

**From:** [BDC Laoima](#)  
**To:** [REDACTED]  
**Subject:** Internal Investigations, Compliance, Financial Impact, Governance Oversight, and Legal Exposure (2023–2025) Ref: OIA 079/25  
**Date:** Tuesday, 26 August 2025 1:18:58 pm  
**Attachments:** [Annual audit 2024.pdf](#)  
[Annual Audit 2025.pdf](#)  
[Port Operators Liability - Policy Wording.pdf](#)  
[Elected Member Declaration of Interests Table.pdf](#)

---

Dear [REDACTED]

We refer to your official information request dated 28 July for information around the Manahau grounding.

Part of the information you have requested is marked below in red and attached, however we are unable to provide some information as noted below for Questions 1, 3, 4, 5 and 6.

### **1. Internal Investigations Related to the "Manahau" Incident**

- Details of any internal investigations conducted by Buller District Council (BDC) into the "Manahau" grounding, including the terms of reference, methodology, findings, and recommendations.

**BDC did not conduct an internal investigation. However, we assisted with the Transport Accident Investigation Commission (TAIC) and Maritime New Zealand (MNZ) investigations into the matter.**

- Investigations into BDC's legal exposure and potential liability for the incident, including any estimated financial impact to the Council or stakeholders.  
**BDC sought legal advice and as this is legally privileged information to Council, we are unable to share this with you. No legal exposure and potential liability exposure was detected. We are therefore required to refuse this request under section 7 (2) (g) of the Local Government Official Information and Meetings Act to maintain legal privilege.**

- Any corrective actions mandated by Councillors, other relevant parties, or as required by law following the internal investigations, including timelines, responsible parties, and outcomes.

**Nil**

### **2. Health and Safety Compliance at the Port**

- Documentation of health and safety risk registers, workshops, and incident reports for the entire port (excluding the "Manahau" incident), assessing compliance with the New Zealand Health and Safety at Work Act, Marine Transport Act, and Land Transport Act.

**Please note as highlighted in Question 1 – there was no BDC internal investigation and there is no internal documentation on the Manahau incident.**

**I can confirm that Westport Harbour is part of the Port and Harbour Marine Safety Code and has a Port Safety Management System.**

- Independent audits or reviews related to port-wide health and safety compliance during 2023–2025, including findings, recommendations, and actions taken to address non-compliance or gaps.

Please see **attached 2024 and 2025 Annual Audits.**

- Safety performance metrics (e.g., incident frequency rates) and records of staff training related to health and safety, legal compliance, and emergency response.  
**Refer Question 2 – Port Safety Management system.**

### **3. Governance Oversight and Financial Impact**

- Records of governance oversight by Buller District Council, including any discussions or decisions by Councillors regarding the "Manahau" incident and broader port safety.  
**Please refer to answer in Question 1**

- Documentation outlining the financial impact of the "Manahau" incident, including cost breakdowns for investigations, legal settlements, corrective actions, and any adjustments to budgets or financial forecasts.  
**Please refer to answer in Question 1**

- Copies of any legal opinions, risk assessments, or advice received regarding the "Manahau" incident, focusing on liability and financial exposure.

**BDC sought legal advice and as this is legally privileged information to Council, we are unable to share this with you. We are therefore required to refuse Question 3 under section 7 (2) (g) of the Local Government Official Information and Meetings Act to maintain legal privilege.**

### **4. Financial Reports for the Period 2023–2025**

- Copies of financial reports for Buller District Council for the calendar years 2023, 2024, and 2025, ending in June, including any budgets, forecasts, and year-end financial statements that cover the port's operations, including specific costs or expenditures related to the "Manahau" incident and related corrective actions.

**The annual reports for 23,24 and 25 have not been finalised and once we received audit opinions they will be made available on the BDC website. We are therefore required to refuse Question 4 under section 17 (d) of the Local Government Official Information and Meetings Act as this information will soon be publicly available.**

### **5. Correspondence with Insurers**

- Copies of all internal and external correspondence related to the "Manahau" incident, including communications with insurers, contractors, government agencies, and other relevant parties during 2023–2025.

**As previously outlined there was no BDC investigation. Following notification from MNZ on the grounding BDC notified insurers. We are therefore required to refuse Question 4 under section 17 (e) of the Local Government Official Information and Meetings Act as we do not hold this information.**

### **6. External Reviews or Expert Consultations**

- Copies of any external reviews, expert consultations, or third-party reports commissioned by BDC in relation to the "Manahau" incident, including their findings and any recommendations.

**This matter is being independently investigated and we engaged with and provided information to TAIC and MNZ investigations. Any information provided to them cannot be made public as is part of their ongoing investigations. We are therefore required to refuse this request under section 6 (a) of the Local Government Official Information and Meetings Act .**

## **7. Organisational Structure and Incident Oversight**

- Organisational charts showing the structure of the port operations team, including roles, responsibilities, and the chain of command during an incident like the "Manahau" grounding.

Refer Question 2 – Port Safety Management system

- Records of any staff training and protocols related to emergency response, risk management, and health and safety compliance.

Refer Question 2 – Port Safety Management system

## **8. Public Liability Insurance Coverage**

- Copies of the public liability insurance policy and coverage details, including provisions for incidents involving the port or public infrastructure, such as the "Manahau" grounding.

See **attached** Port Operators Policy and Wording.

## **9. Risk Management and Compliance**

Documentation of BDC's risk management framework for legal, financial, health, and safety risks, and its compliance with relevant legislation, including the Local Government Act 2002 and other applicable statutes.

BDC risk management framework is regularly reported to RAC and is publicly available on our website.

