a response to a significant incident, the MIRT is convened to:

- develop the appropriate response for the Director of Maritime NZ's approval
- advise the Director throughout the incident
- keep the Director fully informed throughout the incident.

In a response to major incident (which may develop from a significant incident or be a cold start), the MIRT is convened:

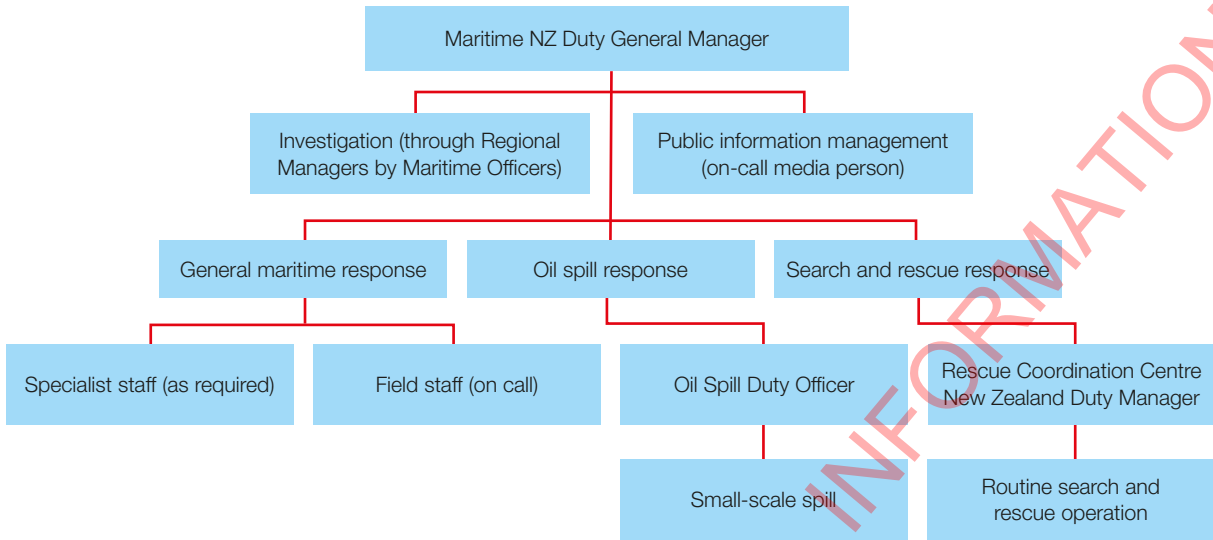
- to advise the Director throughout the incident
- to keep the Director fully informed throughout the incident
- where Maritime NZ is the lead agency in a response, as a national coordination centre in accordance with CIMS principles (possibly based at the National Crisis Management Centre).

MIRT's role in a major incident response also involves:

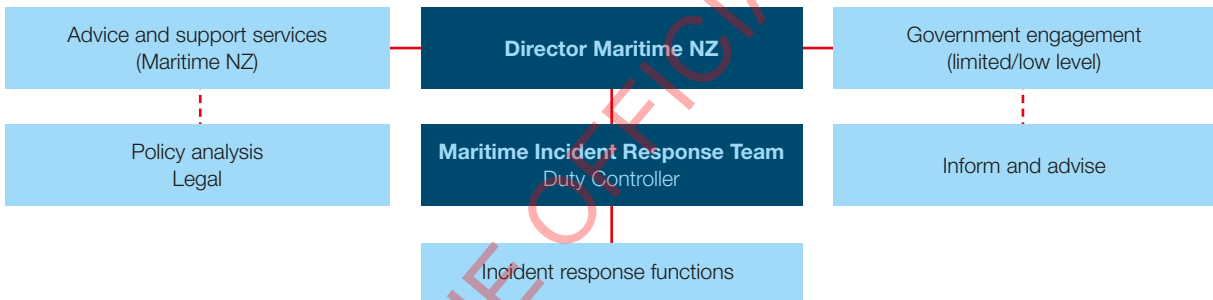
- facilitating the efficient and effective management of a national-level incident response function
- assisting, identifying, and assembling resources and coordinating with other agencies
- dealing with any ship or structure the Director deems hazardous or when the Director determines that further assistance is required because of the complexity of the incident
- engaging regularly across government with other response organisations, so all response efforts are aligned, supplemented, and utilised within the response.



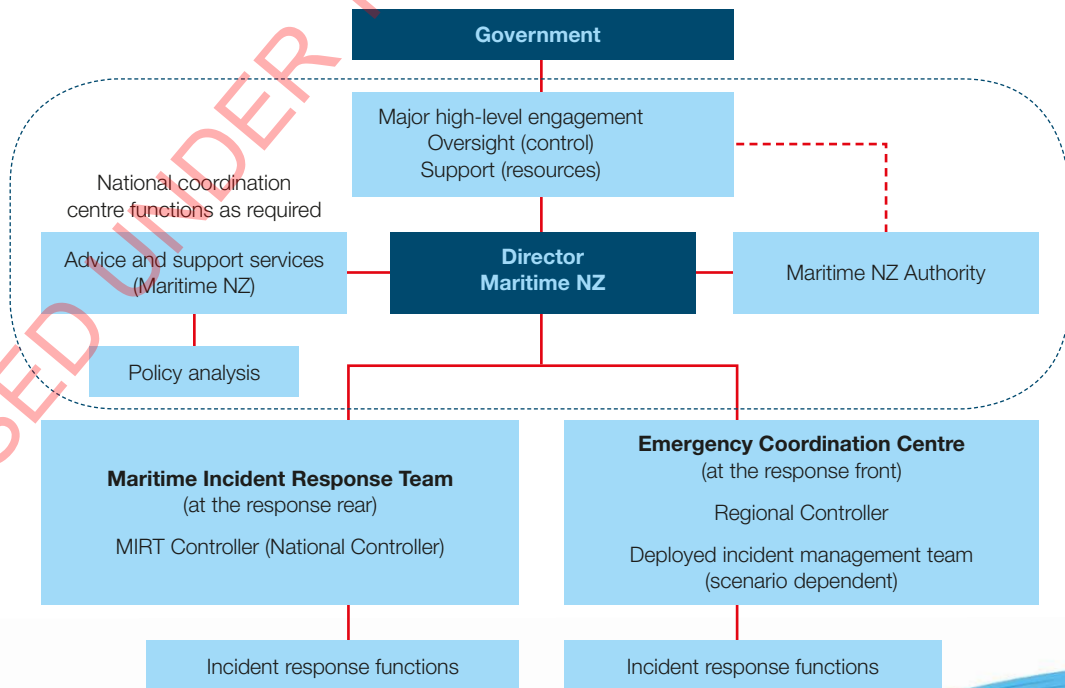
**Minor/routine maritime incidents**



**Significant maritime incidents**



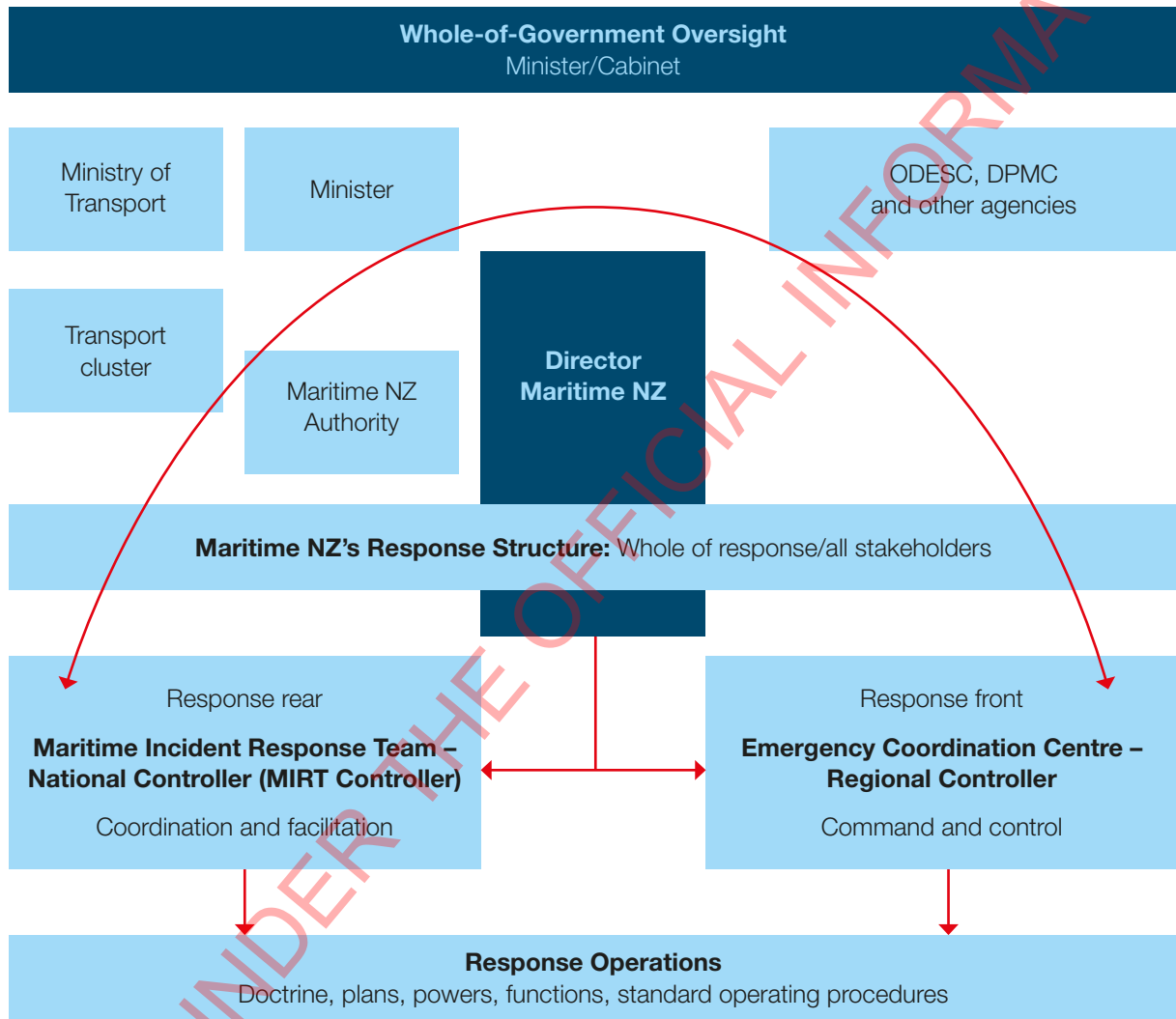
**Major maritime incidents (with Emergency Coordination Centre)**



