

23 May 2024

TEL +64 4 473 0111
Level 11, 1 Grey Street, Wellington 6011
PO Box 25620, Wellington 6140
New Zealand

s 9(2)(a)

Our ref F34480

Dear s 9(2)(a)

Request for information regarding Ocean Emergency Response Capabilities

Thank you for your email dated 25 April 2024 requesting the following information:

“Please supply the following information under the Official Information Act (OIA)

- *MNZ paper to MOT/Minister outlining options for ETV response and recommendations*
- *Communications to and from Minister/Ministry concerning that report during the period 28 January 2023 to present*
- *Supporting data such as tug capability on the NZ coast*
 - *Clarified as:*
 - *how much research was done to determine what towage capabilities there are in NZ to assist with an emergency towage situation.*
 - *If any vessels were identified, how readily available are they and are they suitably equipped and manned to undertake an open water towage task in unfavorable weather conditions?.”*

Response

We have considered the above request under the Official Information Act 1982 (the Act) and our response to your requests are as follows.

MNZ paper to MOT/Minister outlining options for ETV response and recommendations

Maritime NZ provides the government of the day with advice relating to emergency ocean response capabilities (EORC). Following receipt of a briefing on 27 July 2023 briefing (on 28 July 2023), further work was requested by the then Associate Minister of Transport, Hon Damien O'Connor.

This further work was undertaken over late 2023 and has informed the basis of briefings and advice to the new Government over the last few months, which is currently under consideration. Therefore we are withholding these papers under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

EORC is an important and complex issue and the advice Maritime NZ has provided to the Government builds on what has gone beforehand.

Maritime NZ will be looking to proactively release this material after decisions have been made.

Please note that Maritime NZ has not provided a paper directly to the Ministry of Transport outlining options for ETV response and recommendations, as the Ministry has worked with Maritime NZ on papers we have sent to the Minister and Associate Minister of Transport.

Communications to and from Minister/Ministry concerning that report during the period 28 January 2023 to present

19 documents fall within the scope of your request and are detailed in the document schedule attached as Appendix 1. The schedule also outlines how the documents you requested have been treated under the Act.

Certain information is withheld or refused under the following sections of the Act:

6(b)(i)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government
9(2)(a)	to protect the privacy of natural persons
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
9(2)(i)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities
9(2)(j)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
18(d)	the information requested is or will soon be publicly available

Supporting data such as tug capability on the NZ coast

- *Clarified as:*
 - *how much research was done to determine what towage capabilities there are in NZ to assist with an emergency towage situation.*
 - *If any vessels were identified, how readily available are they and are they suitably equipped and manned to undertake an open water towage task in unfavorable weather conditions?"*

Comprehensive research was conducted on Maritime NZ's behalf – this research is refused under section 9(2)(f)(iv) of the Act.

As part of preparing advice for the Minister, Maritime NZ consulted with a range of stakeholders including commercial operators and others with extensive experience in this field. This work included looking at what offshore towage capabilities may be present in New Zealand. The outputs of this advice is refused under section 9(2)(f)(iv) of the Act.

Where possible, Maritime NZ will be looking to proactively release this material after decisions have been made.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to email ministerial.services@maritimenz.govt.nz

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C Ross'.

Christine Ross
Manager, Communications and Ministerial Services

Appendix One

Doc #	Title of Document	To	From	Date	Proposed decision on request
1	[BRIEFING] Emergency Towage Capability	Hon Michael Wood, Hon Kiri Allan	Maritime NZ	27/0/32023	Withheld under s9(2)(f)(iv)
2	[EMAIL] FW: In confidence: Feedback from meeting with Minister Allan this evening, towage paper	Natasha Rave, Carl van der Meulen, Ministry of Transport	Shelley Tucker	20/04/2023	Withheld under s9(2)(g)(i)
3	[BRIEFING] Minister of Transport and Maritime NZ Director (excerpt only)	Hon Kiri Allan, Associate Minister of Transport	Maritime NZ	1/5/2023	Withheld under s9(2)(f)(iv)
4	[BRIEFING] Minister of Transport and Maritime NZ Director (excerpt only)	Hon Kiri Allan, Associate Minister of Transport	Maritime NZ	26/05/2023	Withheld under s9(2)(f)(iv)
5	[EMAIL] RE: EXTERNAL: RE: Minister meeting on 20th	Kirstie Hewlett, Shelley Tucker	Daniel Mitchell, Minister Allan's Office	18/07/2023	Withheld under s9(2)(g)(i)
6	[EMAIL] EXTERNAL: RE: COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC	Shelley Tucker, Kate Rose (Minister Allan's Office), Natasha Rave (Ministry of Transport), Carl Van Der Meulen	Daniel Mitchell, Minister Allan's Office	24/07/2023	Some information withheld under s9(2)(a)