- Any identified gaps in compliance from audits or investigations and actions taken to address these gaps.

As above and as reported to RAC

## **10. Conflict of Interest Declarations**

Records of conflict of interest declarations made by Councillors, council officers, or contractors involved in the port operations, and the measures taken to manage any identified conflicts.

See **attached** Elected Members Declaration of Interests.

## **11. Policies and Procedures for Port Operations**

- Copies of port safety policies and procedures, including emergency response protocols and risk management strategies for similar incidents.

Refer Question 2 – Port Safety Management system.

- Documentation of how these policies have been reviewed, updated, and implemented, and any gaps identified in audits or investigations.

Refer Question 2 – Port Safety Management system.

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to [lgoima@bdc.govt.nz](mailto:lgoima@bdc.govt.nz).

Please note that it is our policy to proactively release our responses to official information

requests where possible. Our response to your request may be published at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-igoima-requests/> with your personal information removed.

Kind regards

Paul Numan | Group Manager Corporate Services  
Email [Paul.Numan@bdc.govt.nz](mailto:Paul.Numan@bdc.govt.nz)

Buller District Council | Phone 0800 807 239 | [bullerdc.govt.nz](https://bullerdc.govt.nz)  
PO Box 21 | Westport 7866

Community Driven | One Team | Future Focused | Integrity | We Care

Email Disclaimer: This correspondence is for the named person's use only. It may contain confidential or legally privileged information or both. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this correspondence in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or relay any part of this correspondence if you are not the intended recipient. Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of Buller District Council.



**BULLER**  
DISTRICT COUNCIL  
Te Kaunihera Ō Kawatiri



**VOTE**  
**2025**  
LOCAL ELECTIONS

**EVERY VOTE HELPS  
SHAPE OUR FUTURE.**

**MAKE SURE YOU HAVE YOUR SAY.**

[votelocal.co.nz](https://votelocal.co.nz)

**NEXT LOCAL ELECTIONS  
OCTOBER 2025**





**Joint Self-Assessment of Safety Management System 2023/2024**

**Port operator:** NA

**Harbour authority/Council:** Buller District Council

**Date:** May 2024

|   |   |
|---|---|
| <p><b>SMS review undertaken by:</b></p>   | <p>Name: Domonic Venz<br/>         Position: Harbourmaster<br/>         Name:<br/>         Position:</p>  |
| <p><b>Signed and submitted by:</b><br/>         Harbourmaster and Port Operations Manager</p> | <p><u>Port company/operator:</u><br/> <br/> <u>District Council:</u><br/>         Buller District Council</p> |
| <p><b>Date of last internal review of SMS</b></p>   | <p>September 2023</p>   |
| <p><b>Date of last report on SMS self-assessment to governing body</b></p>                    | <p>Unable to find.</p>  |

|  |  |
|--|--|
| (i.e. Report provided to Port and Council CE/Board/Committee)  |  |
| <p>All reasonable steps have been undertaken to ensure we are following good marine safety practices. We believe we are Code consistent.</p> | <p>Signed by Chief Executive of:<br/> <u>Buller District Council:</u><br/> <br/> <b>SIMON PUCKFORD</b><br/> <b>10 July 2024</b></p> |

### Checklist for Chief Executives

As you prepare to sign this report, please ask yourself the following questions;

1. Do I know what is most likely to be the cause of my next marine accident or serious incident? ✓
2. How do I know that? ✓
3. Do I know what is being done about it? ✓
4. Do I know if it is working? ✓
5. Is the information in this report sufficient for me to certify that we are Code consistent? ✓
6. In the event of a major marine incident would I be able to rely on this document as evidence that a proper and thorough assessment of the SMS has been undertaken and that the safety systems in place address the risks for this port and harbour? ✓

## Joint annual self-assessment report

This report documents the self-assessment of the Safety Management System (SMS) for the area(s) and port(s) detailed below and forms part of the process to confirm that the SMS is consistent with the standards for harbours and ports set down in the New Zealand Port & Harbour Marine Safety Code 2020 (the Code).

The annual self-assessment of the SMS should be carried out by the Harbourmaster and the Port Operations Manager separately then together depending on the specific circumstances prevailing at the harbour or port.

The completed SMS self-assessment report should be provided to the Council and its Chief Executive and board of the port operator, regional council and Code Secretariat.

Please refer to **Appendix 1** for background information.

## Code application and key stakeholders (to be completed only if any change from previous reports)

|  |  |
|--|--|
| <b>Coverage and limits of risk assessment/SMS</b>  | Operations are currently in the scaling up phase, ongoing reviews of the SMS will be conducted to ensure the document is relevant.   |
| <b>Main facilities and berths</b>  | No change in floating marina space.<br>Commercial berths in the river are currently in a poor state of repair with a project to repair / replace some of these facilities to be underway in the next 1 to 3 months. These berths (except for the dredge berth) are not currently in use. However, Westland Mineral Sands ship will start to use the Holcim berth in the next 2 months for regular calls. |
| <b>Providers of marine services:<br/>Pilotage<br/>Tugs and work boats<br/>Aids to navigation</b> | BDC.   |

## Overall Assessment of performance against Code Standard

|  | Own rating<br>1 Does not meet<br>2 Meets           | Rating for the combined port and harbour system<br>1 Does not meet<br>2 Meets |
|--|--|---|
| If you assessed your performance as 'does not meet' the requirements of the Code, please explain why?  | Port Company<br>NA<br><br>Regional Council<br>2    | Port Company<br>NA<br><br>Regional Council<br>NA                              |
| How confident are you that your SMS and its processes are sufficiently robust to respond to any maritime risk or situation that may occur in your harbour or port?               | Port Company<br>NA<br><br>Regional Council<br>2    | Port Company<br>NA<br><br>Regional Council<br>NA                              |
| <u>Innovation</u><br><br>In the previous 12 months, have you identified any innovative practices or new learnings that could be shared with Code members? Please summarise here. | Port Company<br>NA<br><br>Regional Council<br>Nil. | Port Company<br>NA<br><br>Regional Council<br>NA                              |



**Key findings from the most recent annual review of your SMS (add more lines if required)**

To date in reviewing and correcting the SMS, it has become evident that it is critical that the revised SMS is flexible enough to incorporate anticipated changes and/or ensure that those changes are proactively captured and reflected in a living SMS.

