

Accident Report

Cygnets II & Unnamed Senator Collision

Witts Rock, Cook Strait on 17 April 2004

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Maritime Safety

MARITIME SAFETY AUTHORITY OF NEW ZEALAND
Kia Maanu Kia Ora



04 3453

Cygnet II & Unnamed Senator 940

CASUALTY DETAILS:

Date of Casualty:	17 April 2004
Time of Casualty:	1130 hours (approximately) New Zealand Standard Time (NZST)
Casualty Type:	Collision
Casualty Location:	Witts Rock, Cook Strait
Weather Forecast Area:	Cook
Investigator:	Domonic Venz



VESSEL 1 DETAILS:

Ship Name: *Cygnets II*
Ship Category: Passenger
Registered Length (m): 10.75

VESSEL 2 DETAILS:

Ship Name: *Unnamed Senator*
Ship Category: Recreational
Registered Length (m): 9.4



SUMMARY

On 17 April 2004, a commercial charter vessel, *Cygnets II*, and an unnamed, 9.4 metre recreational vessel, were fishing in Cook Strait.

Both vessels fished in the same area around Witts Rock. *Cygnets II* moved closer to Witts rock and commenced drift fishing with the tide over the rock. The unnamed vessel also moved to Witts Rock, and drift fished with the tidal current. The Skipper of *Cygnets II* moved back to the top of the rock and idled ahead, while holding the vessel stationary, stemming the tidal flow. The unnamed vessel passed close by to starboard and stopped directly north of *Cygnets II*, and commenced another drift fish over the rock.

Shortly after the drift fish was started, the two vessels collided. Various comments were passed between both Skippers, and then the unnamed vessel picked up her lines and departed.

Report No: 04 3453
Vessel Name: *Cygnets II & Unnamed Senator 940*

1. KEY EVENTS

1.1 Evidence of Skipper and Passengers of the unnamed Senator 940

- 1.1.1** During the morning of 17 April 2004, an *Unnamed Senator 940 (Senator)*, recreational vessel, departed the Owners batch, located in the Bay of Many Coves, Marlborough Sounds. Those on board, consisted of the Owner and two other batch owners from the same Bay.
- 1.1.2** The owner of the vessel was acting as the Skipper.
- 1.1.3** The Skipper headed for Cook Strait, via the Northern Entrance to Queen Charlotte Sound.
- 1.1.4** They went to the Witts Rock area and fished various rocks and foul ground to the north and east of this area (*See Appendix I – Chart excerpt of area*). Upon arrival, they noted another vessel was already fishing in the same area. She was later identified as the commercial charter vessel, *Cygnets II*.
- 1.1.5** At approximately 1100 to 1130 hours New Zealand Standard Time (NZST), they moved over to fish on top of Witts Rock, where *Cygnets II* was already fishing.
- 1.1.6** They passed *Cygnets II* at a distance of about 100 to 200 metres, and stopped to the north of her position.
- 1.1.7** They commenced drift fishing, moving with the tidal flow, south over Witts Rock. *Cygnets II* was observed to be doing the same.
- 1.1.8** The drift time over the prime fishing spot, was estimated by the Skipper to be about 3 to 5 minutes, before they had to pick up the fishing lines and start the drift again.
- 1.1.9** They again passed *Cygnets II*, and stopped approximately 150 metres directly north of them, and started to fish again.
- 1.1.10** The Skipper noticed *Cygnets II*, when she was between 50 to 100 metres distant, start to move towards them under power.
- 1.1.11** The Skipper continued drift fishing and after a short time the two vessels collided, with the bow of *Cygnets II* striking the port side of *Senator*. The Skipper of *Cygnets II* was then heard to say, “If you don’t f... off I’ll do it

again”. The Skipper of *Senator* then hauled in the fishing lines and departed.

1.1.12 *Senator* sustained some minor damage in the collision (See Appendix II – Photograph of recreational vessel).

1.2 Evidence of the Skipper and Passengers of *Cygnets II*

1.2.1 At 0700 hours, 7 passengers embarked the commercial fishing charter vessel *Cygnets II*, berthed at Picton. The Skipper steamed out of Queen Charlotte Sound via the Northern Entrance, bound for the general Witts Rock area (See Appendix I – Chart excerpt of area).