RELEASED UNDER THE OFFICIAL INFORMATION ACT

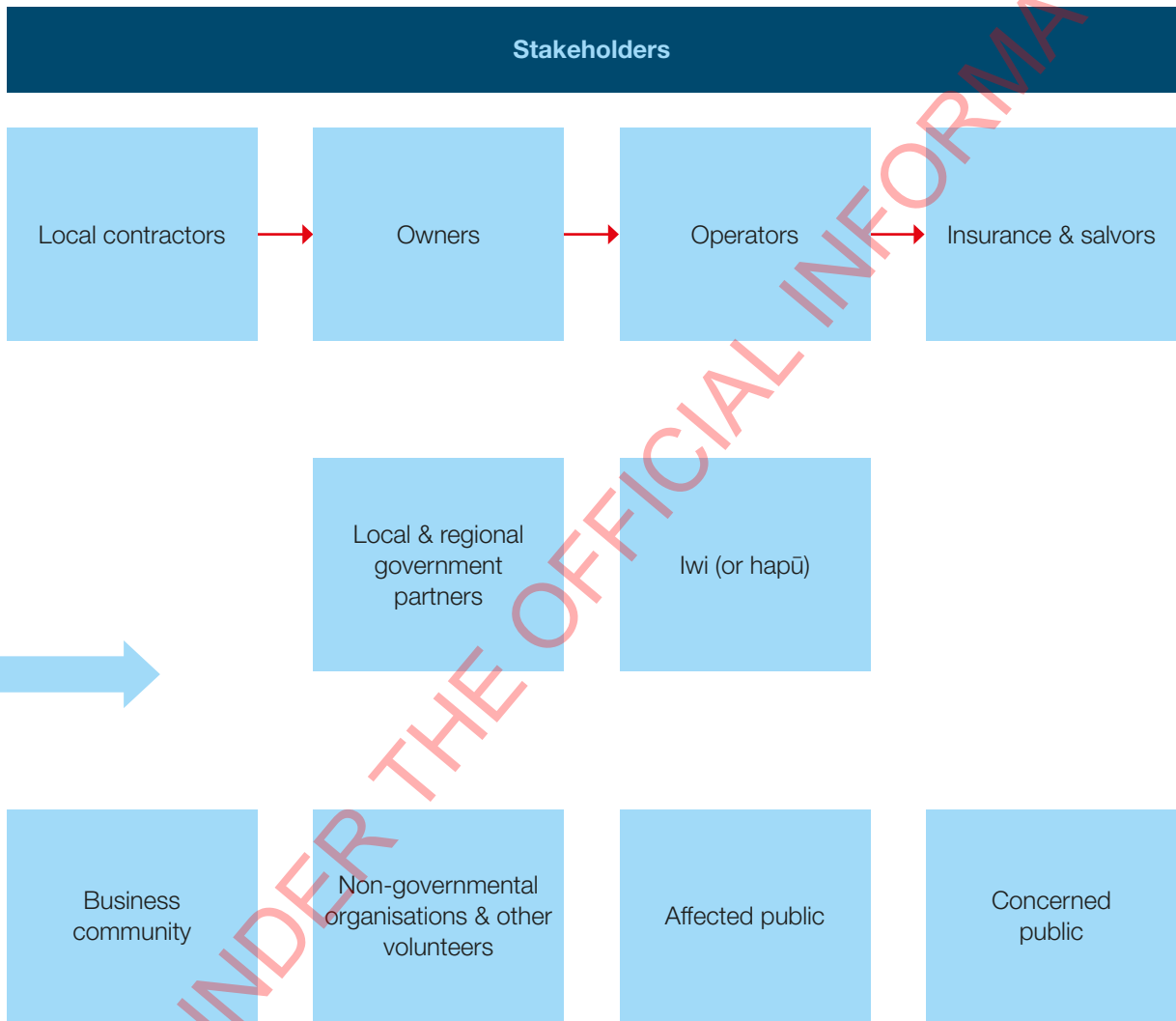
**APPENDIX B: MARITIME INCIDENT RESPONSE ORGANISATION AND GOVERNANCE AT THE NATIONAL LEVEL**

**Maritime Incident response organisation and governance national level**



**Note:** ODESC, DPMC = Officials Committee for Domestic and External Security Coordination, Department of the Prime Minister and Cabinet

RELEASED UNDER THE OFFICIAL INFORMATION ACT





## APPENDIX C: ADDITIONAL POLICY CONTEXT

### Maritime Security Oversight Committee and the Maritime Interests Stewardship Framework 2014

The Maritime Security Oversight Committee strategically coordinates the cluster of maritime central government agencies, including Maritime NZ.<sup>11</sup> These agencies have shared or overlapping maritime accountabilities, a shared ethos, and operational synergies.

During 2014, the Government developed a maritime incident security framework for New Zealand's maritime interests. The resulting strategic framework for guardianship of New Zealand's maritime waters describes the collective stewardship responsibilities of a variety of government agencies (including Maritime NZ) with overlapping policy, regulatory, and operational accountabilities. The framework establishes, spatially, a common operating environment – the 'maritime domain'.<sup>12</sup>

### Responsibilities under the Maritime Transport Act 1994

The Maritime Transport Act 1994 gives the Director of Maritime NZ wide-ranging and significant powers to direct the actions of any parties involved with an incident where a vessel or installation is declared to be 'hazardous'. These powers are broadly similar to the powers of the National Controller under a Civil Defence emergency declaration; although in some ways they are stronger and go further.

In addition, the Maritime Transport Act makes Maritime NZ specifically and directly responsible for providing effective marine pollution prevention and an effective marine oil pollution response system.

The Maritime Transport Act charges Maritime NZ with a variety of duties related to oil spill preparedness, the intent of which are to:

- ensure transport system participants in the marine sector are responsible for their actions
- protect the marine environment
- ensure New Zealand complies with international commitments relating to maritime pollution.

### Responsibilities under the Convention on Oil Pollution Preparedness, Response and Cooperation

In 1998, New Zealand formally completed its accession to the 1990 International Maritime Organization Convention on Oil Pollution Preparedness, Response and Cooperation (OPPRC90).

Under the OPPRC90, signatories agree to develop like systems and meet common standards. The main requirements are mirrored in section 284 of the Maritime Transport Act 1994 and are to:

- have training and people to respond to regional marine-based oil spills
- hold equipment ready for use during a marine oil spill
- have an exercising regime for these trained people and equipment
- have plans so some preparation is done before an oil spill occurs
- engage in regional cooperation with like-minded countries.

<sup>11</sup> The Maritime Security Oversight Committee is a permanent subcommittee of the Officials Committee for Domestic and External Security Co-ordination. It consists of senior officials and an independent chairperson and is accountable for delivering and overseeing an integrated national approach to New Zealand's maritime security.

<sup>12</sup> MOSC. 2014. *Te Kaitiakitanga o Tangaroa: Guardianship of New Zealand's maritime waters* (provided in confidence). Wellington: Maritime Security Oversight Committee.

**National Marine Oil Spill Readiness and Response Strategy**

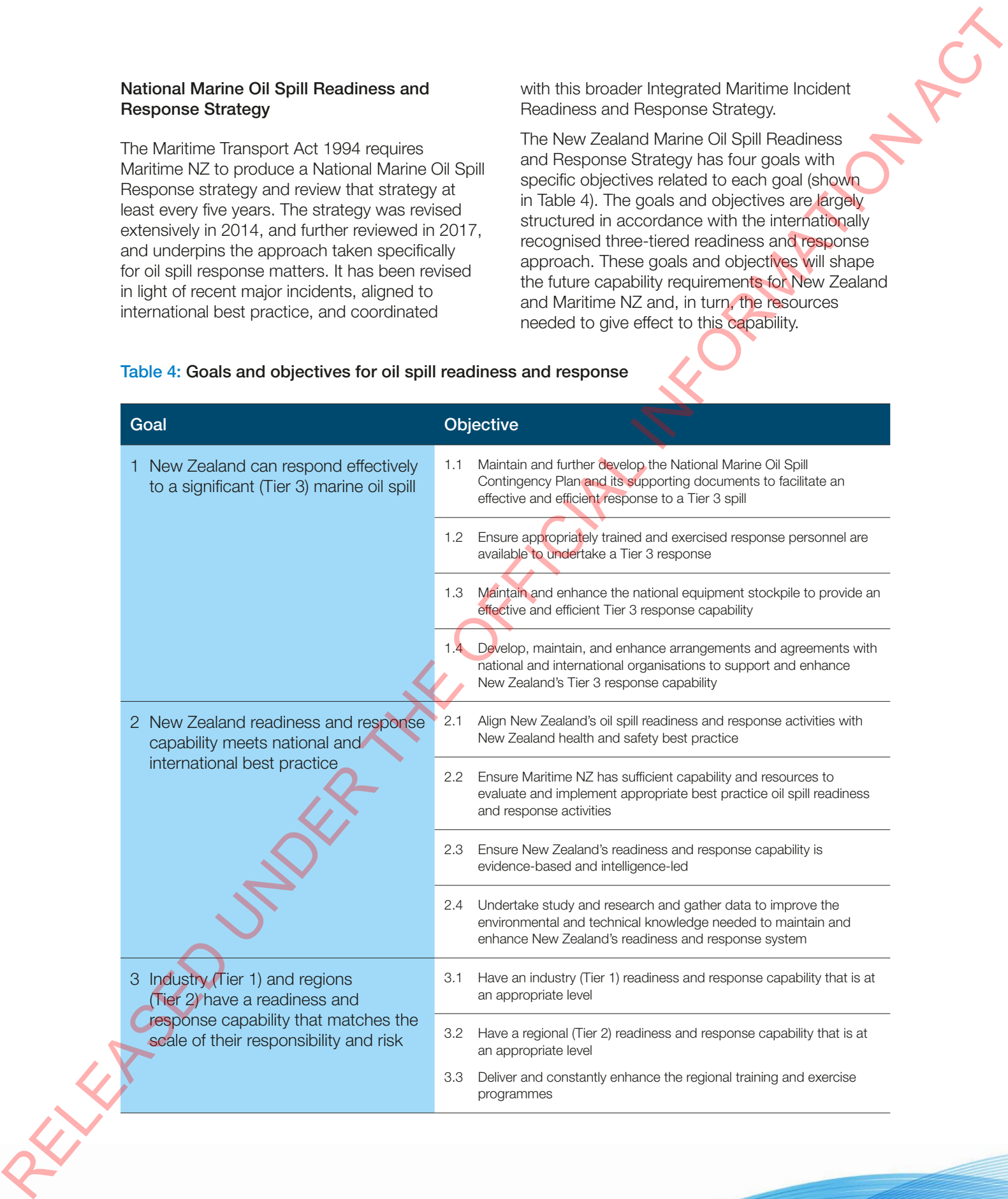
The Maritime Transport Act 1994 requires Maritime NZ to produce a National Marine Oil Spill Response strategy and review that strategy at least every five years. The strategy was revised extensively in 2014, and further reviewed in 2017, and underpins the approach taken specifically for oil spill response matters. It has been revised in light of recent major incidents, aligned to international best practice, and coordinated

with this broader Integrated Maritime Incident Readiness and Response Strategy.