Competency and knowledge of senior port staff is essential to the success of the Port and the port's SMS particularly, given that being a very small port with limited funding, the staff base is small and so they require a broad knowledge to be effective.

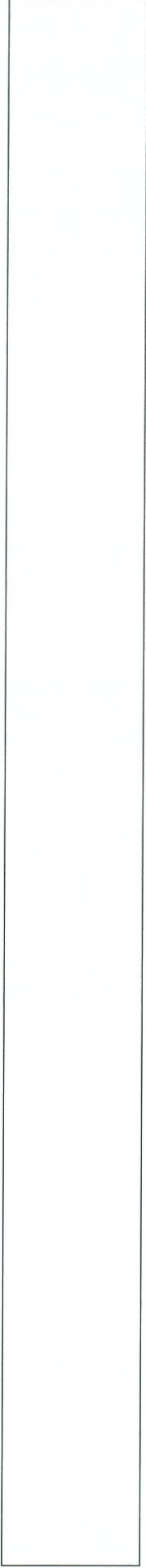
**Identify the areas/issues listed in your previous year's assessment and state if these have been satisfactorily addressed? If not explain why not please**

New HM recruited, however no dedicated Port Manager in place and unlikely at this stage.

External assistance has been received from other code members as and when required.

**What areas/issues will you focus on for the next 12 months, i.e. specific improvements and/or work streams? (add more lines if required)**

The focus will be on ensuring that the SMS accurately reflects the port's operations, captures change as it occurs, and results in a safer port environment and operation.



| <b>Your people, relationships and working together</b>  |  | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need)       |
|---|--|--|
| <b>COMMENT</b><br>(Add as many lines as you need)   | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need)   |  |
| <p><b>How does your organisation report and publish its performance against the Code including the results of the SMS review? (e.g. in annual report or long term community plan, action plans or websites)</b></p> | <p>Port Company</p> <p>NA</p>  |  |
| <p><b>How effective are your relationships with your counterparts - port, harbour and Maritime NZ?</b></p>  | <p>Council</p> <p>This has been absent this last Annual Report period due to the change in Port Management</p>   | <p>Port management will ensure ongoing reporting.</p>                            |
| <p><b>What is the frequency of any joint Port Company/Regional Council/Maritime NZ safety committee meeting? (NOTE: may have a different name)</b></p>  | <p>Port Company</p> <p>NA</p>  |  |
|   | <p>Council</p> <p>HM in place from July 2023. Good engagement with MNZ across several areas as well as building relationships with HM cohort across NZ. Good discussions with BDC CEO/Mayor and elected Councillors.</p> | <p>Continue as appropriate.</p>  |
|   | <p>Port Company</p> <p>NA</p>  |  |
|   | <p>Council</p> <p>Routine meetings with local MNZ and other District council staff and other top of the south HM's.</p>  | <p>Continue and engage with E-Can and ORC re PHMSC and general HM skill set.</p> |

| Your people, relationships and working together  | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) | COMMENT<br>(Add as many lines as you need)  |  |
|--|---|---|--|
|  |   |   |  |
| <p>What key issues and actions have been identified at these meetings in the past year?</p>  | <p>Port Company</p>   | <p>NA</p>   |  |
| <p>How did you engage and consult with affected users of the waterways covered by the risk assessment and inform them about relevant changes to the SMS e.g. pilots, tugmasters, recreational users, iwi, harbour consultancy groups, coastguard, etc.</p> | <p>Council</p>  | <p>Mutual understanding of potential and actual risks and incidents including ideas on appropriate responses.</p>   | <p>Continue this engagement.</p>   |
|  | <p>Port company</p>   | <p>NA</p>   |  |
|  | <p>Council</p>  | <p>Currently the Harbourmaster is the interface with port users, through his interactions with the local fishing fleet, recreational users via safety programmes. He is in constant contact with the dredge master and works closely with him on the SMS programme. He is managing the development of systems and vessel around the Mineral sand vessel arrival. Close interaction is</p> | <p>Continue to drive Westport as the best Westcoast bar port.<br/>Routine meetings with WMS.</p> |

| <b>Your people, relationships and working together</b>   | <b>COMMENT</b><br>(Add as many lines as you need)   | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) |
|--|---|--|
|  | taking place with WMS round their operation to be started this winter.  |  |
| <b>How might the levels of competency, guidance and equipment provided to your staff be further developed?</b>   | NA  |  |
|  | Purchased multipurpose vessel for use in survey and pilotage. Required upgrades to ensure complies with survey which is 90% completed. Master has been upskilling in Port Nelson around Pilot transfers. Crew have been training on vessel and MTOP submitted and approved by MINZ. | Continue the work on vessel upgrades as well as staff skill sets.          |
| <b>Did you or your staff participate on Code SMS reviews or technical panels in the previous 12 months? If so, describe the extent and value of the experience</b> | NA  |  |
|  | No opportunity given status of the port and previous HM not in a position to assist.  | Engage as and when able to.  |



