

Proactive Release

This document is proactively released by Te Manatū Waka the Ministry of Transport.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

Listed below are the most commonly used grounds from the OIA.

<u>Section</u>	<u>Description of ground</u>
6(a)	as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government
6(b)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by <ul style="list-style-type: none"> (i) the Government of any other country or any agency of such a Government; or (ii) any international organisation
6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
9(2)(a)	to protect the privacy of natural persons
9(2)(b)(ii)	to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public
9(2)(ba)(ii)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
9(2)(f)(ii)	to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility
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)

Office of the Associate Minister of Transport

Chair, Cabinet Legislation Committee

Government Response to the Report of the Petitions Committee on surveying the RMS *Niagara* to find out exactly how much oil is still on board

Proposal

1. Approval is sought to submit the Government response to Parliament on the Petition Committee's (the Committee) recommendation related to a petition on surveying the RMS *Niagara* wreck in the Hauraki Gulf to find out exactly how much oil is still on board.

The petition

2. On 22 May 2024, Erin Tiplady, on behalf of Northcote Intermediate School Room 3 presented a petition to the Committee requesting that the RMS *Niagara* in the Hauraki Gulf be surveyed to determine how much oil remains on board.
3. The Committee received written and oral submissions from students in Erin Tiplady's class. The students expressed concerns about the RMS *Niagara* wreck, noting that it has been leaking oil into the Hauraki Gulf for 84 years and highlighting the potential environmental damage a major oil leak could cause. They fear the ship could break up, resulting in a catastrophic spill that would harm marine life and make local beaches unusable.
4. The petition received 518 signatures, and the Committee received supporting submissions from the Department of Conservation, Northland Regional Council and Mangāwhai Museum.
5. On 17 March 2025 the Committee submitted its final report and recommendations.
6. Under Standing Order 256, the Government must present a paper to the House responding to any recommendations of the Committee within 60 working days. The latest date I must table the response to the petition is Thursday 12th June.

The Petition Committee's findings and recommendations

7. In its final report (Appendix 1), the Committee agreed with the petitioner that New Zealanders deserve to know whether the quantity of fuel oil remaining on the shipwreck poses a risk to the environment. The report recognises that an oil spill could potentially affect iconic and valued species, oceans, and coastlines.

8. The Committee's report also acknowledges the financial constraints under which every government operates. But notes that effective risk management relies on having accurate information, enabling decision-makers to assess and prioritise risks and to develop appropriate strategies to minimise or mitigate them.
9. The Committee recommends to the Government that Maritime New Zealand prioritise a survey and risk assessment of the RMS *Niagara*.

Comment on the Petition Committee findings and recommendations

10. The petition refers to a recommendation Maritime New Zealand has made to successive Associate Ministers of Transport that a detailed visual survey should be undertaken of the RMS *Niagara* to determine the risks of an oil spill in the environmentally sensitive Hauraki Gulf.
11. Maritime New Zealand has noted to Associate Ministers of Transport that this would be a complex operation, requiring specialised equipment and potentially costing around \$14m. There are also risks that the survey may not improve knowledge of the risk due to the wreck's position, and the exercise could even cause a leak.
12. Maritime New Zealand is not funded to undertake a survey or other actions associated with the RMS *Niagara*. The Government has not approved this funding to date. The site continues to be observed by Maritime New Zealand, in its role as lead agency for oil spill response.

The proposed response

13. The draft response sets out the Government's approach to the Committee's recommendation, emphasising the need to balance environmental impacts with economic considerations, safety and community views. While the response declines the petition's request, the situation will continue to be monitored should the risk of a major oil spill increase, or the fiscal position improve.

Timing of the Minister's response

14. The Government's response must be presented to the House as a parliamentary paper by 12 June 2025.

Consultation

15. Consultation was conducted with Maritime NZ.
16. As part of the Committee's work, consultation or submissions were also received from the Department of Conservation and Northland Regional Council.

Legal Implications

17. There are no legal implications arising from this paper.

Financial Implications

18. There are no financial implications arising from this paper.

Publicity

19. The Government's response will be tabled in the House as required by Standing Order 256.

Proactive release

20. I propose to release this paper proactively in whole.

Recommendations

The Associate Minister of Transport recommends that the Cabinet Legislation Committee:

1. **note** that on 17 March 2025 the Petitions Committee presented its report to the House entitled "Petition of Erin Tiplady on behalf of Northcote Intermediate School Room 3: Survey the RMS *Niagara* to find out exactly how much oil is still on board";
2. **note** a Crown appropriation would be required to fund Maritime New Zealand to commission a survey and risk assessment of the RMS *Niagara*;
3. **note** that the Petitions Committee recommends to the Government that Maritime New Zealand prioritise a survey and risk assessment of the RMS *Niagara*;
4. **note** the submission of the Associate Minister of Transport and in particular his advice that while the petition should be declined, Maritime New Zealand will continue to monitor the situation should the risk of a major oil spill increase or the fiscal position improve;
5. **approve** the Government response, attached to this submission, to the Report of the Petition Committee entitled: "Petition of Erin Tiplady on behalf of Northcote Intermediate School Room 3: Survey the RMS *Niagara* to find out exactly how much oil is still on board";
6. **note** that the response must be presented to the House by Thursday 12th June 2025;

IN CONFIDENCE

7. **invite** the Associate Minister of Transport to present the Government response to the House in accordance with Standing Order 256; and
8. **invite** the Associate Minister of Transport to write to the petitioner enclosing a copy of the Government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon James Meager

Associate Minister of Transport

PROACTIVELY RELEASED BY
THE MINISTRY OF TRANSPORT TE MANATU WAKA



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Petitions Committee

Komiti Whiriwhiri Take Petihana

54th Parliament

March 2025

**Petition of Erin Tiplady on behalf of
Northcote Intermediate School Room 3:
Survey the RMS *Niagara* to find out exactly
how much oil is still on board**

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THE MINISTRY OF TRANSPORT TE MANATU WAKA

Presented to the House of Representatives
by Greg O'Connor, Chairperson

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THE MINISTRY OF TRANSPORT TE MANATU WAKA

Petition of Erin Tiplady on behalf of Northcote Intermediate School Room 3

Recommendation

The Petitions Committee has considered the petition of Erin Tiplady on behalf of Northcote Intermediate School Room 3—Survey the RMS *Niagara* to find out exactly how much oil is still on board—and recommends to the Government that Maritime New Zealand prioritise a survey and risk assessment of the RMS *Niagara*.

Request to survey the RMS *Niagara*

The petition was presented to the House on 22 May 2024. It requests:

That the House of Representatives urge the Government to thoroughly inspect and survey the wreck of the RMS *Niagara* in the Hauraki Gulf for any oil that should be removed from it.

About the RMS *Niagara*

The RMS *Niagara* is a World War II shipwreck in the sea north of the Hauraki Gulf. In June 1940, it sailed from Auckland and hit a sea mine laid by a German cruiser. The ship was carrying 590 gold ingots to the United States as payment for military supplies, 585 of which have been recovered.

The ship was also carrying an unknown amount of fuel oil. It had the capacity to carry up to 4,324 tons of oil. Some was lost when the ship sank. Over the years, oil has been observed on the surface of the sea near the wreck and reported to authorities.

Comments from the petitioner

The petitioner, Erin Tiplady, is a teacher who lodged the petition on behalf of her class, Room 3, at Northcote Intermediate School.

We received written and oral submissions from students in her class. They told us that the RMS *Niagara* has been at the bottom of the Hauraki Gulf for 84 years and has been leaking oil throughout that time. The students believe there is still a lot of oil in the ship. They said there have been many reports of oil on the surface of the water and of residents smelling oil, which they told us is not good enough. They said this is extremely bad for the moana (sea) and all the life around it. The students are concerned that the ship may break up and spill the remaining oil.

The students said that the Hauraki Gulf is worth billions of dollars to the New Zealand economy but that, if a major oil spill occurs there, “it will be worthless and cost even more in a clean-up”. They said if the oil on the ship leaks, it would spread through the harbour and local beaches. They told us it is a “ticking time bomb” and that if there is a large oil spill, they would never be able to swim at the beaches again. They were also concerned for bird and marine life in the area, especially that some species native to New Zealand could become

extinct if a major spill occurred. They were concerned that if that happened, younger generations could grow up without experiencing important aspects of New Zealand life.

The students said that they believe New Zealand has the resources to investigate how much oil is left on board. They suggested that an investigation could also find the five remaining gold ingots, which could help to pay for the clean-up.

Comments from the Mangawhai Museum

The Mangawhai Museum has helped Northcote Intermediate School students learn about the RMS *Niagara*. Angela Cook, the museum manager, wrote a submission in support of the petition. She told us that people visiting the museum are surprised and horrified to learn that the shipwreck has not been drained of oil.

Ms Cook said that all of New Zealand's moana is beautiful but that the islands and coastline near the site of the shipwreck are home to manu (birds) not found anywhere else. She said thousands of hours have been spent by volunteers working to protect the tara iti (fairy tern), which could be put at risk by an oil spill. As New Zealand approaches the 85th anniversary of the RMS *Niagara*'s sinking, she told us that, to protect the New Zealand environment, it is the right time to review decisions about the shipwreck.