1.2.2 At about 0930 hours, the Skipper stopped the vessel, about 1.5 nautical miles northeast of Witts Rock. By 0945 hours, all the passengers, who were spread around the aft deck of the vessel, had started rod fishing.

1.2.3 During this time, the Skipper observed a recreational vessel (*Senator*), approaching at speed from the area of Cape Jackson, or from a southerly direction. The Skipper and passengers saw *Senator* head straight for his vessel, circle at a distance of about 50 to 75 metres, and then stop.

1.2.4 When the Skipper moved off to a different fishing spot, *Senator* followed them and started to fish, relatively close to their position.

1.2.5 The Skipper of *Cygnets II* was annoyed by the behaviour of *Senator*, so decided to move over to the top of Witts Rock some 1.5 nm away.

1.2.6 At about 1100 hours, *Cygnets II* arrived at Witts Rock. The Skipper set the vessel up so that the passengers could drift fish over the rock as the vessel passed over it with the tidal flow. The Skipper estimated the drift time to be about 5 to 10 minutes. At this time, *Senator* was still about 1.5 nm away.

1.2.7 The Skipper of *Cygnets II* said he did a couple of drifts over the rock, then decided to put the main engine alternately in and out of ahead, to hold station over the favoured fishing position.

1.2.8 At approximately 1130 hours, the Skipper and passengers saw *Senator* pass their starboard side at a distance of about 25 metres and stop directly up wind of them, stemming the tide and then start drift fishing.

1.2.9 At this time, the Skipper of *Cygnets II* was at the deck helm station, activating the gearbox control, and in between times, tending to the passengers fishing needs.

- 1.2.10** The Skipper saw *Senator* stop ahead of them, and swing to port with the wind. He did not think that the Skipper of *Senator* would allow it to drift down onto his position.
- 1.2.11** After a short time the Skipper of *Cygnets II* turned around, just in time to see his bow strike the port side of *Senator* (See Appendix III- Photograph of damage to *Cygnets II*).
- 1.2.12** Immediately after the collision, he saw *Senator* bounce off his bow. As all of his passengers still had their line out, he did not want to go astern and cut them off. At this time he yelled out to those on *Senator* that if they did not move out of the way, they would collide again due to the continued set and drift of wind and tide.
- 1.2.13** He states that after some abusive exchanges took place, *Senator* moved away.

2. KEY CONDITIONS

2.1 Vessel Details and Ownership of *Senator*

- 2.1.1 The vessel is an aluminium Senator, model 940. She is 9.4 metres in length, has a breadth of 2.8 metres and an 'at rest' draft of 1.2 metres. She is powered by a 230 Hp Volvo diesel inboard engine, through a duo prop stern leg. The manufacturers of the vessel estimated the fitted out weight of the vessel to be just short of 4 tonnes.
- 2.1.2 The owner has no maritime qualifications, but is an experienced recreational fisher and vessel operator.
- 2.1.3 He has owned about 35 recreational vessels during his time as a recreational boater.
- 2.1.4 The owner had two passengers on board, on the day of the collision. They owned a batch in the same bay as him and had previously met on about 4 or 5 occasions.

2.2 Vessel Details and Ownership of *Cygnnet II*

- 2.2.1 *Cygnnet II* is a passenger vessel of wooden construction, built in 1992. She has an overall length of 10.75 metres, a breadth of 3.37 metres and a gross tonnage of 12.
- 2.2.2 The vessel had a valid Safe Ship Management (SSM) Certificate with Maritime Management Services (MMS). The vessel is fit to ply as a passenger vessel in coastal restricted limits.
- 2.2.3 The owner and Skipper of *Cygnnet II* holds a Skipper Coastal Fishing Boat (SCFB) Certificate of Service, issued in 1968. He also holds a 2nd Class Diesel Trawler Engineer (2DTE) Certificate of Service, issued in 1968.
- 2.2.4 He is a very experienced local ex-fisherman, who now operates the vessel as a commercial fishing charter vessel.
- 2.2.5 There were seven passengers on board on the day of the collision. None of them had met the Owner/Skipper before.