| <b>Your risk assessment, risk profile and SMS</b>                           |              | <b>COMMENT</b><br>(Add as many lines as you need)  | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need)     |
|---|--------------|--|--|
| <b>How often do you undertake Code Application Assessments<sup>2</sup>?</b> | Port Company | NA   |  |
|   | Council      | It was intended that an external review was made under the previous Port Manager but one, However, in the transition to the last PM, this appears to have not been actioned.<br><br>Update of information and format was completed in October 20203. | Add this review into the programme and ensure dredge master involved.          |
| <b>When was your last Code Application Assessment completed?</b>            | Port Company | NA   |  |
|   | Council      | This is not clear in the information I have to hand but I believe in 2019.   |  |
| <b>When did you last review your SMS? Why?</b>                              | Port Company | NA   |  |
|   | Council      | Refresh and update completed in October 2023 due to new HM wanting to understand the system.   | Increase in operations will drive a review again in October 2024 and annually. |

<sup>2</sup> A Code Application Assessment means a high-level risk assessment looking at the waters of the whole region to identify which harbours should be subject to the New Zealand Port & Harbour Marine Safety Code 2020

| Your risk assessment, risk profile and SMS  |              | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need)  |
|---|--------------|--|
| <p><b>What substantive risk management changes to your SMS or have been made based on the Key Principles for Marine Safety Risk Management guidelines and why (or why not)?</b></p> | Port Company | NA   |
|   | Council      | <p>Changes to the SMS to date have focused on deleting equipment, processes and procedures that are no longer relevant to the port's current operation and adding to or amending current controls. This is to accurately reflect the port's current operation in accordance with the guidelines. This is to ensure the safety of the personnel, shipping and environment involved.</p> <p>A key limit or control faced is the small size of the port's operation and limited staff. As such, the staff employed must have a broad understanding of all of the complex issues being dealt with and accept that at times specialist outside assistance should be used to assist in ensuring positive outcomes. At a senior level in Council this is acknowledged, and encouraged, and will be budgeted for.</p>                                      |
| <p><b>In what areas of risk has there been an increase or decrease in risk profile?</b></p>   | Port Company | NA   |
|   | Council      | <p>The commercial fishing sector has responded well to the effort and work that the Harbour Master has put into safe boating and bar crossing. Facilities have been upgraded and are safer for users. Awareness of the navigation rules with respect to large vessels operating in and around the port are not as well understood and followed as they should be, particularly amongst the transient fleet. Non-commercial users (general public) have responded well to the effort and work that the Harbour Master has put into safe boating and bar crossing including upgrading website information on <a href="http://www.westportharbour.co.nz">www.westportharbour.co.nz</a></p> <p>Commercial shipping is expected to return to the port this year and preparation is underway to ensure that this is accurately reflected in the SMS.</p> |

| Your risk assessment, risk profile and SMS   |                         | COMMENT<br>(Add as many lines as you need)   | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need)  |
|--|-------------------------|--|--|
| What were the reasons for the changes in risk profile?   | Port Company<br>Council | NA<br>Change in operations going forward and a refresh in thinking.  | We will continue to review the SMS and have it externally reviewed to ensure maximum risk management processes are in place. |
| What changes were made to the SMS as a result?   | Port Company<br>Council | NA<br>On going changes mostly in the refresh update space.   | Ongoing.   |
| What action have you taken in response to TAIC reports published in the previous 12 months? (if applicable)  | Port Company<br>Council | NA<br>Nil action required.   |  |
| Since the 2020/2021 assessment of your SMS, what risks from environmental factors (e.g. weather, tsunami) have been assessed or reassessed and what controls have been put in place? | Port Company<br>Council | NA<br>Discussions between Civil Defence, the Harbour Master, and the Group Manager, Commercial and Corporate Services have occurred over the last year, particularly around resilience in the aftermath of an AF8 event. The area is also exposed to flooding, with two major events in the past 12 months, with subsequent discussions being held with a number of parties, locally and nationally, around protection measures. | Close involvement with Civil Defence across the region is vital to being prepared.   |

| Your risk assessment, risk profile and SMS  |                         | COMMENT<br>(Add as many lines as you need)   | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) |
|---|-------------------------|--|---|
|   |                         |  |   |
| Since the 2020/2021 assessment of your SMS, what risks to the environment from your activities (e.g. oil spills) have been assessed or reassessed and what controls have been put in place? | Port Company<br>Council | NA<br>Oil spill response equipment has been upgraded and Harbour Master and harbour hand have been involved in ongoing training.<br>Recent exercise held I Westport with regional responders running out gear to deal with a spill scenario. | Training in September for HM and attend ongoing drills as required. |
| Do you undertake an external review of your SMS and, if so, when was one last undertaken?   | Port Company<br>Council | NA<br>No information of the last external review.  |   |
| What were the key findings from this review and what action was taken?  | Port Company<br>Council | NA<br>As above   |   |
| How were changes to your SMS reviewed internally and what was done to ensure they are having the desired effect?  | Port Company<br>Council | NA<br>Any changes discussed with BDC dredge master and CFO.  | On going.   |
|   | Port Company            | NA   |   |