The New Zealand Marine Oil Spill Readiness and Response Strategy has four goals with specific objectives related to each goal (shown in Table 4). The goals and objectives are largely structured in accordance with the internationally recognised three-tiered readiness and response approach. These goals and objectives will shape the future capability requirements for New Zealand and Maritime NZ and, in turn, the resources needed to give effect to this capability.

**Table 4: Goals and objectives for oil spill readiness and response**

Goal	Objective
1 New Zealand can respond effectively to a significant (Tier 3) marine oil spill	1.1 Maintain and further develop the National Marine Oil Spill Contingency Plan and its supporting documents to facilitate an effective and efficient response to a Tier 3 spill
	1.2 Ensure appropriately trained and exercised response personnel are available to undertake a Tier 3 response
	1.3 Maintain and enhance the national equipment stockpile to provide an effective and efficient Tier 3 response capability
	1.4 Develop, maintain, and enhance arrangements and agreements with national and international organisations to support and enhance New Zealand’s Tier 3 response capability
2 New Zealand readiness and response capability meets national and international best practice	2.1 Align New Zealand’s oil spill readiness and response activities with New Zealand health and safety best practice
	2.2 Ensure Maritime NZ has sufficient capability and resources to evaluate and implement appropriate best practice oil spill readiness and response activities
	2.3 Ensure New Zealand’s readiness and response capability is evidence-based and intelligence-led
	2.4 Undertake study and research and gather data to improve the environmental and technical knowledge needed to maintain and enhance New Zealand’s readiness and response system
3 Industry (Tier 1) and regions (Tier 2) have a readiness and response capability that matches the scale of their responsibility and risk	3.1 Have an industry (Tier 1) readiness and response capability that is at an appropriate level
	3.2 Have a regional (Tier 2) readiness and response capability that is at an appropriate level
	3.3 Deliver and constantly enhance the regional training and exercise programmes



Goal	Objective
4 Maritime NZ builds and maintains relationships that improve readiness and response to marine oil spills and meet international obligations	<p>4.1 Engage with Māori and the community in a proactive and planned way</p> <p>4.2 Maintain and enhance cross-government, industry, and other stakeholder relationships to ensure effective and efficient coordination and collaboration in Tier 3 readiness and response</p> <p>4.3 Contribute to the building of response capability of Pacific Island partners</p> <p>4.4 Meet international obligations for oil spill readiness and response.</p>

**Source:** Maritime NZ. 2017. *New Zealand Marine Oil Spill Readiness and Response Strategy 2018–2022*, Table 2.



RELEASED UNDER THE OFFICIAL INFORMATION ACT



RELEASED UNDER THE OFFICIAL INFORMATION ACT

# SAFE SECURE CLEAN

[maritimenz.govt.nz](http://maritimenz.govt.nz)

New Zealand Government

Nō te rere moana Aotearoa  
 **MARITIME**  
NEW ZEALAND

# Integrated Maritime Incident Readiness and Response Plan

Version 5  
February 2019



RELEASED UNDER THE OFFICIAL INFORMATION ACT

## Document Control

**FileM8 Reference:** D18/49403 (Folder: F25754)

**Next Review Date:** December 2019

## Version Release History

Release	Status	Date	Author	Description of release
V 4.0	Finalised	18 December 2018	Wayne Rhodes	Updated following the revision of the Integrated Maritime Incident Readiness and Response Strategy
V 5.0	Draft	28 February 2019	Wayne Rhodes	Updated references to MPRS / NRT and updated the figure 4 MIRT structure chart.

**Document uncontrolled when printed**

## Approval

Role	Name	Signature	Date
Document Owner	Renny van der Velde		
Approved by	Nigel Clifford		

# Contents

1.	Purpose, context and scope .....	3
1.1	Purpose of this plan.....	3
1.2	Broader Maritime NZ context .....	3
1.3	Role of Maritime NZ in readiness and response .....	3
1.4	Relationship of this plan with other response documents.....	4
1.5	Scope of this plan – maritime incidents within New Zealand’s maritime domain.....	5
2.	Incident management system.....	6
2.1	Alignment with the Coordinated Incident Management System .....	6
2.2	Strategic approach to incident readiness .....	6
2.3	Incident response roles .....	7
2.4	Collaborative relationships between response leaders.....	8
3.	Management of this plan .....	9
3.1	Audience for this plan .....	9
3.2	Structure of this plan .....	9
3.3	Supporting documents .....	9
3.4	Responsibility for preparing, managing, and reviewing this plan .....	9
4.	Response preparation .....	10
4.1	Purpose of this section .....	10
4.2	Capability – maintenance and development.....	10
4.3	Response personnel .....	10
4.4	Training.....	11
4.5	Exercising.....	11
4.6	Plan and supporting documents review .....	11
4.7	Business as usual during a major incident response .....	11
5.	Response initiation.....	12
5.1	Purpose of this section .....	12
5.2	Decision to initiate a maritime incident response and establish MIRT.....	12
5.3	Significant incidents.....	14
5.4	Major incidents .....	14
5.5	MIRT established.....	14
5.6	Powers delegated to the MIRT Controller .....	14
5.7	Response costs .....	15
6.	Response operations.....	16
6.1	Introduction.....	16
6.2	Establishing the MIRT control room and National Coordination Centre .....	16
6.3	Establishing the Emergency Coordination Centre .....	16
6.4	Mobilising MIRT .....	16
6.5	MIRT’s functional structure – major incident .....	16
6.6	Functioning of MIRT – during a significant incident .....	17
6.7	Functioning of MIRT – during a major incident .....	17
6.8	Response to major incidents will be large and multi-agency .....	17
6.9	Developing a maritime incident response action plan.....	18
6.10	Supporting protocols and procedures .....	18
6.11	Statutory primacy and other legislative provisions .....	19
6.12	Jurisdiction.....	20



6.13	Places of refuge.....	20
6.14	Hazardous substances.....	20
7.	Response termination.....	22
7.1	Response termination and MIRT stand down.....	22
7.2	Debriefs – hot and cold.....	22
7.3	Costs of the response.....	22

## Appendices

Appendix 1:	Maritime NZ jurisdictional overview.....	23
Appendix 2:	Indicative structure of the MIRT in a major incident response.....	24
Appendix 3:	Maritime NZ’s overall approach to emergency incident response.....	25
Appendix 4:	Maritime incident response organisation and governance at the national level.....	26

## Tables

<b>Table 1</b>	Indicative characteristics used to guide the appropriate level of response.....	6
----------------	---	---

## Figures

<b>Figure 1</b>	Maritime NZ’s readiness and response documentation framework.....	4
<b>Figure 2</b>	New Zealand’s maritime domain.....	5
<b>Figure 3</b>	Out-of-hours event report and escalation flowchart.....	13
<b>Figure 4</b>	Main functional components of the MIRT.....	17

# 1. Purpose, context and scope

## 1.1 Purpose of this plan

This plan provides guidance for the Maritime Incident Response Team (MIRT) when it is mobilised to assist with a response to a maritime incident; that is, to implement an incident management system consistent with the New Zealand Coordinated Incident Management System (CIMS).<sup>1</sup>

Detailed procedures are in the supporting documents to this plan.<sup>2</sup>

The supporting documents also include seven function-specific plans for non-oil incidents, covering human resources, public information and liaison management, legal advice and liaison, investigations, salvage/well-control oversight, volunteers, and non-oil pollution.

## 1.2 Broader Maritime NZ context

The Integrated Maritime Incident Readiness and Response Strategy describes Maritime NZ's approach to the management of maritime incidents<sup>3</sup>.

In a significant or major maritime incident<sup>4</sup> the Director may need to communicate widely, request additional assistance, or impose control measures on vessels or other marine installations to successfully resolve an incident or to protect the marine environment. When such a situation arises, the MIRT will be mobilised to lead, coordinate and manage facilitate these activities.

Maritime NZ also operates one standing response business unit – the Rescue Coordination Centre New Zealand (RCCNZ) – to coordinate Search and Rescue services; and one response preparedness business unit - the Marine Pollution Response Service (MPRS) - to prepare for marine oil spills through the training of the National Response Team (NRT), of which some of the MPRS staff would fulfil roles and give guidance as required in a response. Our oil spill responsibilities are clearly laid out in legislation and are given operational effect through the National Marine Oil Spill Contingency Plan (and associated procedures) and the RCCNZ Standard Operating Procedures.

Unlike the RCCNZ and the National On-Scene Commander (who leads the NRT), MIRT has no legal status as an entity. Individuals appointed to the MIRT (for example the Incident Controller) or to lead and manage an incident at a depleted coordination centre (for example the Regional Controller) will hold delegations from the Director of Maritime NZ under the Maritime Transport Act 1994. The Director retains ultimate responsibility for the exercise of any powers under delegation.

This plan establishes the parameters that govern the relationship between MIRT and Maritime NZ's standing response business units during a significant or major maritime incident and provides guidance for managing incidents when MIRT is mobilised.

## 1.3 Role of Maritime NZ in readiness and response

Maritime NZ:

- is the national regulatory, compliance, and response agency for the safety, security, and environmental protection of New Zealand waters
- is responsible for maintaining capability to respond to significant or major maritime incident.

<sup>1</sup> New Zealand Government. 2014. *The New Zealand Coordinated Incident Management System (CIMS)* (2nd ed). Wellington: Officials Committee for Domestic and External Security Coordination, Department of the Prime Minister and Cabinet. [www.civildefence.govt.nz/resources/publications](http://www.civildefence.govt.nz/resources/publications).

<sup>2</sup> Maritime NZ. 2012. *Maritime Incident Response Standard Operating Procedures*. Wellington: Maritime New Zealand.

<sup>3</sup> Integrated Maritime Incident Readiness and Response Strategy, Issue 4

<sup>4</sup> As defined in the Maritime Incident Readiness and Response Strategy

- is responsible for maintaining capability to respond to oil spills within New Zealand coastal waters in accordance with its responsibilities set out in the Maritime Transport Act 1994 and the New Zealand Oil Spill Response Strategy.
- coordinates all major maritime and aviation search and rescue missions within New Zealand's search and rescue region in accordance with its responsibilities set out in the Maritime Transport Act 1994
- coordinates land-based missions arising from someone activating a distress beacon

Maritime NZ applies a guiding framework for the response to maritime incidents based on three levels of incident 'seriousness',

- Maritime NZ regularly oversees, assists with, or manages **minor or routine incidents**, which operators, regional councils, RCCNZ, MPRS, or maritime officers deal with as part of business-as-usual activities.
- In a response to a **significant incident** (which occurs less frequently than minor/routine incidents) or a **major incident** (very rare but typically requiring an all-of-government response), the MIRT is mobilised to lead and coordinate the overall incident response for Maritime NZ.

Maritime NZ's role in these different levels of maritime incidents is described further in section 2.

## 1.4 Relationship of this plan with other response documents

This plan is a core component of Maritime NZ's overall readiness and response framework, as illustrated in Figure 1.