Doc #	Title of Document	To	From	Date	Proposed decision on request
		(Ministry of Transport)			
7	[EMAIL] COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC - Options for Minister O'Connor - for decision please	Peter Brunt, Kirstie Hewlett	Shelley Tucker	27/07/2023	Refused under 18(d)
8	[EMAIL] RE: COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC - Options for Minister O'Connor - for decision please	Peter Brunt	Shelley Tucker	27/07/2023	Withheld under s9(2)(g)(i)
9	[BRIEFING] – Ocean Emergency Response Capabilities (EORC) and slide pack	Hon Damien O'Connor	Maritime NZ	27/07/2023	Withheld under s9(2)(f)(iv)
10	[EMAIL] EXTERNAL: RE: COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC - Minister O'Connor	Shelley Tucker	Daniel Mitchell, Minister Allan's Office	28/07/2023	Some information withheld under s9(2)(a)
11	[EXCERPT] Briefing to the Incoming Associate Minister	Hon Damien O'Connor	Maritime NZ	August 2023	Some information withheld under s9(2)(g)(i)
12	[EMAIL] RE: EXTERNAL: Media Query re: Urgent Advice for ETV	Shelley Tucker, Adam Walker	Daniel Mitchell, Minister Allan's Office	7/08/2023	Withheld under s9(2)(g)(i)
13	[EMAIL] Re: EXTERNAL: FW: ETV project	Shelley Tucker	Natasha Rave (Ministry of Transport)	6/09/2023	Withheld under s9(2)(j)
14	[EXCERPT] Briefing to the Incoming Minister	Hon Simeon Brown	Maritime NZ	November 2023	Withheld under s9(2)(g)(i) and s9(2)(i)

Doc #	Title of Document	To	From	Date	Proposed decision on request
15	[EMAIL] EXTERNAL: RE: Commercial in confidence: EORC briefing	Graham MacLean	Natasha Rave Ministry of Transport	1/12/2023	Some information withheld under s9(2)(a), out of scope
16	[BRIEFING] Emergency Ocean Response Capabilities	Hon Simeon Brown, Hon Matt Dooney	Maritime NZ	7/12/2023	Withheld under s9(2)(f)(iv)
17	[BRIEFING] Emergency Ocean Response Capabilities – Next steps	Hon Simeon Brown	Maritime NZ	9/01/2024	Withheld under s9(2)(f)(iv)
18	[EMAIL] Emergency Ocean Going Towage	Helen White, Minister Brown's Office	Kirstie Hewlett, Maritime NZ	2/02/2024	Withheld under s9(2)(g)(i)
19	[BRIEFING] Update on Emergency Ocean Response Capabilities	Hon Simeon Brown, Hon Matt Dooney	Maritime NZ	1/3/2023	Withheld under s9(2)(f)(iv)

From: [Daniel Mitchell](#)
To: [Shelley Tucker](#); [Kate Rose](#)
Cc: [Natasha Rave](#); [C Van Der Meulen](#); [Kirstie Hewlett](#)
Subject: EXTERNAL: RE: [COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC Monday,
Date: 24 July 2023 9:23:05 am
Attachments: [image001.jpg](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Shelley, noted.