| <b>Your risk assessment, risk profile and SMS</b>  |              | <b>COMMENT</b><br>(Add as many lines as you need)   | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) |
|--|--------------|---|--|
| How did you ensure the port and harbour SMSs remained aligned in the last 12 months?   | Council      | NA  | NA   |
| How often do you review the delineation of responsibilities and functions between the port and regional council to ensure that they are clear and continue to lie with the most appropriate party? | Port Company | NA  |  |
|  | Council      | The Port of Westport was vested to the Buller District Council by the West Coast Regional Council several years ago, so there is a clear delineation of responsibilities and functions. This includes delegation of MTA powers to BDC and then to HM in Westport. This was reviewed when new HM started in July 2023. | NA   |
| How do you ensure your SMS is up to date with changes to relevant legislation and codes of good practice?  | Port Company | NA  |  |
|  | Council      | Presently, it is manual and relies on the working knowledge of the HM and dredge master. Also, regular discussions with HM cohort to understand what information is available.  |  |

| <b>Your risk assessment, risk profile and SMS</b>                           |   | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) |
|---|---|--|
| <b>What further resources do you need to effectively implement the SMS?</b> | Port Company  |  |
|   | Council   |  |
|   | NA  |  |
|   | The need to get the admin coordinator at the port involve dis important to manage the information and data efficiently. | Engage with admin staff to ensure documents are live at all times.         |

| Your risk assessment, risk profile and SMS   | COMMENT<br>(Add as many lines as you need)   | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need)  |
|--|--|--|
| <b>INCIDENTS</b>   |  |  |
| What significant incidents have occurred in the previous 12 months? Please provide details of what happened during the incident(s) | <p>Port Company<br/>NA</p> <p>Council<br/>Kawatiri grounding during dredging operations.<br/>FV Tainui grounded while crossing bar and incorrect time (1 hour after LW).</p>   | <p>Nil.</p> <p>Reiterated to all fishers the dynamic nature of the bar and the need to gather up to date information and cross at or near HW only.</p>           |
| What action was taken in regard to investigation and reporting of these incidents?   | <p>Port Company<br/>NA</p> <p>Council<br/>Kawatiri event was internally and reported to MNZ.<br/>Tainui event reported to MNZ by owner.</p>  | <p>Report and investigate as appropriate.</p>  |
| What were the key lessons from these incident(s)?  | <p>Port Company<br/>NA</p> <p>Council<br/>Kawatiri event reduced the survey period of the bar to 7 days if possible.<br/>Tainui event reinforced the need to proactively promulgate bar information and website address.</p> | <p>On going surveys of the bar working closely with dredge master.<br/>Look at ways to increase dissemination of bar information for tuna fleet each summer.</p> |

| <b>Your risk assessment, risk profile and SMS</b>   |              | <b>COMMENT</b><br>(Add as many lines as you need)                                   | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need)                                       |
|---|--------------|---|--|
| What action was taken to disseminate information and key lessons from the incident(s) to relevant parties?  | Port Company | NA  |  |
|   | Council      | Engagement with fishers after both events noted that the bar is very dynamic.       | On going engagement.   |
| What improvements did you make to your SMS and procedures as a result of the incident(s)?   | Port Company | NA  |  |
|   | Council      | Rescue crews needed for harbour vessel to ensure we are well covered for any event. | Early discussions with FENZ who have identified 4 people to be involved on the vessel in the event of emergency. |
| How do you ensure your governance (e.g. Board), management and stakeholders are involved in and kept aware of the risk management process and risk profile of your port or harbour? | Port Company | NA  |  |
|   | Council      | Routine discussions with line manager.  | Brief new CEO.   |

| How can we help you?   | COMMENT<br>(Add as many lines as you need) |  |
|--|--|--|
| What issues/topics should be prioritised by the Code that would make the most difference to you? | Port Company                               | NA   |
|  | Council                                    | We understand that the code documents are being reviewed soon which is supported by BDC. Code members are very supportive as BDC starts to ramp up operations here as well as helping the new HM to understand the code processes. |

# Appendix 1

## Code context

Port operators and regional councils have undertaken to demonstrate their continuous adherence to the Code standard during the years between formal SMS peer reviews by undertaking annual self-assessments of the SMS.

It is essential that systems and associated records are rigorously maintained so, in the event of an incident, the council and the port operators can demonstrate adherence to and implementation with marine safety good practices.

A Code-consistent SMS must have its own monitoring, audit and review mechanisms as an integral part of the system. This should involve internal, as well as external, assessments and/or independent assessments. Port operators and councils are likely to have their own processes and guidelines for carrying out such audits and reviews.

## SMS self-assessment

The annual joint SMS self-assessment process provides certainty that the SMS and supporting systems and processes are up to date and operating to the highest possible standards, identifying where improvement may be necessary, prioritising action to be undertaken in response to risks identified or changes to operations, and confirming that the port and harbour are Code consistent. Additionally, the outcome of the safety assessment should be noted in the annual report of the port company/operator or regional council.

For monitoring the specific requirements of the Code and documenting the outcome of the annual SMS self-assessment, this template should be used.

The annual joint self-assessment of the SMS should be carried out by the Harbourmaster and the port operator separately then together depending on the specific circumstances prevailing at the harbour or port.

The completed SMS self-assessment report should be provided to the Council and its Chief Executive and board of the port operator, regional council for sign-off and forwarded to the Code Secretariat.

Sending a copy of the completed self-assessment report to the Secretariat will assist the Working Group to assess the level of consistency against the Code at a national level, identify common issues and find ways to assist the collective process of learning from each other's experience. It is also intended to assist the Code SMS review programme and the SMS panels when conducting reviews.