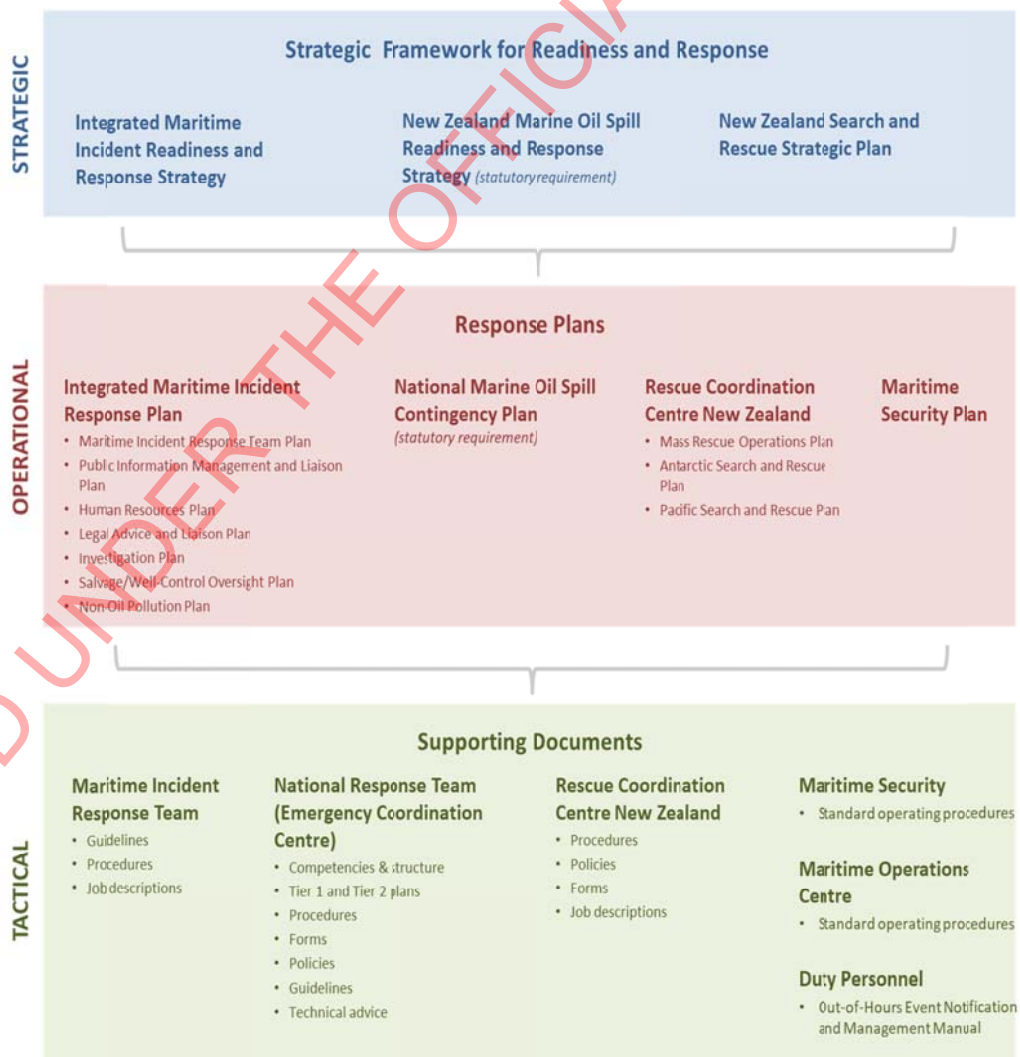


Figure 1 Maritime NZ's readiness and response documentation framework

## 1.5 Scope of this plan – maritime incidents within New Zealand’s maritime domain

This plan is relevant to the waters comprising the New Zealand maritime domain (as illustrated in Figure 2):

- internal and marine waters of New Zealand (where marine waters are the territorial sea and waters of the exclusive economic zone)
- continental waters (being waters beyond the 200-mile exclusive economic zone over the New Zealand continental shelf and realm territories)
- areas of Antarctica and the South Pacific for which the government has obligations derived from treaties and regional agreements.

This domain includes anything on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances that impact on New Zealand’s interests. Maritime NZ’s jurisdictional overview is summarised in Appendix 1.

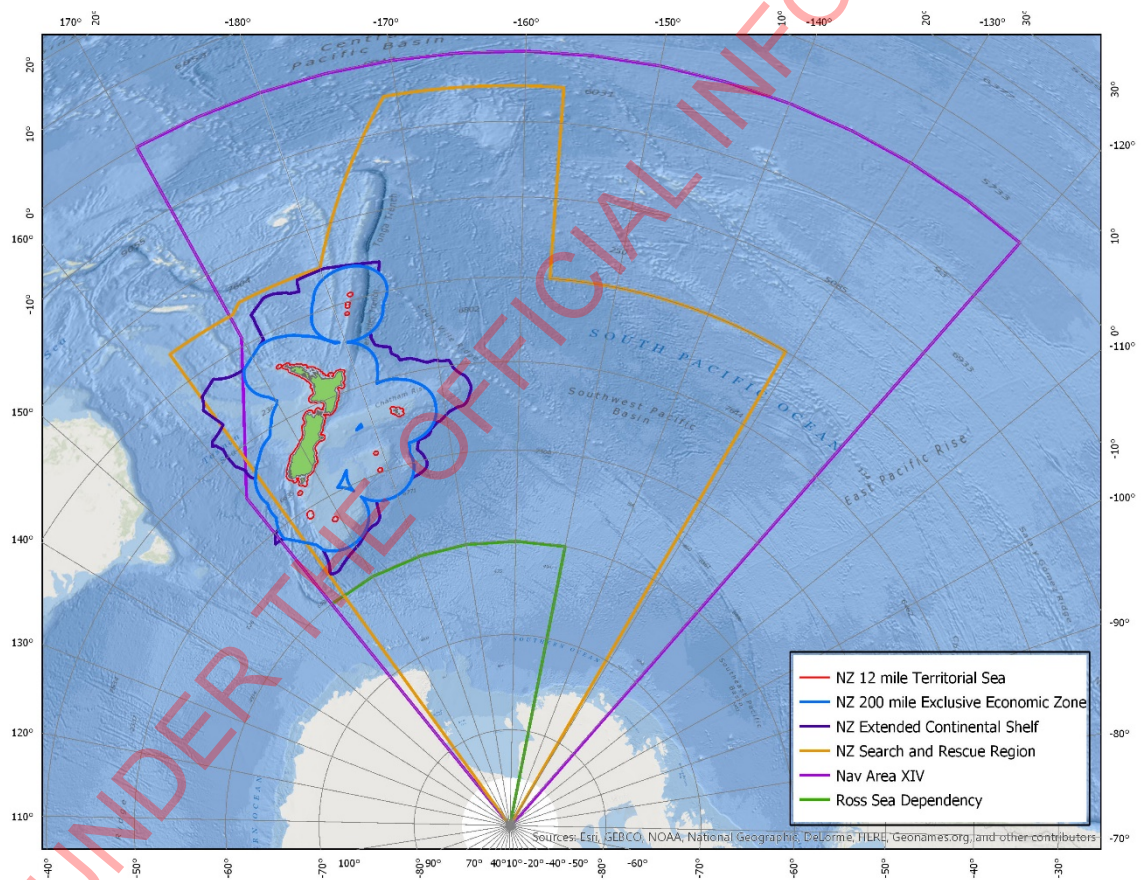


Figure 2 New Zealand's maritime domain

## 2. Incident management system

### 2.1 Alignment with the Coordinated Incident Management System

The incident management system that this plan implements aligns to the New Zealand Coordinated Incident Management System (CIMS)<sup>5</sup>. CIMS establishes a framework of consistent principles, structures, functions, processes, and terminology that agencies can apply in any incident or emergency response. This consistency is of particular importance when multiple agencies are working together in a response.

### 2.2 Strategic approach to incident readiness

Incidents vary widely as to their nature and the possible consequences, so the response activity required also varies widely as does the management, oversight, governance, and assurance required. In addition, an incident will usually evolve up and down a 'scale of seriousness'. Therefore, it is challenging to determine the type of response activity required, and it requires careful judgement to be exercised as well as frequent reviews to 'recalibrate' the approach being taken.

Maritime NZ applies a guiding framework for the response to maritime incidents based on three 'levels' of incident 'seriousness': minor/routine, significant, and major.

Classification is driven by the actual or potential seriousness of the consequences of the incident in terms of risks to life, the environment, the economy (national and local), and property along with the level of involvement or activity Maritime NZ needs to undertake.

Table 1 provides indications for the important characteristics to help determine the appropriate level for the response. However, judgement is required at all times; for example, a short duration incident could have a very high risk level.

Classification of incident	Characteristic			
	Scale	Risk	Duration	Interest
Minor/routine	Small	Low	Short	Low – nil or few enquiries, information pushed
Significant	Moderate	Medium	Medium	Moderate – some enquiries, some information pull (local, regional, international)
Major	Large to very large	High	Long	High – many enquiries, significant information pull (national, international)

**Table 1** Indicative characteristics used to guide the appropriate level of response

#### Response to minor/routine incidents

Maritime NZ is called on to oversee, assist with, or manage minor/routine incidents on a regular basis. Operators, regional councils, and/or specialist business units (such as the RCCNZ or MPRS) or maritime officers deal with these incidents as business as usual.

#### Significant incidents will likely require a smaller-scale MIRT

For significant incidents, the MIRT is likely to be small in scale with a focus on only monitoring and oversight. During normal working hours, the smaller MIRT will run from the Maritime NZ office in Wellington and the appointed MIRT Controller will be based in the MIRT.

5 New Zealand Government. 2014. *The New Zealand Coordinated Incident Management System (CIMS)* (2nd ed). Wellington: Officials Committee for Domestic and External Security Coordination, Department of the Prime Minister and Cabinet. [www.civildefence.govt.nz/resources/publications](http://www.civildefence.govt.nz/resources/publications).

The MIRT Controller will obtain the relevant situational awareness and technical and other specialist and support from staff at head office and field offices, the Marine Pollution Response Service, and the Rescue Coordination Centre New Zealand, as relevant. Out-of-hours location and operation will be determined on a case-by-case basis.

### **Major incidents will likely require the MIRT and ECC**

In a response to a major incident, Maritime NZ will likely mobilise both the:

- MIRT at the response rear in Wellington to look after the wider implications of the incident (for example, legal, policy, and intra-government liaison aspects) – lead by the MIRT Controller.
- ECC at or near the site of the incident or where the incident affects the New Zealand shoreline to lead the tactical operations for the response – lead by the Regional Controller.

In a response to a major incident, the MIRT advises the Director of Maritime NZ and, where Maritime NZ is the lead agency, also functions as the National Coordination Centre in accordance with CIMS principles.

