BEFORE THE WAITANGI TRIBUNAL

WAI 2391
WAI 2393

IN THE MATTER OF	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Wai 2391 a claim by GRAHAM HOETE, UMUHURI MATEHAERE and JACQUELINE TARO HAIMONA for and on behalf of themselves and the Motiti Rohe Moana Trust; and CLETUS MAANU PAUL for and on behalf of himself and the Mataatua District Māori Council
AND	
IN THE MATTER OF	Wai 2393 an application for an urgent hearing by ELAINE BUTLER on behalf of Ngāi Te Hapū Incorporated Society

AFFIDAVIT OF REECE STUART GOLDING

Affirmed 2 October 2013

RECEIVED
Waitangi Tribunal
2 Oct 2013
Ministry of Justice
WELLINGTON

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I, Reece Stuart Golding of Mount Maunganui, Advisor, solemnly and sincerely affirm:

Introduction

1. I am employed by Maritime New Zealand ("MNZ") as the ***Rena*** Response Advisor, and have held that position since May 2012. Currently, I am the sole MNZ representative in Tauranga engaged in ***MV Rena*** response. I report directly to David Billington, who has previously provided an affidavit for these proceedings.[1] In addition to his role as the Manager, Regional Compliance South, Mr Billington also has the role of Tauranga ***Rena*** Recovery Manager, and it is in that capacity that I report to him.

My Background

2. I have worked in the maritime industry since 1964 in a variety of roles. I have over 45 years service with the Royal New Zealand Navy (RNZN). During that time I spent 17 years at sea, and my roles included appointments at the senior management level, as well as being a Warrant Officer Seaman Combat Specialist for a significant period during my naval career. Immediately before I was employed by MNZ, I was the New Zealand Defence Force (NZDF) Central Region Careers and Recruiting Manager.

3. In November 2011, after completing my service with the RNZN, I was employed in Tauranga as a ***Rena*** response contractor for MNZ. In January 2012, I was appointed the ***Rena*** Response Incident Command Centre Manager. This involved a range of managerial, logistics, and administration duties that included working with Iwi. I had up to 15 employees reporting to me with my reporting line directly to the National On-Scene Commander (NOSC).

4. In May 2012 my role changed to the ***Rena*** Response Advisor, still based in Tauranga. It is a sole-charge position reporting directly to David Billington.

5. My current role is to maintain local MNZ oversight of the salvage and container/debris recovery operations. This provides an MNZ presence in Tauranga to ensure ***Rena's*** owners and insurers are meeting MNZ's expectations in terms of responding in a timely and appropriate manner.

[1] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013.

Scope of this Affidavit

6. I refer to Mr Billington's previous affidavit filed in this matter, sworn on 19 June 2013, which sets out the background to the MNZ response to the ***Rena*** wreck, the wreck removal operation being undertaken by the owners and insurers of the ***Rena***, and the scope of engagement by MNZ with local Iwi and Maori Representatives.[2]

7. The purpose of this affidavit is to provide the Waitangi Tribunal with an overview and update of the current MNZ operational response to the grounding of the ***Rena*** on Astrolabe Reef / Otaiiti, including:

   7.1 The scope of MNZ's operational response;

   7.2 The current wreck removal operation being undertaken by the owners and insurers of the ***Rena***; and

   7.3 The current scope of engagement by MNZ with local Iwi and Maori Representatives.

Statutory notices issued under the Maritime Transport Act 1994

8. As previously detailed by Stephanie Winson in her affidavit affirmed on 28 June 2013, there are two current statutory notices that the Director of MNZ has issued under the Maritime Transport Act 1994 (MTA), which are directed towards oversight or supervision of the salvage, and wreck removal, of the ***Rena***.[3]

9. As deposed in the affidavit of David Billington, sworn on 19 June 2013, a salvage or wreck removal process occurs in a staged process.[4] Each stage is considered with regard to all the operational circumstances, including working in a safe and methodical manner. The current work by ***Rena's*** owners and insurers is occurring in such a staged process.

10. With regard to the current statutory notices issued by the Director of MNZ under to MTA, the ***Rena's*** owners and insurers are continuing to work in response to the requirements of those notices.

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[2] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013.

[3] Affidavit of Stephanie Winson (Wai 2393, #A3), 28 June 2013, at [19] to [16].

[4] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013, at [11].