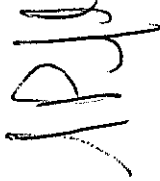
**Joint Self-Assessment of Safety Management System 2024/2025**

**Port operator:** Westport harbour

**Harbour authority/Council:** Buller District Council

**Date:** 30/5/25

|  |   |
|--|---|
| <p><b>SMS review undertaken by:</b></p>  | <p>Name: Domic Venz/ Francesca Welte<br/>         Position: Harbourmaster/Health and Safety Advisor (BDC)<br/>         Name:<br/>         Position:</p> |
| <p><b>Signed and submitted by:</b><br/>         Harbourmaster</p>  | <p><u>District Council:</u><br/>         Buller District Council</p>  |
| <p><b>Date of last internal review of SMS</b></p>  | <p>May 2024</p>   |
| <p><b>Date of last report on SMS self-assessment to governing body</b><br/>         (i.e. Report provided to Port and Council CE/Board/Committee)</p>  | <p>July 2024</p>  |

|  |  |
|--|--|
| <p>All reasonable steps have been undertaken to ensure we are following good marine safety practices. We believe we are Code consistent.</p> | <p>Signed by Chief Executive of:<br/> <u>Buller District Council</u>:<br/> <u>Simon Pickford</u></p>  <p>10 June 2025</p> |
|--|--|

### Checklist for Chief Executives

As you prepare to sign this report, please ask yourself the following questions;

1. Do I know what is most likely to be the cause of my next marine accident or serious incident?
2. How do I know that?
3. Do I know what is being done about it?
4. Do I know if it is working?
5. Is the information in this report sufficient for me to certify that we are Code consistent?
6. In the event of a major marine incident would I be able to rely on this document as evidence that a proper and thorough assessment of the SMS has been undertaken and that the safety systems in place address the risks for this port and harbour?

## Joint annual self-assessment report

This report documents the self-assessment of the Safety Management System (SMS) for the area(s) and port(s) detailed below and forms part of the process to confirm that the SMS is consistent with the standards for harbours and ports set down in the New Zealand Port & Harbour Marine Safety Code 2020 (the Code).

The annual self-assessment of the SMS should be carried out by the Harbourmaster and the Port Operations Manager separately then together depending on the specific circumstances prevailing at the harbour or port.

The completed SMS self-assessment report should be provided to the Council and its Chief Executive and board of the port operator, District council and Code Secretariat.

Please refer to **Appendix 1** for background information.

## Code application and key stakeholders (to be completed only if any change from previous reports)

|   |                  |
|---|------------------|
| <p><b>Coverage and limits of risk assessment/SMS</b></p>  | <p>No change</p> |
| <p><b>Main facilities and berths</b></p>  | <p>No change</p> |
| <p><b>Providers of marine services:<br/>Pilotage<br/>Tugs and work boats<br/>Aids to navigation</b></p> | <p>No change</p> |

## Overall Assessment of performance against Code Standard

|  | Own rating<br>1 Does not meet<br>2 Meets | Rating for the combined port and harbour system<br>1 Does not meet<br>2 Meets |
|--|--|---|
| If you assessed your performance as 'does not meet' the requirements of the Code, please explain why?  | District Council<br>2                    | District Council<br>2   |
| How confident are you that your SMS and its processes are sufficiently robust to respond to any maritime risk or situation that may occur in your harbour or port?               | District Council<br>2                    | District Council<br>2   |
| <u>Innovation</u><br><br>In the previous 12 months, have you identified any innovative practices or new learnings that could be shared with Code members? Please summarise here. | District Council<br>Nil                  |   |

|   |
|---|
| <p><b>Key findings from the most recent annual review of your SMS (add more lines if required)</b></p> <p>Staff familiar and training. Standard on going work throughout the year to ensure all aware and can find and refer to the plan.</p>   |
| <p><b>Identify the areas/issues listed in your previous year's assessment and state if these have been satisfactorily addressed? If not explain why not please</b></p> <p>A work in progress to ensure the document is suitable. Plan reviewed externally from Port team by BDC H&amp;S advisor and found code compliant.</p> |
| <p><b>What areas/issues will you focus on for the next 12 months, i.e. specific improvements and/or work streams? (add more lines if required)</b></p> <p>Continue to refine and simplify the plan to ensure its user friendly going forward.</p>   |

| <b>Your people, relationships and working together</b>  | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) | <b>COMMENT</b><br>(Add as many lines as you need)             | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) |
|---|--|---|--|
| How does your organisation report and publish its performance against the Code including the results of the SMS review? (e.g. in annual report or long term community plan, action plans or websites) | Council  | Made public through RAC.                                      | Added to RAC meeting direct to Councillors.                                |
| How effective are your relationships with your counterparts - port, harbour and Maritime NZ?  | Council  | Good no issues noted.   |  |
| What is the frequency of any joint Port Company/District Council/Maritime NZ safety committee meeting? (NOTE: may have a different name)  | Council  | Routine meetings with barge operator. MNZ as and when needed. |  |
| What key issues and actions have been identified at these meetings in the past year?  | Council  | Keep building relationships and continue communication.       |  |
| How did you engage and consult with affected users of the waterways covered by the risk assessment and inform   |  |   |  |

| Your people, relationships and working together  | COMMENT<br>(Add as many lines as you need)  | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) |
|--|---|---|
| <p>them about relevant changes to the SMS e.g. pilots, tugmasters, recreational users, iwi, harbour consultancy groups, coastguard, etc.</p>                       | <p>Council</p> <p>HM discusses ad hoc with port users which is mostly commercial fishers.<br/>Quarterly newsletters to berth holders.</p> |   |
| <p>How might the levels of competency, guidance and equipment provided to your staff be further developed?</p>   |   |   |
| <p>Did you or your staff participate on Code SMS reviews or technical panels in the previous 12 months? If so, describe the extent and value of the experience</p> | <p>Council</p> <p>Staff in training plan for personal development.</p>  |   |
|  | <p>No</p>   |   |

| <b>Your risk assessment, risk profile and SMS</b>  | <b>COMMENT</b><br>(Add as many lines as you need)           | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) |
|--|---|--|
| How often do you undertake Code Application Assessments <sup>1</sup> ?   | Council<br>Annual   | Used BDC Health and Safety Advisor this year for fresh eyes.               |
| When was your last Code Application Assessment completed?  | Council<br>May 2024   |  |
| When did you last review your SMS? Why?  | Council<br>May 2024, annual review.                         |  |
| What substantive changes to your SMS or risk management process have been made based on the Key Principles for | Council<br>Nil changes required. Believe key risks covered. |  |

