

28 May 2024

Nighthawk01
fyi-request-26613-cfdce497@requests.fyi.org.nz

Our ref: F34852
By email

Dear Nighthawk01

Official Information Act request: Taieri Mouth boating incidents

I refer to your request of 2 May 2024 in which you requested the following:

“Please supply me with all incident reports from the Taieri River Mouth bar from between 2020 until this current date”

We have considered your request in accordance with the Official Information Act 1982 (the Act). Attached is a spreadsheet containing details of three incidents over the period 2020 to 2 May 2024.

A report was written for one of these incidents – EVT-2671. In this case we are declining to provide the full investigation report under section 6(c), 9(2)(a), 9(2)(ba)(i), 9(2)(g)(i) and 9(2)(h) of the Act, because it is Maritime NZ's view that the following grounds apply:

- a) Section 6(c) - Disclosure of the investigation memorandum would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences. In particular, the release of information contained in the investigation memorandum risks impeding the ability of Maritime New Zealand to carry out effective investigations and, subsequently, prosecutions;
- b) Section 9(2)(a) – Withholding is necessary to protect the privacy of individuals;
- c) Section 9(2)(ba)(i) – Withholding is necessary to protect information which is subject to an obligation of confidence, and it is in the public interest that such information should continue to be supplied;
- d) Section 9(2)(g)(i) - Withholding is necessary to maintain the effective conduct of public affairs through the free frank expression of opinions by officials; and
- e) Section 9(2)(h) - Disclosure of the information would breach legal professional privilege, as the investigation memorandum was prepared for the purpose of seeking legal advice and, in particular, for the dominant purpose of preparing for a potential prosecution.

While we are unable to provide you with a copy of the full investigation memoranda/report, we have taken a broad view of your request and considered whether other information exists that can be provided to you instead. As a result we have prepared a summary of the information relating to the cause of the accident. We hope that this summary is of assistance.

In relation to the grounds in sections 9(2)(a), 9(2)(ba)(i), 9(2)(g)(i) and (h), we do not consider that the public interest outweighs the grounds for withholding the information.

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.

Please note that this response (with your personal details removed) may be published on Maritime New Zealand's website.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Ross', written in a cursive style.

Christine Ross
Manager, Communication and Ministerial Services

MNZ Reference	Event date	Brief Description	Location	NZ Region	Where Happened	Latitude	Longitude	Sector	What Happened	Number of Injured Persons	Number of Fatalities	Vessel Type
EVT-1868	14/03/2020	Rescue services rescued people from a small boat which overturned.	Taieri Mouth	Otago	River	-46.053672	170.197406	Recreational	Capsize	1	0	Dinghy
EVT-2181	8/09/2020	The vessel hit the sandbar and became stuck. Skipper tried to reverse but was hit by a wave, causing the boat to fill with water and capsize. All four crew had lifejackets on and jumped out of the vessel. The	Taieri River Bar	Otago	River	-46.050671	170.191563	Recreational	Capsize	2	0	Power Boat
EVT-2671	3/04/2021	Recreational vessel capsized after being struck by a large wave during bar crossing. Four passengers on board sustained injuries, and one was unable to be revived and later pronounced deceased.	Taieri Mouth Bar	Otago	River/harbour bar	-46.0538	170.199197	Recreational	Capsize	4	1	Power Boat

EVT-2671

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Summary of Maritime New Zealand investigation into the Taieri river mouth recreational fatality on 3 April 2021 (INV-748)

Introduction

At about 1300 hours on 3 April 2021 a 5.2m recreational vessel carrying a family of two adults and three children capsized while crossing the Taieri River mouth bar. The two adults and two of the children were able to exit the vessel with some help from rescuers but a two-year-old girl was trapped in the vessel and died after being unable to be resuscitated. All vessel occupants were wearing personal floatation devices (PFDs).

Witnesses observed the vessel as it exited the river towards the bar in fine weather. The vessel was observed to break through two waves that crashed over it before a larger third bow-on wave caused the vessel to go to a vertical position and capsize.

The vessel was later found washed up near Kuri Bush 3.5km north of the scene. Engine settings and damage to the vessel was consistent with reports of a vessel under power in shallow water before being pushed vertically into the sea floor stern first.

Several sources including the NZ Almanac predicted low tide at the Taieri Mouth as about 1450 hours on 3 April 2021.

The Taieri River mouth is known for vessel capsizes. Following two incidents in September 2020, public meetings were held and each boat ramp had signs erected (two at each ramp) with bar crossing advice that including avoiding crossing the bar at an ebb tide.

Surf-cam footage of Taieri mouth has been obtained and show the vessel at the bar seconds prior to the capsize. The vessel loiters in the surf zone before the camera pans away.

When spoken to by police and the maritime investigator the skipper/father said he had checked weather conditions and his vessel prior to reaching the bar and was looking for the channel when the vessel was overcome by a large wave.

Investigator

Logan Edwards (Maritime Officer).