In a response to a major incident, the MIRT is likely to be of a reasonable size with both specialist and support functions and may operate 24/7.

For very major incidents of national significance, the MIRT will likely be established in the National Crisis Management Centre (whereupon the MIRT Controller will be titled National Controller in keeping with CIMS terminology).

### **Wider context to response to a major incident – large-scale, multi-agency**

The response to major incidents will almost certainly be a large-scale, multi-agency effort with significant activity and engagement with central, regional, and local government, iwi and the wider community, and industry/operators. This plan recognises that a maritime incident will have multiple aspects beyond oil issues; the separate and specific National Marine Oil Spill Contingency Plan is a part of this plan (as shown in Figure 1, page 4).

Appendix 3 summarises the Maritime NZ approach to incident response.<sup>6</sup> Given the critical importance of a major incident because of its national-level implications and importance for the whole of New Zealand, individual plans to implement the separate components of a response for this level of incident (as listed under 'Integrated Maritime Incident Response Plan' of Figure 1) are separate to this plan.

For further details about MIRT's operation, see the MIRT Guidelines and Standard Operating Procedures

## **2.3 Incident response roles**

The roles of Maritime NZ's two standing response / response preparedness business units are as follows:

**MPRS** prepares for marine oil spills in New Zealand waters and New Zealand maritime waters and response is done via the National Response Team (who MPRS trains) for Tier 3 responses. MPRS may also assist Pacific Island states during an oil spill response.

**RCCNZ** coordinates search and rescue operations at the national level, including operations associated with missing aircraft or aircraft in distress and off-shore marine operations within New Zealand's search and rescue region (see Figure 2, page 5). RCCNZ also responds to distress beacon alerts on land.

A minor/routine incident being managed by either the RCCNZ or MPRS (in conjunction with the relevant Regional Council) and may at any time become a significant or major incident if it meets the thresholds outlined in table 1. At that point the MIRT would be established to

<sup>6</sup> For an illustrative outline of the wider governance and response organisation at the national level in a major maritime incident, see Appendix 4.

coordinate and lead the overall response and the NRT would be mobilised for the oil spill response.

## 2.4 Collaborative relationships between response leaders

Given the wide variety of possible incident scenarios, a significant or major incident may result in one or more controller roles being activated:

- MIRT Controller (a national controller)
- Regional Controller (at the Emergency Coordination Centre (ECC) at or near the incident)
- National On-Scene Commander (NOSC – oil-specific response).

When only one role is activated, then that role:

- leads the incident
- controls and coordinates the response
- reports to the Director of Maritime NZ.

If the scenario results in both MIRT and ECC being formed, then the:

- MIRT Controller acts at the national level, providing strategic guidance, direction, and prioritisation at an all-of-government level
- Regional Controller leads, manages and coordinates the incident response at the regional level, coordinating the overall operational and tactical response at the regional/local level and seeks advice, support, and direction as appropriate from the national level.

If the scenario results in the declaration of a Tier 3 marine oil spill response and the deployment of a NOSC, then the NOSC and Regional Controller work alongside each other to coordinate and manage the direct response. The NOSC holds statutory powers in relation to oil spill response, but these powers are exercised within the broader context of the overall response and in the light of strategic direction.

In essence, the relationships between the controllers in the MIRT and ECC and the NOSC are collaborative and cooperative with each focusing on specific aspects and levels of the response but acting in concert and sharing overall responsibility.

All three roles report directly to the Director of Maritime NZ.

## 3. Management of this plan

### 3.1 Audience for this plan

Maritime NZ's response system managers and others with response functions allocated in national plans will be the main users of this plan during an incident response.

This plan also serves a role in increasing and maintaining the confidence of the wider public in Maritime NZ's and the government's ability to effectively manage a response to a major maritime incident.

### 3.2 Structure of this plan

This plan is structured to reflect the process of a response to a major incident:

- response preparation (section 4)
- response initiation (section 5)
- response operations (section 6)
- response termination and demobilisation (section 7).

### 3.3 Supporting documents

A variety of 'supporting documents' (identified throughout the plan) include:

- policies – implementing documents for the strategic management of this plan
- guidelines – documents providing guidance for the application of specific response arrangements detailed within the plan
- scientific, technical, and operational advisories – advisory documents on specific technical issues
- standard operating procedures – explanations of how to undertake specific activities in a response
- special area plans – plans relevant to areas inside the territorial sea but outside regional council boundaries.

All documents are stored in WebEOC.

### 3.4 Responsibility for preparing, managing, and reviewing this plan

The Deputy Director Safety and Response Systems is responsible for preparing, managing, and reviewing this plan and its supporting documents to ensure they are current and will be effective in a response. This work is implemented through the Safety and Response Systems Group and includes ensuring the relevant training is provided to potential MIRT personnel.

This plan will be reviewed:

- at least every five years
- after its use in a response
- when the Deputy Director Safety and Response Systems (or the Director) determines that a review is necessary (for example, to incorporate lessons from a training exercise).

In reviewing the plan, the Deputy Director must consider:

- the New Zealand integrated maritime readiness and response strategy
- New Zealand's obligations under international conventions and agreements, as relevant
- any other matters considered appropriate.



## 4. Response preparation

### 4.1 Purpose of this section

This section outlines the response arrangements and policies in place in preparation for a Maritime NZ response to a major incident.

### 4.2 Capability – maintenance and development

In preparation for the response to a major maritime incident, Maritime NZ has developed internal capability for the roles and tasks needed for an effective response.

Maritime NZ has developed also contracts with external parties for the provision of specialised services such as drift trajectory modelling, salvage advice, and well control advice.

### 4.3 Response personnel

Personnel involved in a maritime incident response (the Incident Response Team) may come from:

- MIRT
- the National Response Team (for marine oil spill response)
- organisations, including other government agencies (at national, regional and local levels), with which Maritime NZ has memoranda of understanding
- organisations with which Maritime NZ has service contracts
- the maritime industry.

#### Maritime Incident Response Team (MIRT)

MIRT has three core functions it may undertake in any combination, depending on the incident scenario:

- **monitoring** – developing and maintaining situational awareness to determine what is occurring in the incident
- **oversight** – understanding the main parties' actions or proposed actions, considering the government's perspective on those actions, and forming a view about the appropriateness of those actions
- **intervention** – considering options for intervention using available powers and influence if parties' actions are considered inappropriate or insufficient, and executing and managing approved interventions.

A core activity is to advise and support the Director of Maritime NZ (or the holder of delegated powers from the Director) on the options for exercising powers to facilitate the efficient and effective management of an incident.

#### Contracted services

Maritime NZ maintains contracted services with:

- London Offshore Consultants for salvage advice;
- Boots and Coots for offshore well-control advice;
- Braemar Howells for independent technical expertise;
- Trendsetter Engineering Inc.

Maritime NZ is also an associate member of Oil Spill Response Ltd for contracted oil spill response services (equipment, personnel, and technical advice).

#### Places of refuge

A vessel might find itself in an emergency or distress situation for a variety of reasons (such as from shifting cargo or taking on water). In these circumstances, the vessel may

need to seek a 'place of refuge'. When a ship is involved in an incident, the best way to prevent damage or pollution from its progressive deterioration is often to lighten its cargo and bunkers and to repair any damage. Such an operation may best be carried out in a 'place of refuge'. The MIRT Controller will follow the standard operating procedures for accessing the best place of refuge in the circumstances. See also the discussion in section 6.14.

### **Information management system – WebEOC**

Maritime NZ has a customised Incident Management System (IMS) called WebEOC to assist with managing incidents and sharing the information required by and generated during a response. For example, WebEOC contains:

- a database of MIRT responders
- an equipment database
- maritime incident response standard operating procedures (SOPs)
- position descriptions
- systems for developing action plans during a response
- systems for tracking costs during a response
- systems for managing assets during a response.

### **4.4 Training**

Maritime NZ trains those who will likely be involved in major incident responses through its training programme.

### **4.5 Exercising**

To maintain a response capability, Maritime NZ conducts maritime incident response exercises regularly.

### **4.6 Plan and supporting documents review**

The review process for this plan is discussed in section 1.5. By reviewing the plan at least every five years (and after any significant or major incident or training exercise), the plan is maintained in a state of readiness. Supporting documents are reviewed and updated as required.

### **4.7 Business as usual during a major incident response**

Maritime NZ's Business Continuity Plan is activated in a major maritime incident.

The Executive Team will be split with identified personnel forming part of the response arrangements and other personnel activating the plan to manage and sustain elements of business as usual.

## 5. Response initiation

### 5.1 Purpose of this section

This section describes when and how a maritime incident response might be activated.

### 5.2 Decision to initiate a maritime incident response and establish MIRT

The Incident Controller will activate the MIRT for a 'significant' or 'major' maritime incident<sup>7</sup> when a need exists to provide additional resources to monitor, oversee, or intervene during a potential or actual maritime incident.

#### Activation during work hours

In normal working hours<sup>8</sup>, response activity is usually initiated through a notification to Safety and Response staff. If the Deputy Director Safety and Response Systems or the Manager Security and Incident Response is unavailable, then the Maritime NZ Duty Controller takes charge, which includes, if appropriate, setting up and overseeing the MIRT. The Duty Controller should consult the Director during MIRT's establishment or as soon as possible afterwards.

#### Activation outside work hours

Outside usual working hours, the Duty Controller is central to the initiation of a response. When notified of an actual or potential significant or major incident, the Duty Controller acts as the MIRT in the first instance and, as relevant:

- gathers as much information as quickly as possible
- determines whether the incident meets the criteria for a significant or a major incident
- decides whether to initiate the MIRT:
  - at Maritime NZ's head office in Wellington (in a major incident, by calling relevant staff from the Duty Personnel Roster)
  - at the RCCNZ facility in Avalon
  - as a 'virtual' MIRT from the controller's location (using phone, email, and WebEOC to link relevant specialist advice and support staff)
- advises and consults the Director.

The process for event notification and escalation out-of-hours, including activation of the MIRT, is illustrated in Figure 3.