Comments from Maritime New Zealand

Maritime New Zealand is the lead agency that deals with wrecks and oil spills. It told us it is aware of ongoing public interest in the RMS *Niagara*. It receives updates on the vessel and the area around it. It also meets with stakeholders, undertakes community engagement, and provides operational information and recommendations to the Government.

Maritime New Zealand's website indicates that it has twice asked the Government for funding to survey the RMS *Niagara*, but these proposals have not been successful.¹ Maritime New Zealand told us that any future work on the shipwreck will require Government funding.

Comments from the Department of Conservation

The Department of Conservation (DOC) supports the petitioner's request for an investigation to find out how much oil is still on the RMS *Niagara*. It told us this would be a pragmatic step forward. It welcomed the environmental action by the Northcote Intermediate students, and the support of their teacher.

DOC understands that there is uncertainty about the likelihood of a significant oil spill from the wreck, because there is no firm information about how much oil remains in the ship's hold. It said the effect of any potential oil spill is also uncertain because it would depend on how much oil is released, the condition of the oil, how quickly any spill is detected and responded to, the weather conditions, and the time of year. However, it said it is concerned about the potential scenarios for a spill.

¹ More information about the RMS *Niagara* is available on the [Maritime New Zealand website](#).

DOC said that an independent stakeholder working group recommended in 2017 that an assessment be undertaken of the risk posed by the wreck.² DOC supported Maritime New Zealand's two unsuccessful applications to the Government in 2019 and 2020 for funding for a survey and risk assessment of the wreck. DOC told us it would support a further Budget proposal by Marine New Zealand to fund an investigation.

The Hauraki Gulf Marine Park and a significant number of island sanctuaries and marine reserves are in the vicinity of the wreck of the RMS *Niagara*. DOC said a large spill could seriously affect many threatened and protected species. It told us that even the release of a relatively small amount of oil could affect the environment.

DOC said that 27 species of sea birds breed in the area most likely to be affected by an oil spill. For five of those species, the entire population breeds in the area. These five species are the:

- Buller's shearwater
- New Zealand fairy tern
- Pycroft's petrel
- tāiko / black petrel
- New Zealand storm petrel.

We were told that other marine species in the area which could be affected by an oil spill include the:

- oceanic mantra ray
- New Zealand fur seal
- orca / killer whale
- common dolphin
- bottlenose dolphin
- Bryde's whale.

Comments from the Northland Regional Council

The wreck of the RMS *Niagara* is within the jurisdiction of the Auckland Council, but the Northland Regional Council said it recognises that any oil spills could affect the Northland coastline.

The regional council said no one knows how much oil is still on the vessel. It said it is a heavy fuel which has semi-solidified because of the sea depth and temperature. We were told that oil slicks over the wreck have been recorded frequently, especially during the summer when water temperatures are higher and the heavy fuel oil is more fluid. The regional council supports any investigations or surveys that would provide more information on the state of the vessel and the quantity of oil remaining.

² The independent stakeholder working group produced the Sea Change – Tai Timu Tai Pari Marine Spatial Plan. It is available on the [Auckland Council website](#).

Our response to the petition

We thank the petitioner, Erin Tiplady, and the students in Room 3 of Northcote Intermediate School for bringing this petition to Parliament. We especially thank Maddie, Matilda, and Holly for their written and oral submissions on behalf of their classmates. They are articulate and passionate advocates for the environment. We were moved by their hope that other children will be able to grow up enjoying the beaches and harbour that they love.

We agree that New Zealanders deserve to know whether the quantity of fuel oil remaining on the shipwreck poses a risk to the environment. We recognise that an oil spill could potentially affect iconic and valued species, oceans, and coastlines.

We acknowledge the financial constraints every Government operates under. However, risk management depends on having accurate information so that decision makers can assess and prioritise risks and develop appropriate strategies to minimise or mitigate them. We recommend to the Government that Maritime New Zealand prioritise a survey and risk assessment of the RMS *Niagara*.

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THE MINISTRY OF TRANSPORT TE MANATU Waka

Appendix

Committee procedure

The petition was referred to us on 24 May 2024. We met between 22 August 2024 and 13 March 2025 to consider it. We received written submissions from the petitioner, Angela Cook (Mangawhai Museum), Maritime New Zealand, the Department of Conservation, and Northland Regional Council, and heard oral evidence from the petitioner.

Committee members

Greg O'Connor (Chairperson)
Carl Bates (to 29 January 2025)
Kahurangi Carter (from 29 January 2025)
Greg Fleming
Paulo Garcia (from 29 January 2025)
Francisco Hernandez (to 29 January 2025)

Related resources

The documents we received as evidence in relation to this petition are available on the Parliament website.

A recording of our hearing can be accessed online on the Parliament website.