The Vessel

Vessel was a 5.2m solid fibreglass planning hull with a 2003 E100FSLSR 100 hp Evinrude V4 2-stroke engine and 6hp Mercury. Based on pre-accident photos of the vessel and a statement from the surveyor, the vessel was considered to be in seaworthy condition.

Site Investigation

Taieri Mouth is a small fishing village located 35 km south of Dunedin. The bar is frequently crossed by recreational and commercial vessels. The Bar is a popular with the surfing fraternity.

In 2000, the Maritime Safety Authority issued a [Bar Crossing Code](#). This was updated in 2001. The Code is available on the Maritime New Zealand website and offers a number of factors for skippers to consider when conducting bar crossings including the hazard of crossing at low tide.

The Taieri Mouth Bar has a history of vessel capsizes. Following three non-fatal capsizes in 2020-21, the Otago Regional Council (ORC) held educational public meetings and installed bar crossing advisory signs at the ramps.

Dunedin Marine SAR had a camera installed in Taieri Mouth that showed the conditions of the bar on the day of the accident. This camera was not publicly accessible at the time but recordings were obtained that were used in the investigation.

Other than the camera, which is now operating and accessible, there is no information online specific to crossing the Taieri Mouth Bar, unlike some other bars in New Zealand, e.g. the Tairua Bar.



Taieri Mouth (Source Hall statement)

Investigation

The incident occurred at about 1300 hours on Saturday 3 April 2021. Several police from the Otago district investigated until it was assigned to the Dunedin Police. Information was released to MNZ pursuant to the MNZ/NZ Police MOU as it became available with completed enquiries handed over on 12 Aug 2021.

Site Examination – photos of the vessel wreck were taken by MNZ immediately following the incident in addition to inspection by a surveyor and the ORC Deputy Harbourmaster. Conclusions were consistent in that the vessel appeared to be in seaworthy condition at the time of capsizing and that the vessel was under power with the engine trimmed for shallow water. There has been no suggestion from any party of engine malfunction.

Maritime Officers visited the site twice. Video footage taken from a Surf cam at the time shows exact conditions at the time of capsizing.

Two witness statements obtained by police state the vessel was exiting the bar when a group of large waves hit the vessel head on causing the vessel to go in a vertical position and capsize.

Weather data from MetService for Port Chalmers forecasted a 15 knot NW rising to 35 knots in the morning before becoming a SW at 20 knots with a developing NE swell of one metre. Modelling for the Taieri Mouth area predicted wind speed peaks of 23 knots from the southwest. Meteorological Sources¹ indicate a 0.3 – 0.6m low tide at Taieri Mouth on Saturday April at about 1452 hours.

The forecasted conditions were not particularly suited for offshore boating. However, the Taieri Mouth is on the South Islands east coast and therefore largely protected from southwest and northwest winds. The video footage of the vessel at the bar showed flat seas with the only waves at the bar crossing itself.

The capsizing occurred almost two hours before a low tide. When river currents combine with an ebb tide the current increases. When the volume of water crossing the shallow sand bar clashes with the ocean swell, wave become bigger and steeper. Footage shows wave action at the time was

¹ NZ Nautical Almanac, Tidespy.co.nz, Tidesforfishing.co.nz

manageable. Many bars have channels with deeper or calmer water caused by the outflow from the river. Channels are prone to move or disappear depending on weather conditions and wave action.

The investigation indicated that, while the owner/skipper took some preparations prior to crossing the bar (checked vessel and weather, ensured life jackets were worn and tried to follow previously obtained local knowledge) other preparations were lacking, namely he did not research the effects of tides on the bar and did not read the advisory signs (which were highly visible).



Sign erected at each boat ramp

Video footage was obtained from a bar camera which showed the vessel at the bar on the day of the accident. The camera had been recently installed by Dunedin SAR but was not yet publicly available, however, it was recording and these recordings were made available to the NZ Police and MNZ.

In the recording the vessel is seen approaching the bar slowly at 1252 hours on 3 April, and then appears to loiter in the surf zone in mild conditions. The actions of the vessel is consistent with the skipper's statement in that he was in shallow water looking for the channel of his depth sounder. As waves approach the vessel it turns to meet them head on (which is the safe procedure) before continuing to track along the bar. In the video the waves are easily handled by the vessel when met head on. This suggests the waves that capsized the vessel were much larger and met by the vessel as the wave crested. The camera panned away prior to capsize.

Conclusion

The cause of this incident appears to be a lack of experience in crossing the bar. Tidal conditions were not considered prior to launch but a more experienced skipper would likely have crossed the bar safely in the conditions shown on video footage.

The vessel's motor was trimmed for shallow water, which was appropriate given its depth. Footage shows stearage and momentum was sufficient for the skipper to turn the vessel into and cross waves as they approached. The fact that witnesses saw the vessel go vertical suggested it was positioned directly into the wave. At any other position the vessel would have been pushed sideways and rolled.

NZ Police investigated this event and decided on no further action.