---

<sup>7</sup> As defined in the Integrated Maritime Incident readiness and Response Strategy

<sup>8</sup> Working days, Monday to Friday 8 till 5

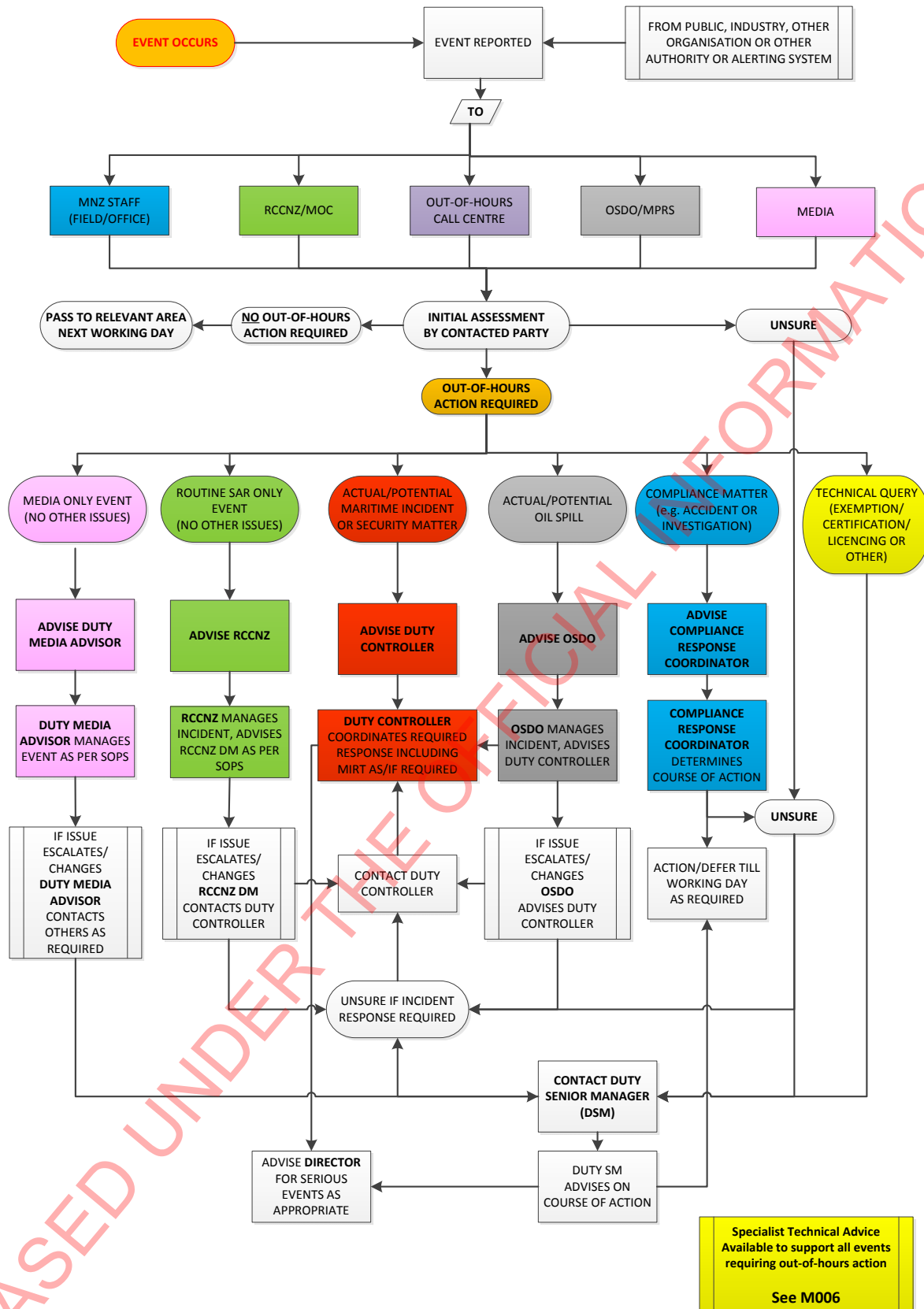


Figure 3 Out-of-hours event report and escalation flowchart

Source: Maritime NZ Out-of-Hours Event Notification and Management: Guidelines for duty personnel

**Note:** This flowchart refers to initial considerations of actions only. The Duty Manager should be called if the procedure to follow in the circumstances is unclear or as a matter of course during work hours.

### 5.3 Significant incidents

For significant incidents, the MIRT is likely to be small scale with a focus on monitoring and oversight. During normal working hours, this smaller MIRT will run from the Maritime NZ office in Wellington, and the appointed MIRT Controller will be based in the MIRT.

The MIRT Controller will obtain the relevant situational awareness and technical and other specialist advice and support from staff at head office and field offices, NRT, and the RCCNZ.

Out-of-hours location and operation will be determined on a case-by-case basis.

### 5.4 Major incidents

In a response to a major incident, Maritime NZ will likely mobilise both the:

- MIRT at the response rear in Wellington to look after the wider implications of the incident (for example, legal, policy, and intra-government liaison aspects); and
- An Emergency Coordination Centre (ECC) at or near the site of the incident or where the incident affects the New Zealand shoreline to lead the tactical operations for the response.

In a response to a major incident, the MIRT advises the Director of Maritime NZ and, where Maritime NZ is the lead agency, also functions as the National Coordination Centre in accordance with CIMS principles.

In a response to a major incident, the MIRT is likely to be of a reasonable size with both specialist and support functions and may operate 24/7. For very major and complex maritime incidents, the MIRT may be established in the National Crisis Management Centre.<sup>9</sup>

### 5.5 MIRT established

Once the MIRT is established, the appointed Incident Controller assumes full responsibility for the non-oil aspects of the response operation.

### 5.6 Powers delegated to the MIRT Controller

The Director may delegate powers and function under the Maritime Transport Act 1994 and the Maritime Rules. The Director is likely to delegate to the MIRT Controller (and Regional Controller, if activated) some or all of the following powers and functions, enabled under the Maritime Transport Act 1994 to:

- request a written report from the master of a ship where an emergency has required the master to breach provisions of the Maritime Transport Act or its rules (section 19(1)(d));
- detain ships, seize maritime products, and impose prohibitions or conditions; provide in writing reasons where requested; notify prohibitions or conditions where considered necessary; and determine the means of notification (section 55);
- remove any ship, aircraft, or floating, submerged, or stranded object ('the hazard'), in certain circumstances (section 110(1));
- require the owner or person in command of the hazard to remove the whole or any part of the hazard and take possession, sell, or recover the balance (section 110(2) and (3));
- require the owner or master to take measures that will remove, contain, or render harmless any such substance that may be spilt as a result of the transfer of any oil or noxious liquid substance (section 234(1));
- seek assistance from other states or persons to assist in national marine oil spill clean-up (section 301(2)), and
- detain ships; seize maritime protection products (section 397).

<sup>9</sup> The National Crisis Management Centre facilitates central government crisis management arrangements and offers inter-agency and scalable operability to deal with any type of emergency. The Ministry of Civil Defence and Emergency Management manages and maintains the centre in a continued state of readiness.

The Director may also delegate powers in relation to:

- hazardous ships, including authorising removal and salvage (section 248), and
- hazardous structures and operations (section 249).

All Maritime NZ Duty Controllers hold delegated powers from the Director, so are able to make the relevant command decisions in time-critical situations.

## 5.7 Response costs

The Incident Controller and Regional Controller will have delegated authority from the Director to commit to expenditure up to a certain amount. Any expenditure above this amount will require the Director's approval. In turn, the Director may need to obtain approval from the Committee for Domestic and External Security Coordination (for example, if funds are required under emergency provisions and the Public Finance Act 1989).

All costs incurred must be accounted for with complete and accurate records kept throughout a response.

Reasonable costs associated with the response to a maritime incident are generally recoverable from those responsible for the incident. For vessel related incidents reimbursement may come through international liability and compensation funds or a shipowner's liability insurers (known as Protection & Indemnity Clubs (P&I Clubs)). The means of reimbursement is legally complex and varies depending on the location of the incident, the type and size of the ship, whether pollution has been discharged, and whether the pollutant is cargo or fuel.

For offshore oil and gas installations and operations cost recovery may come from the owners/operators or from their insurers.

All response activities must be approved by the MIRT Controller or Regional Controller (in the case of non-oil-related response activities) or the NOSC (in the case of oil spill response activities). Costs in relation to an oil-spill response are recovered in accordance with the National Marine Oil Spill Contingency Plan.

## 6. Response operations

### 6.1 Introduction

This section explains response activities for a maritime incident, starting with establishing the MIRT.

### 6.2 Establishing the MIRT control room and National Coordination Centre

The Incident Controller will direct the activation of the MIRT control room. If required, the Incident Controller will advise the Department of the Prime Minister and Cabinet about the establishment of the National Coordination Centre.

### 6.3 Establishing the Emergency Coordination Centre

An Emergency Coordination Centre (ECC) will be established by the Regional Controller if required in collaboration with the NOSC. The ECC is the centre of local operations during the oil spill response and should be based as close as practicable to the incident. This may either:

- augment an existing regional council incident command centre if the incident is associated with an oil spill response, or
- be the full establishment of an ECC at the designated regional Emergency Operations Centre or at any other suitable location designated by the Regional Controller.

### 6.4 Mobilising MIRT

The MIRT Controller will designate response personnel who will be mobilised for the response.

Contact details for potential responders are in the personnel section of WebEOC.

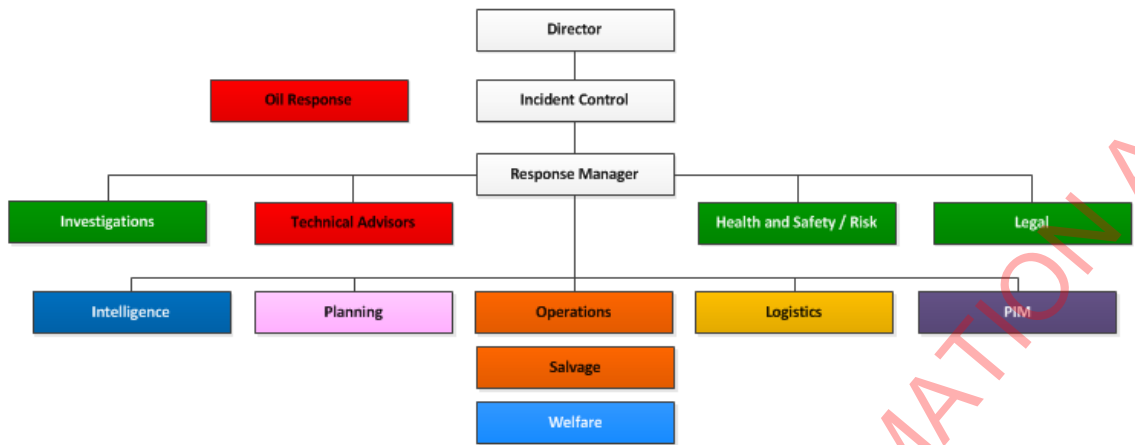
The MIRT works from the MIRT control room.

### 6.5 MIRT's functional structure – major incident

In a major incident, the Incident Controller (Regional Controller) will usually be based in the ECC at the response front and the MIRT Controller will lead the MIRT at the response rear.

The MIRT will have a scalable and flexible structure designed to provide sufficient appropriate advice and support to the MIRT Controller. Such advice and support will likely be on nautical, technical, legal, and environmental matters, as well as strategic human resources and strategic communications (public information management), including intra-government liaison. This structure aligns with CIMS, which is used to manage and coordinate MIRT's activities.

Figure 4 illustrates these main functional components of the MIRT. Note that a single individual may deliver more than one function, and multiple people may deliver more than a single function, depending on the scale and complexity of the incident.



