

# It's not the size of the wreck

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The recent removal of the *Costa Concordia* from the Italian coast on which she was wrecked was the culmination of months of salvage work. The righting, refloating and eventual towing of the vessel for scrapping has been an astounding feat of technology and human effort. Additionally, the removal of the wreck from the site of the disaster has mitigated, as far as possible, the continuing impact of the maritime disaster on the local environment.

Thankfully, very few wrecks are of this scale or require such deep pockets, but day in, day out, responsibility for small wrecked or abandoned vessels falls to those charged with navigation safety around our waterways. While the costs of doing so are (usually) minuscule in comparison with the estimated €1.5 billion spent on salvaging the *Costa Concordia*, keeping our waterways safe and navigable means that hazards to navigation, such as small wrecks, are often removed without any fanfare.

Even though an object that creates a navigation hazard may be small, the potential consequences in an area frequented by other vessels can be catastrophic. Authorities are obligated to do what it takes to reduce such risks.

A recent case in Nelson illustrates this. A 'shack' was illegally constructed inside Nelson's boulder bank and later converted into a 'ship' (in terms of the Maritime Transport Act 1994). This posed a hazard to navigation, but the owner ignored legal requirements – including orders from the Environment Court – to remove it.

Defining a craft that floats by virtue of a number of 44-gallon drums strapped to the underside may seem somewhat of an insult to most other ships, for the purposes of the Act, this construction indeed constituted a ship.

During its lifetime as a landlubbering shack (i.e. affixed, in part, to the land) the Nelson City Council, Port Nelson and the Department of Conservation all issued removal requests that went unheeded, as did an order for the removal of the structure from the Environment Court, made under the Resource Management Act 1991. When the shack gained sea legs, it was anchored well inside harbour limits, in an apparent un-seamanlike fashion.

The words 'derelict' or 'abandoned' vessel seem to strike fear into the heart of every regulatory authority in New Zealand, because the bureaucratic processes associated with the removal of wrecked or derelict vessels are not always straightforward. To whom the responsibility falls depends on the *location* of the

hazard – inside harbour limits, it's the local regional council, but beyond that the responsibility falls to Maritime NZ.

In this case, the hazard created by the shack-turned-ship was the responsibility of Nelson City Council's Harbour Master. In that role, Captain Dave Duncan is empowered by the Maritime Transport Act 1994 to (among a significant number of other powers) require any floating, submerged or stranded object which is considered to be a hazard to navigation to be removed.

In the absence of the owner taking appropriate action, the Harbour Master is also empowered to take the necessary steps to remove the hazard. Thus, the removal of the shack was undertaken by the Harbour Master and his staff. The ultimate fate of the various components of the vessel remains unknown, but it was last sighted ashore on a wharf in Nelson harbour. It hasn't been spotted on the water since.

The Maritime Transport Act includes penalty provisions. The seriousness of non-compliance with the requirements of the Harbour Master is signalled by the levels of penalty able to be imposed: a \$10,000 fine or up to 12 months imprisonment for an individual, or a \$100,000 fine for a company. Further, the Harbour Master is entitled to be reimbursed for costs incurred in dealing with the hazard.



PHOTO: MARION VAN DIJK/FAIRFAX

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The penalties faced by those who cause loss of life in maritime disasters such as the *Costa Concordia* should be of the utmost seriousness. This comparison to Nelson's shack-come-ship is not meant to make light of the gravity of such a disaster, but instead to point out that even the smallest vessel is subject to stringent rules and penalties – because, while the object creating the hazard may only be a few sheets of corrugated iron and some 44-gallon drums tied together, the flow-on effects could be catastrophic.



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