



Headquarters
New Zealand Defence Force
Defence House
Private Bag 39997
Wellington Mail Centre
Lower Hutt 5045
New Zealand

OIA-2026-5807

12th
June 2026



Dear 

I refer to your email of 14 May 2026, requesting under the Official information Act 1982 (OIA) the following:

All information relating to the establishment of the Court of Inquiry into the toxic gas incident on HMNZS Te Mana in 2022 that relates to the appointment of the Assembling Authority and the Assembling Authority's work in setting up the Court to hear the inquiry.

Enclosed is the relevant information. Where indicated, personal information is withheld to protect privacy in accordance with section 9(2)(a) of the OIA, and signatures are withheld to avoid the malicious or inappropriate use of staff information in accordance with section 9(2)(k) of the OIA.

In accordance with section 28(3) of the OIA, you may ask an Ombudsman to review this response to your request. Information regarding the process is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely

GA Motley
Brigadier
Chief of Staff HQNZDF

Enclosures:

1. Order for the assembly of the Court of Inquiry
2. Variation of Order

ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY

Orders by s. 9(2)(a) CDRE Garin Golding, MCC JFNZ

Service description and appointment of assembling authority

A court of inquiry consisting of the following persons is to assemble at Devonport Naval Base
Place

On 17 Oct 2023 at 1400 for the purpose of collecting and recording evidence on:

Date

Time

The Toxic Gas Incidents between 23-28 November 2022 in HMNZS TE MANA and reporting and commenting as required by the terms of reference below.

President¹ s. 9(2)(a) [REDACTED], RNZN

Members² s. 9(2)(a) [REDACTED], RNZN

Counsel assisting³ s. 9(2)(a) [REDACTED], RNZN

The president is to order or summon the witnesses to attend in accordance with section 200I of the Armed Forces Discipline Act 1971. Upon completion the president is to forward the record of proceedings to the assembling authority.

The court is to have regard to sections 200M and 200N of the Armed Forces Discipline Act 1971 at all times. The court is to read DM 69 (2 ed) Volume 1 Chapter 11 Section 2 before commencing its inquiry.

TERMS OF REFERENCE

Introduction

Between 23 and 28 November 2022 HMNZS TE MANA (TEM) was visiting Wellington, New Zealand. On 23 November 2022 two members of HMNZS TE MANA's Ship Staff entered 3M compartment in order to conduct Aft Steering Special Sea Dutymen duty whilst the ship entered Wellington Harbour. Whilst closed up they noticed a sweet smell, thought to be Hydrogen Sulphide and were provided (or obtained) a Gas Alert Quattro. Whilst in 3M this Gas Alert Quattro recorded a peak Carbon Monoxide reading of 14ppm.

On 24 November the same two members entered the 3M compartment to perform the same duty as the day before. On this day the two members were woken by the sound of the Gas Alert Quattro. The two members reported that they had been unconscious for around 20-minutes.

On 25 November duty personnel detected Carbon Monoxide on a Gas Alert Quattro in the 3M compartment.

HMNZS TE MANA reported these incidents through the Navy Health and Safety system. Work Safe NZ was also notified. HMNZS TE MANA conducted a Command Investigation and RNZN Health and Safety (NAVOSH) conducted a Safety Investigation with a commercial contractor supporting part of the investigation.

There was an engineering configuration change that occurred in HMNZS TE KAHA circa 20-years ago that was not replicated on HMNZS TE MANA. This configuration change could have prevented toxic gas incidents occurring in compartment 3M in HMNZS TE MANA. This is a significant feature of this Court of Inquiry and so the Court is to focus on toxic gas incidents in the 3M compartments in HMNZ Ship's TE KAHA and TE MANA.

1. Insert full Service description of the officer appointed as president.

2. Insert full Service description of the officer(s) and/or warrant officers and/or the members of the Civil Staff appointed as members.

3. Insert full Service description of the officer appointed as counsel assisting, if appointed.

Subsequent testing of the 3M compartment by a commercial contractor has failed to reveal any further detections of Carbon Monoxide. The source of the Toxic Gas has also not been confirmed.

You are to consider and report on the following, making recommendations where appropriate:

General

1. Specifically where and when did the incident occur?
2. What was the nature and purpose of the evolution that was taking place at the time of the incident?
3. Describe, in chronological order, the events immediately leading up to the incident that are relevant to the incident.
4. Who were the personnel involved in the incident, and what roles were they performing?

Incident Response

5. What immediate actions were taken when the incident occurred?
6. To what extent were these actions in accordance with applicable SOPs?
7. Describe the investigative measures taken to establish the cause of the incident and to what extent these have been successful.
8. Describe the steps taken to prevent further exposure of personnel to the toxic gas, and to what extent these were in accordance with applicable SOPs.
9. Comment on the efficacy of applicable SOPs, and, if necessary, identify any recommended changes.