Cheers,

Daniel Mitchell (he/him) | Acting Private Secretary (Transport)
Daniel.Mitchell@parliament.govt.nz | s 9(2)(a)

Office of Hon Kiri Allan MP

Minister of Justice | Minister for Regional Development | Associate Minister of Transport
Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand
Office Phone: +s 9(2)(a) Email: K.Allan@ministers.govt.nz

From: Shelley Tucker <Shelley.Tucker@maritimenz.govt.nz>
Sent: Friday, 21 July 2023 5:50 PM
To: Daniel Mitchell <Daniel.Mitchell@parliament.govt.nz>; Kate Rose <Kate.Rose@parliament.govt.nz>
Cc: Natasha Rave <n.rave@transport.govt.nz>; C Van Der Meulen <C.VanDerMeulen@transport.govt.nz>; Kirstie Hewlett <Kirstie.Hewlett@maritimenz.govt.nz>
Subject: COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC

COMMERCIAL IN CONFIDENCE

Good evening Daniel,

Thank you for your email of 18 July, regarding advice for the Minister on Emergency Ocean Response Capabilities (towage).

Please find attached a short cover memo and the detailed slide pack we prepared for the Minister, for the Office to convey to Minister Allan when you can. We took some additional time this week to edit the pack to make it more intuitive as a read-only product (as opposed to it being presented). We have set out in the cover memo the matters it would be useful to receive any thoughts or reflections from the Minister on.

Please note that the briefing/slide set contain some very commercially sensitive material, so care is needed with the handling of this material please.

We will continue work on the fuller written report for the Minister, although it will cover the same areas of focus as the detailed slide pack. We expect to provide this to the Minister at the end of next week.

Many thanks,

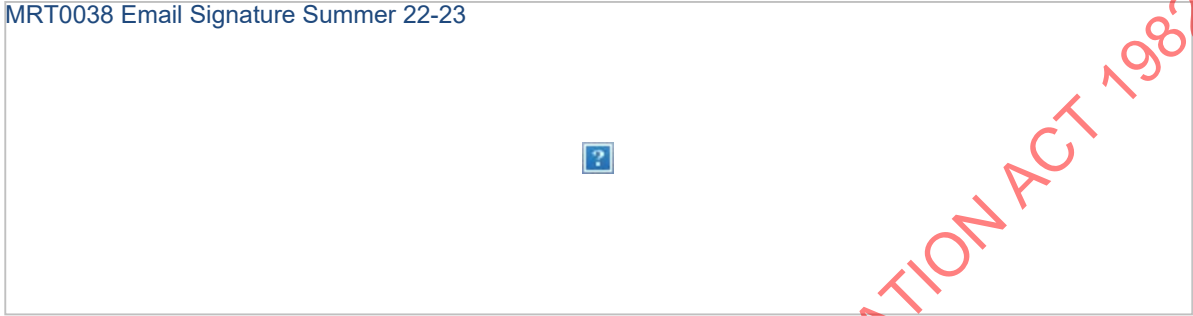
Shelley

Shelley Tucker | Deputy Chief Executive Response Security and Safety Services (Acting)

Maritime New Zealand | Wellington
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From: [Daniel Mitchell](#)
To: [Shelley Tucker](#)
Cc: [Kirstie Hewlett](#); [Natasha Rave](#)
Subject: EXTERNAL: RE: COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC - Minister O'Connor
Date: Friday, 28 July 2023 12:16:25 pm
Attachments: [image001.jpg](#)

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Thanks Shelley, not a problem, and noted re: commercial sensitivity.

Cheers,
Daniel.

From: Shelley Tucker <Shelley.Tucker@maritimenz.govt.nz>
Sent: Friday, 28 July 2023 12:12 PM
To: Daniel Mitchell <Daniel.Mitchell@parliament.govt.nz>
Cc: Kirstie Hewlett <Kirstie.Hewlett@maritimenz.govt.nz>; Natasha Rave <n.rave@transport.govt.nz>
Subject: COMMERCIAL IN CONFIDENCE: Slide pack and cover memo of EORC - Minister O'Connor
Importance: High

COMMERCIAL IN CONFIDENCE

Hi Daniel

Sorry this is a bit late.

As agreed, please find attached the towage slide pack, and cover memo for Minister O'Connor. We've also included, with the cover memo, a copy of the March briefing we provided to Ministers Allan and Wood.

Can I just emphasise again the very commercially sensitive nature of some of the content in these slides, and the need for care with handling the documents.

Many thanks,

Shelley

Shelley Tucker | Deputy Chief Executive Response Security and Safety Services (Acting)

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Excerpt from the Briefing to the Incoming Associate Minister, August 2023

Availability of ocean towage capacity for large ship responses

New Zealand has very limited capability to tow vessels that encounter difficulties while at sea (i.e. beyond harbour limits).

