

Accident Report

Diane

Person Overboard

Approximately 6 miles south of Timaru
on 6 March 2004

KEEPING YOUR SEA SAFE FOR LIFE



Maritime Safety

MARITIME SAFETY AUTHORITY OF NEW ZEALAND
Kia Maanu Kia Ora



REPORT NO: 04 3461

VESSEL NAME: *DIANE*

CASUALTY DETAILS:

Date of Casualty: 6 March 2004

Time of Casualty: 1600 hours New Zealand Daylight Time (NZDT)

Casualty Type: Person Overboard

Casualty Location: Approximately 6 miles south of Timaru

Weather Forecast Area: Rangitata

Date MSA Notified: 8 March 2004

Date Investigation Started: 8 March 2004

Date Investigation Completed: 5 November 2004

Investigator: John Whiteley



REPORT NO: 04 3461

VESSEL NAME: *DIANE*

VESSEL DETAILS:

Ship Name:	<i>Diane</i>
Ship Category:	Fishing
Certified Operating Limit:	Inshore
Registered Length (m):	11.61
Gross Tonnage:	16.85
Flag:	New Zealand



SUMMARY

On 6 March 2004, *Diane* was found idling with the engine in neutral and a fishing net still in the water over the stern. There was no sign of the Skipper who is missing and presumed drowned.

1. KEY EVENTS

- 1.1 On Saturday 6th March 2004, between 0600 and 0630 hours New Zealand Daylight Time (NZDT), the fishing vessel *Diane*, accompanied by the fishing vessel *Achernar*, departed Timaru for the fishing grounds.
- 1.2 On arrival at the fishing grounds, situated approximately 6 miles off Timaru, the two vessels commenced fishing. During the fishing run, this distance was reduced to approximately 4 miles.
- 1.3 The two Skippers exchanged radio calls whilst they were fishing.
- 1.4 At approximately 1030 hours, when the two vessels were approximately 4 miles apart, the Skipper of *Diane* told the Skipper of *Achernar* that he was only going to do one more tow and would then return home. Meanwhile, the Skipper of *Achernar* continued to fish, subsequently returning to port.
- 1.5 At about 1645 hours, *Achernar* berthed at Timaru. The Skipper noted that *Diane* was not alongside.
- 1.6 At approximately 1700 hours, the Skipper of *Achernar* telephoned the wife of the Skipper of *Diane* to enquire if he had returned. She replied that he had been due back at 1600 hours, as arrangements had been made for them to celebrate their wedding anniversary.
- 1.7 At about 1715 hours, the Skipper of *Achernar* contacted Moeraki Fisherman's Radio on VHF channel 61, to inform him about *Diane* and the fact that it had not yet returned to port.
- 1.8 At approximately 1730 hours, a member of the Timaru Coastguard, who had been overseeing a local fishing contest, called to ask if any assistance was required.
- 1.9 The brother of *Diane's* Skipper, boarded *Achernar*, which left to search for *Diane*.
- 1.10 At about 1815 hours, *Diane* was located in position 44° 29.8' S 171°16' E (See Appendix 1 – Extract of NZ Chart 64). The Skipper was not on board. The engine was still idling in neutral and the net was still in the water, over the stern.
- 1.11 A search and rescue operation was initiated for the missing Skipper.
- 1.12 At 1919 hours, the Christchurch Westpac helicopter was tasked to search for the Skipper.
- 1.13 At 1948 hours, the helicopter was airborne, with an ETA to the vessel of 40 to 45 minutes.

1.14 At 2031 hours, the helicopter reached the search area.

1.15 The search for the missing Skipper was resumed the following day but without any success.

2. KEY CONDITIONS

2.1 Crew details:

- Qualifications of Owner/Skipper: Commercial Launchmaster Certificate, obtained in 1987 and First Mate Foreign Going Certificate, obtained in 1990.

The clothes that the Skipper was wearing at the time he went missing, consisted of a tartan flannelette shirt, jeans, dark blue PVC bib, overalls and black gumboots.

The Skipper did not have any known medical, financial or personal problems.

The Skipper had owned *Diane* on separate occasions and had last re-purchased her, about 18 months previously.

2.2 Particulars of *Diane* (See Appendix 2 – Photographs of Vessel).

- | | |
|-------------------------|--|
| • Type | Fishing Vessel |
| • Construction | Glass Reinforced Plastic |
| • Length Overall | 11.61m |
| • Breadth | 3.91m |
| • Gross Tonnage | 16.85 |
| • Engine Type | General Motors 4/71, producing 84kW at 1 800 rpm |

2.3 Safety Equipment on *Diane*:

- 3 lifejackets
- 1 lifebuoy with life line
- 4 flares – expiry date 28/02/05
- 2 smoke floats – expiry date 28/02/06
- Salcom MRB 3 EPIRB – battery expiry date 30/04/05
- Icom M 502 VHF Radio
- Seamat Fish 2 GPS
- Koden MD 3000 Radar
- Furuno FCV 5821 Echo Sounder
- Cetrek Propilot 725

Inspection of the vessel by the MSA Investigator, showed that all the above equipment and the vessel itself were in good condition and well maintained.

2.4 Safe Ship Management Details for *Diane*:

The vessel was entered into Safe Ship Management with SGS M&I, when the Skipper purchased the vessel in 2003. *Diane* was surveyed by an SGS M&I surveyor, between April and May 2003, following which two corrective action reports were required to be completed before the vessel could be issued with a valid Safe Ship Management Certificate. These consisted of the following:

- The magnetic compass deviation to be determined.
- The First Aid Kit to be brought up to the requirements of Maritime Rule Part 50

The corrective action report relating to the first aid kit was not followed up. Although the compass was corrected for deviation on 16 October 2003, the SSM Company was not informed of this fact. The vessel's Fit For Purpose Certificate was not signed and consequently a valid Safe Ship Management Certificate could not be issued.