<sup>1</sup> A Code Application Assessment means a high-level risk assessment looking at the waters of the whole region to identify which harbours should be subject to the New Zealand Port & Harbour Marine Safety Code 2020

| Your risk assessment, risk profile and SMS  | COMMENT<br>(Add as many lines as you need) | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) |
|---|--|---|
| Marine Safety Risk Management guidelines and why (or why not)?  |  |   |
| In what areas of risk has there been an increase or decrease in risk profile?                               | Council.<br>Static.                        |   |
| What were the reasons for the changes in risk profile?  | N/A  |   |
| What changes were made to the SMS as a result?  | N/A  |   |
| What action have you taken in response to TAIC reports published in the previous 12 months? (if applicable) | No changes require at this time.           |   |

| Your risk assessment, risk profile and SMS  | COMMENT<br>(Add as many lines as you need)                                   | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) |
|---|--|---|
| <p>Since the <u>2020/2021</u> assessment of your SMS, what risks from environmental factors (e.g. weather, tsunami) have been assessed or reassessed and what controls have been put in place?</p>        | <p>Council</p> <p>No changes needed.</p>                                     |   |
| <p>Since the <u>2020/2021</u> assessment of your SMS, what risks to the environment from your activities (e.g. oil spills) have been assessed or reassessed and what controls have been put in place?</p> | <p>Council</p>   |   |
| <p>Do you undertake an external review of your SMS and, if so, when was one last undertaken?</p>  | <p>Council</p> <p>May 2025 by H&amp;S Advisor in different group at BDC.</p> |   |
| <p>What were the key findings from this review and what action was taken?</p>   | <p>Council</p> <p>Found to be code compliant.</p>                            |   |

| <b>Your risk assessment, risk profile and SMS</b>  | <b>COMMENT</b><br>(Add as many lines as you need) | <b>WHAT FURTHER ACTION IS REQUIRED?</b><br>(Add as many lines as you need) |
|--|---|--|
| How were changes to your SMS reviewed internally and what was done to ensure they are having the desired effect?   | Council   |  |
| How did you ensure the port and harbour SMSs remained aligned in the last 12 months?   | Annual review.                                    |  |
| How often do you review the delineation of responsibilities and functions between the port and District council to ensure that they are clear and continue to lie with the most appropriate party? | Annual.   |  |
| How do you ensure your SMS is up to date with changes to relevant legislation and codes of good practice?  | Annual review                                     |  |

| Your risk assessment, risk profile and SMS   | COMMENT<br>(Add as many lines as you need)                         | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) |
|--|--|---|
| What further resources do you need to effectively implement the SMS?   |  |   |
| Council  | Nothing additional at this time.                                   |   |
| <b>INCIDENTS</b>   |  |   |
| What significant incidents have occurred in the previous 12 months? Please provide details of what happened during the incident(s) |  |   |
| Council  | Grounding of mineral sands barge on Carters Beach.                 |   |
| What action was taken in regard to investigation and reporting of these incidents?   |  | Awaiting outcomes of the investigations.                            |
| Council  | Provided information to TAIC and MNZ as part of the investigation. |   |
| What were the key lessons from these incident(s)?  |  |   |
| Council  | Tighten up messaging at all times.                                 |   |

| Your risk assessment, risk profile and SMS   | COMMENT<br>(Add as many lines as you need)   | WHAT FURTHER ACTION IS REQUIRED?<br>(Add as many lines as you need) |
|--|--|---|
| What action was taken to disseminate information and key lessons from the incident(s) to relevant parties?   | Council<br><br>Investigations are still on going by TAIC and MNZ. Internally we need to continue to keep evidence of correspondence with the ship and DPA. |   |
| What improvements did you make to your SMS and procedures as a result of the incident(s)?  | Council<br><br>Nil   |   |
| How do you ensure your governance (e.g. Board), stakeholders are involved in and kept aware of the risk management process and risk profile of your port or harbour? | Council<br><br>Annual audit discussions with CEO and routine discussions with line manager.  |   |

|  |  |                               |
|--|--|-------------------------------|
| <p><b>How can we help you?</b></p>   | <p><b>COMMENT</b></p> <p>(Add as many lines as you need)</p> |                               |
| <p><b>What issues/topics should be prioritised by the Code that would make the most difference to you?</b></p> |  |                               |
|  | <p><b>Council</b></p>  | <p>Risk assessment tools.</p> |

# Appendix 1

## Code context

Port operators and District councils have undertaken to demonstrate their continuous adherence to the Code standard during the years between formal SMS peer reviews by undertaking annual self-assessments of the SMS.

It is essential that systems and associated records are rigorously maintained so, in the event of an incident, the council and the port operators can demonstrate adherence to and implementation with marine safety good practices.

A Code-consistent SMS must have its own monitoring, audit and review mechanisms as an integral part of the system. This should involve internal, as well as external, assessments and/or independent assessments. Port operators and councils are likely to have their own processes and guidelines for carrying out such audits and reviews.