9(2)(g)(i)

9(2)(g)(i)

Earlier this year, Ministers agreed to receive advice on potential options to increase our emergency towage capability, with a focus on potential solutions for the Cook Strait in the first instance. We have recently provided preliminary advice to your Office about potential options, and we would welcome an opportunity to discuss this in detail with you.

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From: [Natasha Rave](#)
To: [Graham MacLean](#)
Cc: [Shelley Tucker](#); [C Van Der Meulen](#)
Subject: EXTERNAL: RE: Commercial in confidence: EORC briefing
Date: Friday, 1 December 2023 12:16:27 pm
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[EORC Tier 2 BIM Draft as at 30 November 2023 Clean Copy MoT.docx](#)

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Hi Graham,

Apologies for the delay in getting this back to you. We've been waylaid this morning on another matter and in the short time I've been able to look at this, I do not have any substantive comments, and the Ministry has seen most of this information sent to the previous government.

Thank you for sending this to us to review.

Natasha

Dr Natasha Rave

Kaiwhakahaere – Te Aumangea me te Haumarutanga | Manager – Resilience and Security
Te Pūnaha Waka me ngā Whakaritenga | System and Regulatory Design
Te Manatū Waka | Ministry of Transport

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*Please note I am available from 8am to 4pm daily.

From: Graham MacLean <Graham.MacLean@maritimenz.govt.nz>
Sent: Thursday, November 30, 2023 4:01 PM
To: Natasha Rave <N.Rave@transport.govt.nz>
Cc: Shelley Tucker <Shelley.Tucker@maritimenz.govt.nz>
Subject: RE: Commercial in confidence: EORC briefing

Kia ora Natasha,

Thanks for the message earlier in the week. I look forward to meeting you early in the New Year.

As Shelley has outlined we are consulting the Tier 2 briefing for emergency towage with TMW. See attached. Given tight timelines, we aim to submit tomorrow, and the fact that this is a Tier 2 briefing we are sharing primarily for your awareness. If there is anything in particular you wish to provide feedback on then please do so by midday tomorrow.

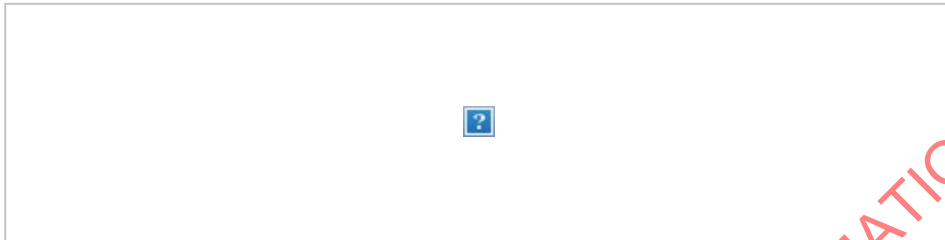
Many thanks,

Ngā mihi

Graham MacLean
Deputy Chief Executive, Response Security and Safety Services (RSSS)

M § 9(2)(a) | E Graham.MacLean@maritimenz.govt.nz | W maritimenz.govt.nz

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From: Shelley Tucker <Shelley.Tucker@maritimenz.govt.nz>
Sent: Tuesday, 28 November 2023 8:41 am
To: Natasha Rave <n.rave@transport.govt.nz>
Cc: Graham MacLean <Graham.MacLean@maritimenz.govt.nz>
Subject: Commercial in confidence: EORC briefing

Hi Natasha (copying in Graham)

We're aiming to send a Tier 2 briefing over to the new Minister/s on towage this week. We have a draft paper ready, which is 95% the same, in terms of content, as the slide pack we sent over earlier this year. The main changes are that it's in a traditional briefing form, and has a bit of detail about the current phase of work which are the commercial in confidence discussions with a few operators – but the paper doesn't speak to the outcomes of those conversations which are ongoing.

We would like TMW to have a chance to review but obviously the turnaround will be tight (we'd aim to get a draft over tonight or tomorrow morning) and we'd need any feedback by Thursday sorry. Noting this, and as covered above, it's significantly the same as what you've previously seen and were happy with, just in a different format.

Thanks

Shelley

Shelley Tucker | Chief Advisor Partnerships

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