The *Rena* wreck

11. The grounding of the ***Rena*** on Astrolabe Reef / Otaiiti was New Zealand's worst maritime environmental disaster. As David Billington has previously outlined, the response to the grounding included immediate response, clean-up, and salvage operation.[5]

12. Work on removing the ***Rena*** wreck continues, and has continued since the Claimants filed their statement of claim. There has been no hiatus in salvage operations.

13. I have been advised by our MNZ media staff that the immediate response to the ***Rena*** accident involved:

    13.1 Between 200–300 personnel managing the response from the incident command centre.

    13.2 Approximately 600–800 people in the oil spill response team, including members of the ICC and people in the field undertaking beach clean-up and wildlife response.

    13.3 Around 150 NZDF personnel, from the Air Force, Navy and Army, with another 150 on short notice to respond as needed.

    13.4 Around 150 Department of Conservation (DoC) personnel providing field support to the wildlife response, conducting field surveys, collecting live and dead oiled wildlife, and providing logistical support, with others available at short notice.

    13.5 Around 100 people working in the wildlife response team, including National Oiled Wildlife Response Team personnel, veterinarians, ornithologists and expert responders with experience in the capture and treatment of oiled birds.

    13.6 Around 8,000 volunteers contributing more than 19,000 hours to collect more than 1,000 tonnes of oily waste from the coastline.

[5] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013, at [7].

MNZ's Current Involvement

14. MNZ in Tauranga is working with the Owner and Insurers' Client Representatives who are directly associated with the ongoing work with regard to ***MV Rena***. These are (i) Beca Consultants, (ii) TMC (Marine Consultants) Ltd (London) and (iii) Resolve Salvage & Fire (the current salvage company).

15. MNZ hosts meetings for these three groups each week on Tuesdays and Fridays. This is a concrete consequence of the current Section 248 MTA Notice, which requires the ***Rena's*** owners and insurers to provide all relevant information, and provide regular updates, with respect to the removal of the ***Rena***.

Involvement of other government agencies over time

16. The Department of Conservation (DOC) has conducted work at Motiti Island, most recently this has consisted of pest and rat eradication.

The current state of the MV *Rena* wreck

17. As stated in David Billington's affidavit, ***Rena*** struck the Astrolabe Reef / Otaiiti on 5 October 2011.[6] It had 1,368 containers on board. In early January 2012, the ***Rena*** broke in two.[7]

    17.1 The aft section, which had separated from the rest of the ship, moved down the reef, slid down to the sea floor with the stern in sediment, but remained in the immediate vicinity, at approximately 65 metres depth. The aft section has a current attitude of 55 degree list to starboard, and trim 17.5 degree aft on the reef. It has not moved from this position, and current stable state. The fore section remained on the reef. This section has been reduced to "LAT -1m" (Lowest Astronomical Tide, minus 1 metre) as part of the "bow reduction" salvage work. This was completed on 29 June 2013. The remainder of the fore section is estimated to be 1,000 tonne hull steel. No aspect of ***Rena*** is visible above water.

18. With regard to the ship's 1,368 containers, 1,039 have been recovered, and 329 have not been recovered. Of the 329 containers that have not been recovered:

[6] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013, at [5].

[7] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013, at [13].

18.1 18 empty containers/container scrap are potentially located in the bow/forward section;

18.2 37 have been located, and their contents identified, on the seabed;

18.3 A further 3 have been located on the seabed, but their contents not identified;

18.4 The remaining 271 containers have not yet been located, but are either in the aft section or in the debris field.

19. Work continues with regard to the containers, as set out below.

Next stage of the wreck removal operation: Accommodation Block

20. Further ***Rena*** wreck reduction work removing the accommodation block (also known as the "House") has commenced. I understand the ***Rena*** owners and insurers initially thought to leave it as a Recreation Dive attraction, but have since moved away from that approach.

21. A "House" survey indicated that the accommodation block was deteriorating faster than the ***Rena's*** owners and insurers had originally thought.

22. There has been preparation taking place offshore, which is now at an advanced stage. This has included the mobilisation of marine assets from Singapore and the United States, all of which have already been deployed to New Zealand, and are on route. The current operation timeline is from October – December 2013. This means that the accommodation block will be cut by chains, lifted onto a barge and brought into sheltered waters for reduction and disposal. This phase of work is scheduled to be completed by the end of December 2013.

23. The enormity of this task is emphasised by having to bring vessels, barges, and equipment from offshore, increase the diving capacity to cope with deeper diving, which are at the limits for Surface Supply Breathing Apparatus (SSBA) construction diving.