2.3 Weather and Tidal Details

- 2.3.1 The wind was blowing from the north at about 5 to 10 knots. There was an associated wind chop of about ½ a metre from the north.

2.3.2 Cook Strait Tidal Data shows that the flow at 1130 hours was south-southwest or about 213°(T), at a rate of approximately 1knot.

2.4 General

2.4.1 The Skipper of *Cygnets II* decided, after a drift over Witts Rock, that he would try and hold the vessel on station while the passengers fished. He was navigating the vessel from the outside deck helm station. He stated he would “knock her in and out of gear” every 30 seconds or so. This would hold the vessel head to wind, stem the tidal flow and slow the drift of the vessel. This had the effect of the vessel travelling at about 2 knots through the water, but being almost stationary over the ground.

2.4.2 *Senator* was drifting with the wind and the tidal flow. The Skipper of *Senator* stated that his drift time was between 3 and 5 minutes. The Skipper of *Cygnets II* stated that his drift time was between 5 and 10 minutes.

2.4.3 Both Skippers saw each other in close proximity when drifting over Witts Rock.

2.4.4 It would appear, erroneously, to someone on a vessel that was drifting with the tidal flow and wind, that the other vessel (stemming the tide) would appear to be moving through the water, physically towards them.

3. CONTRIBUTING FACTORS

N.B. These are not listed in order of importance.

- 3.1 Very different vessels types contributed to different drift rates.
- 3.2 *Senator*, was drifting with the tide and 10 knots of wind, while the *Cygnets II* was being held stationary over the ground.
- 3.3 Both Skippers failed to take avoiding action when they could both see a close quarters situation was developing. **Maritime Rule Part 22.8 (1)** states that '*Any action to avoid collision must, if the circumstances of the case allow, be positive, made in ample time and with due regard to the observance of good seafaring practice*'. Also, **Maritime Rule Part 22.7 (1)** states that '*Every vessel must use at all times all available means appropriate to the prevailing circumstances and conditions to determine if the risk of collision exists. If there is any doubt, such risk must be considered to exist*'.

4. CAUSE

Human Factor

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Failure to comply with regulations | <input type="checkbox"/> Drugs & Alcohol | <input type="checkbox"/> Overloading |
| <input type="checkbox"/> Failure to obtain ships position or course | <input type="checkbox"/> Fatigue | <input type="checkbox"/> Physiological |
| <input type="checkbox"/> Improper watchkeeping or lookout | <input type="checkbox"/> Lack of knowledge | <input checked="" type="checkbox"/> Ship Handling |
| <input type="checkbox"/> Misconduct/Negligence | <input checked="" type="checkbox"/> Error of judgement | <input type="checkbox"/> Other . . . |

Environmental Factor

- | | | | |
|---|---|------------------------------------|--|
| <input type="checkbox"/> Adverse weather | <input type="checkbox"/> Debris | <input type="checkbox"/> Ice | <input type="checkbox"/> Navigation hazard |
| <input checked="" type="checkbox"/> Adverse current | <input type="checkbox"/> Submerged object | <input type="checkbox"/> Lightning | <input type="checkbox"/> Other . . . |

Technical Factor

- | | | |
|---|---|---|
| <input type="checkbox"/> Structural failure | <input type="checkbox"/> Wear & tear | <input type="checkbox"/> Steering failure |
| <input type="checkbox"/> Mechanical failure | <input type="checkbox"/> Improper welding | <input type="checkbox"/> Inadequate firefighting/lifesaving |
| <input type="checkbox"/> Electrical failure | <input type="checkbox"/> Inadequate maintenance | <input type="checkbox"/> Insufficient fuel |
| <input type="checkbox"/> Corrosion | <input type="checkbox"/> Inadequate stability | <input type="checkbox"/> Other . . . |

4.1 The two vessels collided, when *Senator* drifted down onto *Cygnets II*, which was holding station, at the time, over the rock.