Medical

10. Identify the individuals who were injured (the casualties).
11. What was the nature and extent of the injuries sustained by the casualties?
12. What, if any, are the long term/ongoing effects experienced by the casualties?
13. What medical care was provided to the casualties following the incident, including care provided external to the NZDF?
14. Establish the extent to which the provision of medical treatment was in accordance with applicable orders and best medical practice, and identify any deficiencies.

Equipment

15. What equipment and training was provided to Ship's company in order to mitigate the risk of toxic gas exposure?
16. To what extent did the equipment function correctly?
17. To what extent was any equipment or property damaged as a result of the incident?

Reporting

18. What on-site and reporting actions were taken following the injury to the casualties?
19. To what extent were these actions in accordance with relevant orders?

20. To what extent were notification procedures carried out in accordance with relevant orders, policies and procedures? Specifically, has WorkSafe been notified? Record how and when notification occurred.

Previous Incidents

21. Describe any similar incidents involving toxic gas which have occurred on either HMNZS TE KAHA or HMNZS TE MANA in the 3M compartment before or after the incidents on 23-25 Nov 2022.

22. What actions were taken to identify the cause of the incidents and were they successful?

23. Describe what measures were recommended to prevent recurrence and to what extent they have been implemented.

Recommendations and Comments

24. Make any recommendation the Court considers relevant, including changes to NZDF practices and activities, that will help prevent similar injuries occurring to others in the future.

25. Comment on any other matters which the Court considers relevant to the purpose of the Inquiry.

Dated at Headquarters Joint Forces New Zealand on 12 October 2023

s. 9(2)(k)

Date

Signature of assembling authority

Commodore Garin Golding, RNZN

Rank

Maritime Component Commander

Appointment

Joint Forces Headquarters New Zealand

MCC MINUTE 206/2024

29 Jul 24

DO-0145/0-1-03

s. 9(2)(a) , RNZNVR

s. 9(2)(a) , RNZN

s. 9(2)(a) , RNZNR

For information

XO MCC

s. 9(2)(a) , RNZNR

VARIATION OF THE ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY INTO THE TOXIC GAS INCIDENTS BETWEEN 23-28 NOVEMBER 2022 ON HMNZS TE MANA

Reference

A. MD 634 – Order for the Assembly of a Court of Inquiry (12 Oct 23)

Background

1. On 12 Oct 23, I issued ref A.
2. The Court convened as ordered on 17 Oct 23. However, due to the President and Member sitting on a separate Court of Inquiry, no evidence has been received yet.
3. The current Member, s. 9(2)(a) , RNZNR, is no longer available to continue sitting.

Variation

4. Pursuant to s 200C(2) of the Armed Forces Discipline Act 1971, I vary ref A in the following way by:
 - a. adding s. 9(2)(a) , RNZN as a member from 1 Aug 24;
 - b. removing s. 9(2)(a) , RNZNR as a member from 1 Aug 24; and
 - c. recording the change in substantive rank of the President, s. 9(2)(a) , RNZNVR, to CAPT wef 25 May 24.

5. The varied MD 634 form is the enclosure.

s. 9(2)(k)

GR GOLDING

CDRE, RNZN

MCC JFNZ



Enclosure

- 1. Amended MD 634

ORDER FOR THE ASSEMBLY OF A COURT OF INQUIRY

Orders by **s. 9(2)(a)** CDRE Garin Golding, MCC JFNZ
Service description and appointment of assembling authority

A court of inquiry consisting of the following persons is to assemble at HMNZS NGAPONA
Place

On 01 August 2024 at 1330 for the purpose of collecting and recording evidence on:
Date Time

The Toxic Gas Incidents between 23-28 November 2022 in HMNZS TE MANA and reporting and commenting as required by the terms of reference below.

President¹ **s. 9(2)(a)**, RNZNVR

Members² **s. 9(2)(a)**, RNZN

Counsel assisting³ **s. 9(2)(a)**, RNZNR

The president is to order or summon the witnesses to attend in accordance with section 200I of the Armed Forces Discipline Act 1971. Upon completion the president is to forward the record of proceedings to the assembling authority.

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HMNZS TE MANA reported these incidents through the Navy Health and Safety system. Work Safe NZ was also notified. HMNZS TE MANA conducted a Command Investigation and RNZN Health and Safety (NAVOSH) conducted a Safety Investigation with a commercial contractor supporting part of the investigation.

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24. Make any recommendation the Court considers relevant, including changes to NZDF practices and activities, that will help prevent similar injuries occurring to others in the future.

25. Comment on any other matters which the Court considers relevant to the purpose of the Inquiry.

Dated at Headquarters Joint Forces New Zealand on 29 July 2024

s. 9(2)(k)

Date

Signature of assembling authority

Commodore Garin Golding, RNZN

Rank

Maritime Component Commander

Appointment