**Figure 4** Main functional components of the MIRT

## 6.6 Functioning of MIRT – during a significant incident

In the response to a significant incident, MIRT is likely to be small scale with a focus on monitoring and oversight.

## 6.7 Functioning of MIRT – during a major incident

In a response to a major incident, Maritime NZ will likely mobilise the:

- MIRT at the response rear in Wellington to look after the wider implications of the incident (for example, legal, policy, and intra-government liaison aspects)
- the ECC at or near the site of the incident or where the incident affects the New Zealand shoreline.

Examples of such major incidents are a significant oil spill where a Tier 3 response is initiated and a comprehensive oil spill response is required, a vessel grounding, and an off-shore oil or gas incident where Maritime NZ staff need to be deployed to coordinate with an industry operations centre.

In such cases, the MIRT will continue to function from Wellington in its role of advising and supporting the Director and, where Maritime NZ is the lead agency, as the National Coordination Centre in accordance with CIMS principles.

A Regional Controller (as Incident Controller) will most likely be located in the ECC. The Regional Controller is responsible for leading and coordinating the functions of the ECC and works closely with the NOSC, who leads any oil spill response activities. The MIRT is managed by the MIRT Controller and provides support and advisory services.

For major incidents, the MIRT is likely to be of a reasonable size with both specialist functions and support functions and may operate 24/7. For details about specific roles and responsibilities and related procedures, see the MIRT Standard Operating Procedures. An indicative structure is shown in Appendix 2.

For very major incidents, the MIRT may be established in the National Crisis Management Centre.<sup>10</sup>

## 6.8 Response to major incidents will be large and multi-agency

The response to major incidents will almost certainly:

- be a large-scale, multi-agency effort
- require significant activity at national, regional, and local levels

<sup>10</sup> The National Crisis Management Centre facilitates central government crisis management arrangements and offers inter-agency and scalable operability to deal with any type of emergency. The Ministry of Civil Defence and Emergency Management in the Department of the Prime Minister and Cabinet manages and maintains the centre in a continued state of readiness.



- involve central government, regional authorities, local iwi, the local community, and industry/operators.

Because of the complex nature of incidents, Maritime NZ has produced the Integrated Maritime Incident Readiness and Response Strategy with the associated Integrated Maritime Incident Readiness and Response Plan that implements the strategy. The integrated plan comprises function-specific plans that recognise that a maritime incident will likely have multiple aspects beyond oil (which is dealt with in the National Marine Oil Spill Contingency Plan).

For a summary of Maritime NZ's overall approach to incident response, see Appendix 3. For the wider governance and response organisation at the national level for a major maritime incident, see Appendix 4.

## 6.9 Developing a maritime incident response action plan

Each maritime incident response requires a specific action plan tailored to the incident. The action plan details:

- the desired outcome and key tasks for the management of the response, and
- the measures that will be taken to achieve the outcome.

A template for an action plan is in WebEOC.

The planning section is responsible for facilitating and coordinating the preparation of this action plan. The MIRT Controller is responsible for approving the plan.

## 6.10 Supporting protocols and procedures

The maritime incident response capability is supported by policies, plans, guidelines and procedures.

### Health and safety plan

The **health, safety, and wellness of people is paramount** during a response to any maritime incident. 'People' means the public, industry personnel, and responders. The safety of responders and the public supersede all other considerations during a response. Maritime NZ expects the highest standards of health and safety from all participants.

Any response has difficult aspects to it, and the work can be draining and stressful. MIRT will be mindful of these issues and work to support the welfare needs of its members.

Health and safety procedures and protocols for the response are outlined in the Health and Safety Plan that is a component of the action plan.

### WebEOC

Maritime NZ's WebEOC IMS will be used whenever possible to manage the information obtained and generated during the response. The IMS will keep a record of communications, financial transactions and total expenditure, equipment and personnel deployment, and the Action Plan.

The WebEOC user manual sets out general procedures and guidelines for using WebEOC.

### Iwi engagement

During a response, Maritime NZ (including the Regional Controller and NOSC, as appropriate), will:

- engage early and effectively with Māori communities
- involve, as appropriate, iwi authorities and iwi in the response
- take steps to address Māori interests identified through these processes.

Maritime NZ's level of engagement with local iwi will vary depending on the circumstances of the incident and the desired outcomes of a particular response activity.

## Public information management (including media and community relations)

During an incident response, Maritime NZ will:

- engage early and effectively with the community
- keep the community informed about what is happening operationally and at a national policy level
- involve the community in the response (for example, as volunteers) when it is safe, effective, and appropriate to do so.

Maritime NZ's level of engagement with the community will vary depending on the circumstances of the incident and the desired outcomes of a particular response activity.

Community engagement procedures are outlined in the Public Information Management 'Grab and Go Kit'.

## Investigation

The Investigation Plan outlines how the investigation element of the response will be undertaken. Maritime NZ will mobilise the Investigation Unit for this purpose.

## Places of refuge

The responsibility for managing an incident requiring a place of refuge lies with the MIRT. This will be done in accordance with the Place of Refuge SOP.

## 6.11 Statutory primacy and other legislative provisions

### Director's directions must not conflict with others' exercise of power

Maintaining communication between the different parties involved in the emergency response is important.

The Director (or their delegate) must not, when exercising any power under the Maritime Transport Act 1994 or complying with a ministerial direction under that Act<sup>11</sup> (or section 14B of the Civil Aviation Act 1990 for search and rescue) or complying with the Maritime Security Act 2004, issue directions that conflict with the exercise of a power by:

- a person under part 5 of the Civil Defence Emergency Management Act 2002
- a recovery coordinator under the Civil Defence Emergency Management Act 2002 and acting under that Act
- any member of the New Zealand Police under section 10 of the International Terrorism (Emergency Powers) Act 1987.

### Minister of Transport

The Minister has powers of direction under the Maritime Transport Act 1994 (for example, under sections 225 and 310) that the Director, the Authority, a regional council, or an on-scene commander, as applicable, must comply with.

### Fires on vessels

Fire Emergency New Zealand may attend any fire or suspected fire or other emergency on any vessel or in any cargo, stores, or gear that has been jettisoned from the vessel onto any wharf or other landing place.<sup>12</sup> However, Fire Emergency New Zealand can be expected to respond only when the fire can be managed from shore.

11 Maritime Transport Act 1994, section 431(3).

12 Fire and Emergency New Zealand Act 2017 No 17..

## 6.12 Jurisdiction

Generally, powers under the Maritime Transport Act 1994 include not only New Zealand<sup>13</sup> internal waters and territorial sea but also the waters of the exclusive economic zone and waters beyond the outer limits of the exclusive economic zone but over the continental shelf. In some cases, they may extend to the high seas where the effects of pollution extend to New Zealand marine or continental waters.

The Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 establishes the territorial sea, contiguous zone, and exclusive economic zone for New Zealand. Jurisdictional limits for emergency response within New Zealand are shown in Appendix 1. The Maritime Transport Act does not impose any statutory responsibility or powers on Maritime NZ, the Director, or any person appointed by the Director or exercising authority under the Maritime Transport Act to respond to pollution incidents in the Cook Islands, Niue, Tokelau, and Ross Dependency and their adjacent waters.

This is distinct from RCCNZ international obligations for search and rescue co-ordination, which extend over the New Zealand Search and Rescue Region. From time to time there may be other mechanisms by which Maritime NZ, as the competent authority, could be called on to assist where incidents have occurred in another jurisdiction. These include:

- a request by the Minister in accordance with section 431(l) of the Maritime Transport Act 1994
- by direction of the Minister in accordance with section 112 of the Crown Entities Act 2004.

Once a decision has been made about the resources Maritime NZ could make available to assist offshore without adversely affecting its ability to fulfil its domestic obligations, it would be prudent to consider whether:

- the removal of these assets offshore has any implications for insurance cover, and
- current employment agreements allow for the extension of responsibilities for those staff who may be called on.

## 6.13 Places of refuge

Although the powers under section 248 of the Maritime Transport Act include the power to take control over a hazardous ship or take measures to remove a ship to another place, these powers should not be confused with the concept of providing a 'place of refuge' in the sense of rendering assistance to a distressed vessel on request.<sup>14</sup>

While it may often be the case that a ship, that in the Director's opinion is a hazardous ship, will request refuge, the control measures taken under section 248 must be taken because the Director is satisfied that the circumstances required by sections 248 and 250 of the Maritime Transport Act exist – not because a request for refuge has been made.<sup>15</sup> The distinction is relevant as it is only when the Director is exercising powers under section 248 or section 249 that the Director's instructions will prevail over any contrary instructions issued by the harbourmaster.

**Note:** The protection from civil and criminal liability could be lost if the power under section 248 or section 249 were improperly exercised.

## 6.14 Hazardous substances

For the purpose of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) Section 2(1), a **hazardous substance** is any substance as stated in the Health and Safety at Work (Hazardous Substances) Regulations 2017.

13 New Zealand means North Island, South Island, Stewart Island, Chatham Islands, Kermadec Islands, Three Kings Islands, Bounty Islands, Snares Islands, Antipodes Islands, Auckland Islands, and Campbell Islands.

14 See IMO A 23/Res.949 5 December 2003 (copies held by MIRT).

15 Section 250 of the Maritime Transport Act 1994. The Director shall not issue any instructions, or take any measures, under section 248 or section 249 of the Maritime Transport Act 1994 unless the issue of such instructions, or the taking of such measures, appears necessary to the Director to avoid, reduce, or remedy pollution, or a significant risk of pollution, by a harmful substance that is causing, will cause, or will be likely to cause serious harmful consequences to the marine environment or marine interests.

## Hazardous structures

The Director has powers to issue instructions to the hazardous structure's owner, agent, or any person in charge of any salvage operation (including an employee or agent of that person).<sup>16</sup>

The Director may:

- remove the structure to another place, and/or
- sink or destroy the structure.

## Hazardous ships

The Director has powers to issue instructions to the hazardous ship's master, owner agent, or any person in charge of any salvage operation (including an employee or agent of that person).<sup>17</sup>

The Director may take all or any of the following measures:

- remove the ship to another place;
- remove the ship's cargo;
- salvage the ship or its cargo or both, and
- sink or destroy the ship or its cargo or both.

The Director has further powers over third parties to assist in carrying out any measure taken under section 248 of the MTA Civil Defence Emergency Management Act.<sup>18</sup> When seeking assistance, the Director:

- may give instructions to the master of any ship – including a foreign ship – within New Zealand waters to render assistance to the hazardous ship, and
- may only instruct the master of a New Zealand ship to take on board any item of equipment, sail to any place, render assistance to a ship that is assisting the hazardous ship, or assist in operations for cleaning up and control Hazardous substances and new organisms emergencies

Section 135 of the HSNO Act defines **emergency** as:

- (a) *actual or imminent danger to human health or safety; or*
- (b) *a danger to the environment or chattels so significant that immediate action is required to remove the danger—*  
*arising from a hazardous substance or new organism.*

---

16 Section 249 of the Maritime Transport Act 1994.

17 Section 248(1) and (2) of the Maritime Transport Act 1994.

18 Section 248(4) of the Maritime Transport Act 1994.

## 7. Response termination

### 7.1 Response termination and MIRT stand down

Response termination is the demobilisation of the personnel involved in the incident response and the collation and completion of all documentation associated with the response, including expenditure reports.