5. OPINIONS & RECOMMENDATIONS

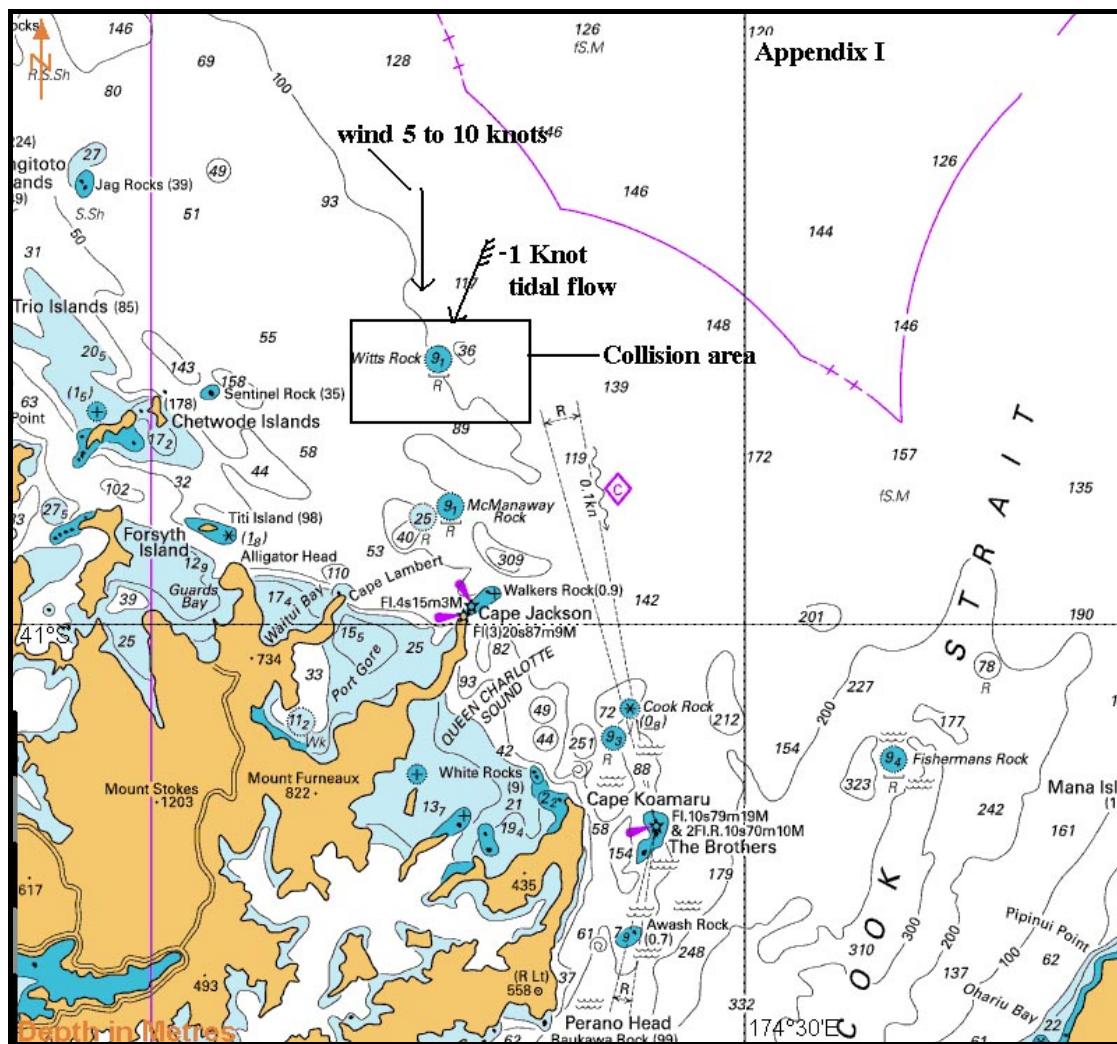
5.1 Opinions

- 5.1.1** It would appear to those onboard the *Senator* that *Cygnets II* had rammed them. The evidence indicates that this would be the case due to *Cygnets II* stemming the tide and holding station over Witts Rock.
- 5.1.2** All passengers that were interviewed backed their respective Skipper's version of events.
- 5.1.3** The exact nature of the verbal exchanges between the two Skippers' has been difficult to quantify.

6.1 Recommendations

- 6.1.1** That both Skippers be censured for their failing to comply with **Maritime Rule Parts 22.7 and 22.8**, to detect and avoid a collision when they could both see it developing.

Appendix 1



Appendix 2



Appendix 3