24. The safety risk is greater to personnel, as the deeper the dive, the less "bottom time" to work on the wreck. Penetration into the ship is required, and into the accommodation block to achieve this removal operation.

25. The accommodation block will be removed in two pieces, and placed onto a transport barge. It will then be brought into sheltered waters within the Port of Tauranga. From there it will be "reduced" and disposed of.

26. This operation, like others, will be subject to favourable weather and sea conditions given Astrolabe Reef / Otaiiti is an exposed and isolated location.

Concurrent Operations

27. The next and ongoing phases of cargo recovery and wreck removal scheduled for 2013, of which MNZ has knowledge from ***Rena's*** owners and insurers, are set out under the following subheadings.

28. At this stage, these concurrent operations are likely to continue into the New Year and first quarter of 2014.

Debris Recovery

29. While 743.49 tonnes of metallic steel and 91.59 tonnes of non-metallic debris has been recovered, there still remains a significant debris field to be cleaned and recovered. This is an ongoing task, and has been agreed to by the ***Rena*** owners and insurers. This operation will cover a minimum depth of 30 metres, over an area of 10,000 metres.

Make Safe

30. Present indications are that the ***Rena's*** owners and insurers will seal off any underwater entrapment, remove any entanglement, and clear sharp unsafe items on the reef and wreck site. They intend to place permanent hazard warning signs on the wreck.

Recovery of Scattered items

31. Various scattered items are to be recovered. One such item of hull from the port side is estimated at 250 tonnes, and the bulbous bow approximately 120 tonnes as examples.

Container and Cargo Recovery

32. As noted above, no cargo is left in the bow/forward section, but there are potentially 18 empty containers/container scrap in that section.

33. The ***Rena's*** owners and insurers are also looking to remove a number of containers from the aft section. This will require the investigation, and where practical and necessary, removal of certain contents of containers.

Safety issues

34. There are significant issues around removing the ***Rena*** wreck, including safety issues and difficulty in adverse environmental conditions

35. Limited consecutive good weather days and favourable sea conditions have been a negative factor in this operation affecting milestones and timelines.

36. All current operations involve divers. SSBA construction diving, which is required for the ***Rena's*** aft section (55 degree to starboard and 17.5 degree trim aft), is extremely challenging. Operations push to the limit established and industry accepted dive limits, which are promulgated under the Health and Safety in Employment Regulations 1995.

Entire Removal of the Wreck

37. I cannot speculate as to how long full removal of the wreck would take, or whether this will eventually occur (as I understand the ***Rena's*** owners and insurers may apply for a resource consent to leave part of the wreck behind on the reef).

Ongoing provision of information

38. As previously outlined in David Billingotn's affidavit, MNZ has liaised with the public, Iwi Leaders and Iwi "Hubs" in the region.[8] That engagement continues.

39. MNZ provided Iwi present at the BOPRC hosted Long Term Environmental Recovery Plan (LTERP) Meetings with a ***Rena*** Wreck reduction, Debris recovery, and Cargo Hold Update.

40. Iwi engagement continues as a part of the Bay of Plenty Regional Council (BOPRC) LTERP Steering Group meetings. The Steering Group is attended by Iwi / Maori Representatives and a forum where MNZ also provide ***Rena*** Salvage & Recovery Updates. The LTERP Steering Group generally meets once per quarter, and most recently met on 28 August 2013. The next Steering Group meeting is currently scheduled for 22 October 2013.

[8] Affidavit of David Billington (Wai 2393, #A2), 19 June 2013, at [16].

41. Rangi Butler participated in a North Motiti Island Iwi Representatives Otaiiti Reef visit in vessel ***MV Guardian***, 2013.

42. Ongoing shoreline Debris Recovery Management has included local contracts entered into by the ***Rena*** Owner with Matakana and Maketu Iwi. A similar contract offer for debris shoreline survey, monitoring, and debris recovery is progressing with Motiti Iwi (Rangi Butler).

43. Ngati Pikiao Environmental Society Cultural & Astrolabe / Otaiiti Reef Assessment Dive 17 Jul 2013 was undertaken by Joe Te Kowhai, Ngati Whakaue, Ngati Pikiao and Ngati Makino descent. This activity was supported by the Owners and Insurers Client Representatives.

AFFIRMED
at Tauranga this 2nd day of October 2013
before me:

Reece Stuart Golding

A Solicitor/~~Deputy Registrar~~ of the High Court of New Zealand

[GARTH ROBERT MATHESON.