To stand down the MIRT, the MIRT Controller must confirm with all MIRT managers and senior response staff that the:

- objectives in the Incident Action Plan have been achieved;
- the incident response has been adequately completed, and
- no operational reason exists to continue an incident response.

The MIRT Controller, with the Director's consent, can then stand down the MIRT.

MIRT management does not stand down until all response groups and equipment have been recovered or plans for their recovery have been finalised.

### 7.2 Debriefs – hot and cold

Supervisors must debrief all response personnel before they depart, and managers. controllers must debrief all supervisors. The purpose of this 'hot' debrief is to make sure all important information and lessons from the response are recorded while fresh in responders' minds to inform future responses.

All MIRT managers must give their events log to the Manager Maritime Security and Incident Response. This manager is responsible for:

- the event history being compiled; a post-incident 'cold' debrief being conducted as soon as practicable after response termination.

The purpose of the 'cold' debrief is to review standard operating procedures and plans to improve the next incident response.

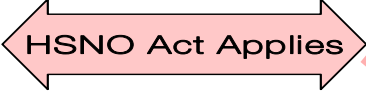
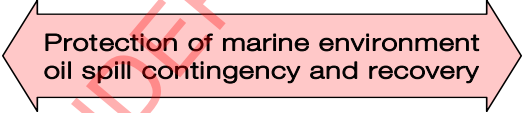
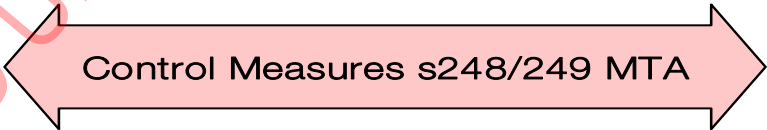
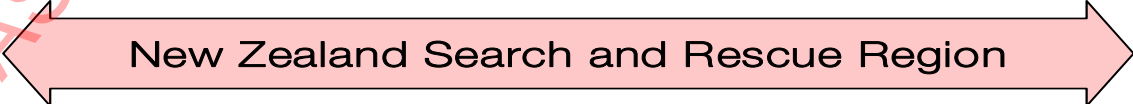
Costs arising from the debriefing or the completion of reports are considered part of the overall incident response cost.

### 7.3 Costs of the response

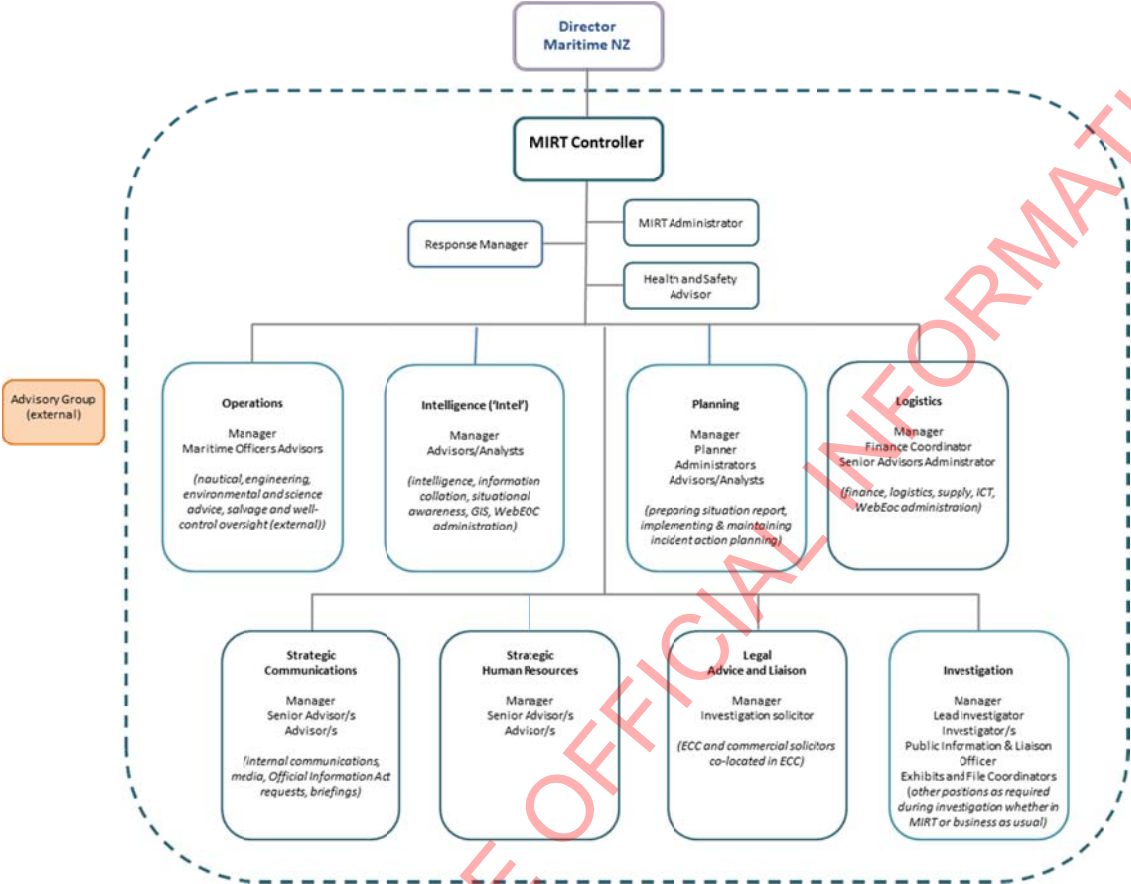
Maritime NZ will be responsible for post-response financial requirements associated with response, including assessment of total expenditure, documentation of response costs to support cost recovery, and engaging with Government and external parties as appropriate in any associated claims process.

**Note:** Costs incurred after the termination of the clean-up phase of the incident must also be accounted for.

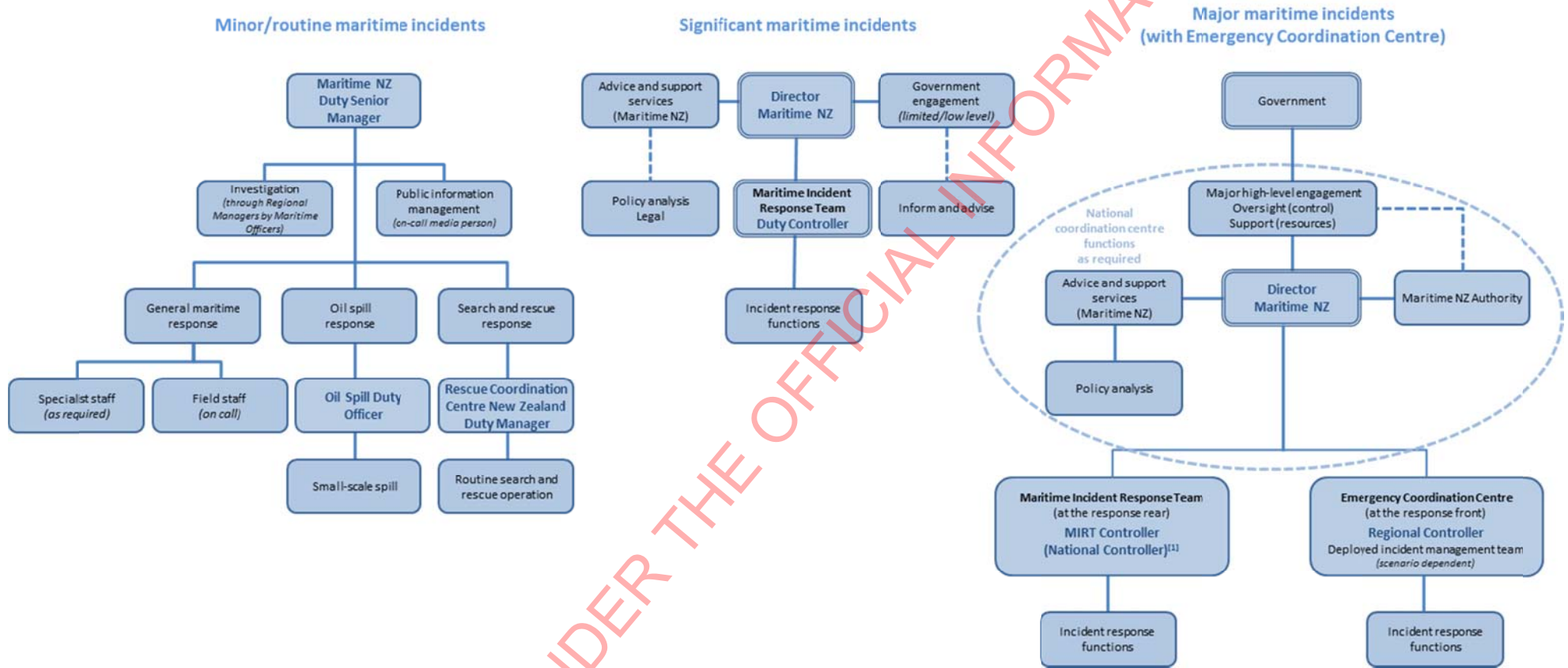
# Appendix 1: Maritime NZ jurisdictional overview

			<b>High seas</b>		<b>No sovereign rights</b>
			<b>Continental waters</b>		
			<b>New Zealand marine waters</b>		
<b>New Zealand waters</b>			<b>Exclusive economic zone (200 nm from baseline of territorial sea)</b>	<b>Continental shelf (200 nm or the extent of the continental margin)</b>	
<b>Land (including internal waters)</b>	<b>Foreshore</b>	<b>Territorial sea (12 nm)</b>			
<i>Subject to innocent right of passage for all vessels</i>			<i>Sovereign rights over the management of the resources of the seabed and water column</i>  <i>Jurisdiction in respect of construction of artificial islands, marine scientific research, and protection of the marine environment</i>  <i>Subject to the rights of other states, including freedom of navigation, overflight, and laying of submarine cables.</i>	<i>Sovereign rights over the management of resources of the seabed but not the water column.</i>  <i>Jurisdiction in respect of construction of artificial islands, installations, and structures and for drilling on the continental shelf.</i>	
<i>Sovereignty – part of New Zealand</i>					
					
					
					
					

## Appendix 2: Indicative structure of the MIRT in a major incident response



### Appendix 3: Maritime NZ's overall approach to emergency incident response



RELEASED UNDER THE OFFICIAL INFORMATION ACT



## Appendix 4: Maritime incident response organisation and governance at the national level



Note: ODESC, DPMC = Officials Committee for Domestic and External Security Coordination, Department of the Prime Minister and Cabinet