

OTAGO REGIONAL COUNCIL

**Agenda for an Extraordinary meeting of Council meeting to be held in
the Council Chamber, 70 Stafford Street, Dunedin on Wednesday
20 July 2016 commencing at 8.45 am**

Membership:

- Cr Stephen Woodhead (Chairperson)**
- Cr Gretchen Robertson (Deputy Chairperson)**
- Cr Graeme Bell**
- Cr Doug Brown**
- Cr Louise Croot MNZM**
- Cr Michael Deaker**
- Cr Gerrard Eckhoff**
- Cr Gary Kelliher**
- Cr Trevor Kempton**
- Cr Sam Neill**
- Cr Bryan Scott**
- Cr David Shepherd**

Apologies:

Leave of Absence: **Cr Sam Neill**

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 18 July.

CONFIRMATION OF AGENDA

CONFLICT OF INTEREST

PUBLIC FORUM

PART A - RECOMMENDATIONS

2016/0898 Authorisation for Chief Executive to delegate under the Maritime Transport Act 1994. DCS, 21/6/2016

The report makes a recommendation to Council to authorise the Chief Executive to have delegation to appoint regional On Scene Commanders and the power to remove or deal with wrecks in the Otago region under the Maritime Transport Act 1994.

REPORT

Document Id: A913199

Report Number: 2016/0898

Prepared For: Council

Prepared By: Peter Kelliher, Legal Counsel

Date: 21/6/2016

Subject: **Delegations under the Maritime Transport Act 1994**

Précis

The Otago Regional Council has duties under the Maritime Transport Act 1994 with respect to marine oil spill response and maritime safety. For administrative efficiency, functions under the Maritime Transport Act may be delegated to appropriate staff.

Background – Marine Oil Spills

The Otago Regional Council (“Council”) has a responsibility under the Maritime Transport Act 1994 (“the Act”) to prepare for and manage marine oil spill events within the region. In addition to its regional responsibilities, ORC also forms part of the national response capacity for large marine oil spill events.

A key role within the marine oil spill response function is that of the regional on-scene commander. The principal objective of the regional on-scene commander is to manage the prevention of further pollution from an oil spill and lead the containment and clean up the oil spill in accordance with marine oil spill contingency plans.

The Act requires Council to appoint:

- a regional on-scene commander for the Otago region; and
- a person(s) who shall perform the functions and duties of an on-scene commander, should the position be vacant or the on-scene commander absent.

Background - Removal of wrecks

The Act provides Council with the ability to remove and deal with any “wreck”, that is a hazard to maritime navigation. Under the Act, “wreck” is defined as including a ship that is abandoned, stranded or in distress.

Decisions on removing or dealing with a wreck need to be made in a timely manner to prevent or mitigate the risk of damage to property or persons.

Delegation

For the effective operation of Council's responsibilities under the Act, it is suggested that appropriate delegation be authorised for (1) the appointment of regional on-scene commanders and (2) the removal or dealing with of wrecks. It is recommended that delegation to the Chief Executive be granted.

Recommendation

That the delegation to:

- 1. Appoint regional on-scene commanders under the Maritime Transport Act 1994;
and*
- 2. The power to remove or deal with wrecks in the Otago region under the Maritime Transport Act 1994*

be delegated to the Chief Executive.

Nick Donnelly
Director Corporate Services