IN CONFIDENCE

**Government Response to
Report of Petitions Committee**

on

The Petition of Erin Tiplady on behalf of Northcote Intermediate School Room

3

Presented to the House of Representatives

In accordance with Standing Order 252

Government response to the Report of the Petitions Committee on surveying the RMS *Niagara* to find out exactly how much oil is still on board

Introduction

1. The Government has carefully considered the Petition Committee's (the Committee) report (the Report) on the petition of Erin Tiplady on behalf of Northcote Intermediate School Room 3 (the petition).
2. The Government welcomes the submission and the Committee's report on the issue of surveying the RMS *Niagara*.
3. The Government recognises the strong public interest in the RMS *Niagara* wreck and shares concerns about the potential environmental risks posed by any remaining oil onboard.
4. The Government responds to the Report in accordance with Standing Order 256.

Recommendation

5. The Petitions Committee recommends to the Government that Maritime New Zealand prioritise a survey and risk assessment of the RMS *Niagara*.

Government response

6. The Government takes the risk of a major oil spill from the RMS *Niagara* very seriously. Over a number of years, considerable work has been undertaken to assess the risk posed by the wreck. Maritime New Zealand, the lead government agency responsible for oil spill response, has conducted and commissioned multiple studies, reports, site visits and seabed surveys, and has maintained ongoing observation of the site.
7. Maritime New Zealand has, for some time, recommended conducting a more detailed visual survey of the wreck to enhance its risk assessment. It notes that such a survey would be a complex operation requiring specialised equipment and could cost around \$14 million. There are also risks that the survey may not be able to obtain the necessary information, due to the position the ship is lying, and that it could even trigger a leak.
8. At this stage, the Government has not approved funding for this proposal. That decision has been made in the context of:
 - no current evidence of risks requiring immediate intervention
 - the need to prioritise Crown investment across many important environmental and public initiatives, particularly in a tight fiscal environment.
9. The Government may reconsider its position should the condition of the wreck change and/or the fiscal environment allow.

10. Maritime New Zealand continues to observe the RMS *Niagara* and remains prepared for any potential leaks or incidents. The most up-to-date information on this work is available on its website (<https://www.maritimenz.govt.nz/public/in-focus/rms-niagara/>), and we encourage interested parties to follow the updates there.

Conclusion

11. The Government considers that the approach to the RMS *Niagara* must balance environmental impacts with economic considerations, safety and community views. Therefore, the Government is not proposing that Maritime New Zealand prioritise a survey and risk assessment of the RMS *Niagara* at this time but the Government will continue to monitor the situation should the condition of the wreck change and/or the fiscal environment allow.

Hon James Meager

Associate Minister for Transport

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THE MINISTRY OF TRANSPORT TE MANATU WAIATANGA



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Government Response to the Report of the Petitions Committee on the Petition of Erin Tiplady

Portfolio **Associate Transport**

On 5 June 2025, the Cabinet Legislation Committee:

- 1 **noted** that on 17 March 2025, the Petitions Committee presented its report to the House entitled “Petition of Erin Tiplady on behalf of Northcote Intermediate School Room 3: Survey the RMS Niagara to find out exactly how much oil is still on board”;
- 2 **noted** that a Crown appropriation would be required to fund Maritime New Zealand to commission a survey and risk assessment of the RMS Niagara;
- 3 **noted** that the Petitions Committee recommends to the Government that Maritime New Zealand prioritise a survey and risk assessment of the RMS Niagara;
- 4 **noted** the submission of the Associate Minister of Transport and in particular his advice that while the petition should be declined, Maritime New Zealand will continue to monitor the situation should the risk of a major oil spill increase or the fiscal position improve;
- 5 **approved** the Government response, attached under LEG-25-SUB-0110;
- 6 **noted** that the response must be presented to the House by 12 June 2025;
- 7 **invited** the Associate Minister of Transport to present the Government response to the House in accordance with Standing Order 256;
- 8 **invited** the Associate Minister of Transport to write to the petitioner enclosing a copy of the Government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Tom Kelly
Committee Secretary

Attendance: (See over)

Present:

Rt Hon Winston Peters
Hon Chris Bishop (Chair)
Hon Paul Goldsmith
Hon Louise Upston
Hon Judith Collins KC
Hon Brooke van Velden
Hon Nicole McKee
Hon Chris Penk
Hon James Meager
Hon Scott Simpson
Stuart Smith, MP
Jamie Arbuckle, MP
Todd Stephenson, MP

Officials present from:

Officials Committee for LEG

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THE MINISTRY OF TRANSPORT TE MANATU WAKA



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 6 June 2025

On 9 June 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 6 June 2025:

Out of Scope



LEG-25-MIN-0110

**Government Response to the Report of the
Petitions Committee on the Petition of Erin
Tiplady**

Portfolio: Associate Transport (Hon James Meager)

CONFIRMED

Rachel Hayward
Secretary of the Cabinet