## SMS self-assessment

The annual joint SMS self-assessment process provides certainty that the SMS and supporting systems and processes are up to date and operating to the highest possible standards, identifying where improvement may be necessary, prioritising action to be undertaken in response to risks identified or changes to operations, and confirming that the port and harbour are Code consistent. Additionally, the outcome of the safety assessment should be noted in the annual report of the port company/operator or District council.

For monitoring the specific requirements of the Code and documenting the outcome of the annual SMS self-assessment, this template should be used.

The annual joint self-assessment of the SMS should be carried out by the Harbourmaster and the port operator separately then together depending on the specific circumstances prevailing at the harbour or port.

The completed SMS self-assessment report should be provided to the Council and its Chief Executive and board of the port operator, District council for sign-off and forwarded to the Code Secretariat.

Sending a copy of the completed self-assessment report to the Secretariat will assist the Working Group to assess the level of consistency against the Code at a national level, identify common issues and find ways to assist the collective process of learning from each other's experience. It is also intended to assist the Code SMS review programme and the SMS panels when conducting reviews.

mobile ship-lifting device) on wheels or on self-laid tracks made or intended to be propelled by other than manual or animal power and any trailer or other attachment made or intended to be drawn by any such machine whilst attached thereto. **Vehicle** shall not include **Watercraft**.

**Watercraft** means:

any type of vessel capable of navigation on the water whether registered or not.

**Wear and Tear** means:

deterioration of any thing over time from normal use.

**Wreck** means:

whatever may remain of a ship and its **Cargo** (but excluding any **Pollutant** from the ship) following a shipwreck, found in or on the shores of the sea or any tidal waters or navigable waters included within or adjacent to the **Insured's Insured Location(s)**.



| Elected Member           | Role  | Detail of Interest (including the Title of the Entity involved with)  |
|--------------------------|---|---|
| <b>Jamie Cleine</b>      | Mayor Buller District   | Utopia Farms (Company)<br>Cleine Investments Ltd. (Company)<br>Local Government Rural Trust (Trustee)<br>J W Cleine Family Trust (Trustee/Beneficiary)<br>O’Conor Institute Trust Board (Trustee)<br>Buller Health Trust (Trustee)<br>Buller Resilience Trust (Trustee)<br>Westport (Property)  |
| <b>Andrew Basher</b>     | Deputy Mayor Buller District<br>Councillor Westport Ward  | Buller High School (Board Member and Employee)  |
| <b>Annalise Pfahlert</b> | Councillor Westport Ward  | Buller Pharmacy (Employee)<br>Te Whatu Ora (Employee)<br>West Coast PHO (Governance Board Member)<br>Westport (Property)  |
| <b>Graeme Neylon</b>     | Councillor Inangahua Ward<br>Chairperson District Licensing Committee<br>Independent Resource Management Commissioner | GT and CJ Neylon (Company)<br>Reefton Capitol (Company)<br>West Coast PHO (Trustee/Finances Portfolio)<br>Reefton Jockey Club (President)<br>Reefton Sports Park (Committee Member)<br>Reefton RSA (Committee Member)<br>Reefton Inc. (Committee Member)<br>Reefton Visitor Centre Society (Committee Member)<br>Reefton health Action Group (Committee Member)<br>Mai Mai Valley (Property)<br>Reefton (Property)<br>Reefton (Property)<br>Reefton (Property Shareholder)<br>Reefton (Property)<br>Ikamatua (Property) |
| <b>Grant Weston</b>      | Councillor Westport Ward  | RPS Contracting (Employee)  |
| <b>Joanne Howard</b>     | Councillor Westport Ward  | JR H Ltd. (Company)<br>Swordfish 1 and 2 (Company)<br>HOB Holdings (Company)  |

|                        |                           |  |
|------------------------|---------------------------|--|
|                        |                           | <p>Mercury (Shareholder)<br/>Bathurst (Shareholder)<br/>Okuru (Shareholder)<br/>Buller Arts Recreation Trust (Trustee)<br/>Westport Combined Highland Pipe Band Inc. (Treasurer/Secretary)<br/>Buller Conservation Volunteers (Treasurer)<br/>Potikohua Trust (Trustee)<br/>Kawatiri Nature Environment and Communities Trust (Trustee)<br/>Westport Menz Shed (Treasurer/Secretary)<br/>Westport (Property)<br/>Westport (Property Shareholder)<br/>Westport (Property Shareholder)</p> |
| <b>Linda Webb</b>      | Councillor Inangahua Ward | <p>Sacred Heart School (Employee)<br/>Reefton (Property)</p>   |
| <b>Phil Grafton</b>    | Councillor Westport Ward  | <p>Grafton Hateley Properties (Company)<br/>Grafton Hateley Trust (Trustee)<br/>Westport (Property)</p>  |
| <b>Rosalie Sampson</b> | Councillor Seddon Ward    | <p>Oparara Valley Trust (Chairperson)<br/>Karamea Medical Association Trust (Chairperson)<br/>Northern Buller Health Trust (Chairperson/Treasurer)<br/>Karamea (Property)</p>  |
| <b>Toni O'Keefe</b>    | Councillor Seddon Ward    | <p>Westlock Concrete Solutions Ltd. (Shareholder)<br/>St Helens Farm (Shareholder)<br/>O'Keefe/Mulholland Family Trust (Trustee)<br/>Seddonville Reserve Subcommittee (Secretary)<br/>CAN-B (Chairperson)<br/>Seddonville Rural Fire station (Secretary/Treasurer)<br/>Civil Defence (Coordinator)</p>   |
| <b>Colin Reidy</b>     | Councillor Westport Ward  | <p>Westport (Property)</p>   |