2.5 Weather Forecast:

2.5.1 Two of the relevant weather forecasts that were issued by the New Zealand MetService, at the time the Skipper went missing, were as follows:

(1) MARINE WEATHER BULLETIN FOR NEW ZEALAND COASTAL WATERS FORECAST ISSUED BY METEOROLOGICAL SERVICE OF NEW ZEALAND AT 0315HRS 06-MAR-2004. VALID UNTIL MIDNIGHT TONIGHT 06-MAR-2004

SOUTH ISLAND:

RANGITATA

Variable 10 knots. Becoming southwest 25 knots this morning, easing to 15 knots in the afternoon. Sea becoming rough for a time. Southerly swell rising to 2 metres. Northeast swell 1 metre.

OUTLOOK FOLLOWING 12 HOURS: Becoming northeast 10 knots.

(2) MARINE WEATHER BULLETIN FOR NEW ZEALAND COASTAL WATERS FORECAST ISSUED BY METEOROLOGICAL SERVICE OF NEW ZEALAND AT 1230HRS 06-MAR-2004 VALID UNTIL MIDDAY 07-MAR-2004

SOUTH ISLAND:

RANGITATA

Southerly 25 knots, easing to 15 knots this evening and becoming northeast 15 knots in the morning. Rough sea easing. Southwest swell rising to 2 metres.

OUTLOOK FOLLOWING 12 HOURS: Northeast rising to 20 knots for a time.

- 2.5.2** The weather on 6 March, was reported to be good with a south easterly wind at 15-20 knots and a 1.5 metre swell.

3. CONTRIBUTING FACTORS

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

- 3.1** The lack of any distress message by the Skipper indicates that he was probably overcome by a very sudden catastrophic event, which prevented him from accessing any communication equipment. It cannot be discounted that injury or a medical event rendered the Skipper unconscious but, on the balance of probabilities, it is more likely that some other event caused him to fall overboard.
- 3.2** The New Zealand Admiralty Pilot Book (NP5I) gives the average sea temperature off Timaru to be about 15/16° Centigrade in March. At this temperature, hypothermia, generally known as exposure, and defined as the general lowering of the central body temperature would have started to affect the Skipper within about one hour of his falling overboard. Without a lifejacket, he would have become quickly exhausted and drowned. This lowering of the central body temperature, if not checked, will quickly lead to death. If the Skipper had been wearing a lifejacket, this would not only have assisted him by providing buoyancy and thermal protection, it would have also significantly reduced the need to moving his arms and legs to stay afloat. In this manner, the reduction of body movement, especially movement of limbs, would have considerably extended the time before hypothermia started to take effect. It should, of course, be noted that the Skipper's decision not to wear a lifejacket was common with the majority of commercial fishermen. This is not necessarily to spurn the safety benefits conferred by using such equipment but because the wearing of a lifejacket affects their ability to work unhindered while fishing.
- 3.3** The lack of any communication equipment. A sudden catastrophic fall from the boat would have prevented the Skipper from accessing the extensive communication equipment that he had on board. However, waterproof hand-held VHF radios are available and are the most effective means of signalling distress. They can be carried on the person and, if kept in a sealed waterproof plastic bag, can be used effectively whilst still in the bag. Similarly, a cell phone, although less effective for distress purposes, can also be used in this manner without loss of signal strength or clarity. To be always available, cell phones should be kept on a person at all times. Other distress equipment should be stored, where they are readily accessible, in the event of an emergency, no matter how sudden or unexpected.

4. CAUSE

Human Factor

- | | | |
|---|---|--|
| <input 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 type="checkbox"/> Ship Handling |
| <input type="checkbox"/> Misconduct/Negligence | <input type="checkbox"/> Error of judgement | |

Environmental Factor

- | | | | |
|--|---|------------------------------------|--|
| <input type="checkbox"/> Adverse weather | <input type="checkbox"/> Debris | <input type="checkbox"/> Ice | <input type="checkbox"/> Navigation hazard |
| <input 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** It would be mere speculation to opine as to how the skipper came to fall over the side of the vessel.

During the investigation, a number of people stated that the Skipper could not swim and that he usually wore a buoyancy vest whilst working. However, this had been left at home on the day he went missing. An Interested Party to the accident, commented that the buoyancy vest had not been left at home that day and was later found hanging in a cupboard on the vessel.

5. OPINIONS & RECOMMENDATIONS

- 5.1** It appears from the investigation that the Skipper fell over the side sometime after 1030 hours on 6 March. This was the last communication with the Skipper on VHF radio.
- 5.2** The wife of the Skipper's brother in law was informed, by an unknown person, that they had passed *Diane*, whilst out fishing, at 1300 hours on 6 March and had not sighted anybody on board.
- 5.3** The Skipper of *Cat O Nine Tails* spoke to the Skipper's brother in law, stating that he passed a vessel of similar description to *Diane* and had not seen anyone on deck.
- 5.4** The tragic loss of the Skipper of *Diane*, following the foundering of *Moana* and the loss of her Skipper, and the loss of life on *Time Out*, in approximately the same area, represents yet another fatality which might have been avoided if a lifejacket had been worn and there had been means to readily access communication equipment.
- 5.5** A person falling overboard and vessel capsizes/founderings are so sudden that there is little or no opportunity to use a cell phone, VHF radio, or to grab flares or an EPIRB. In such circumstances, the use of a hand-held VHF or a cell phone that is carried on the person, and kept in a sealed watertight bag, may realistically be the only means of achieving rescue. Further, whilst a number of lifejackets that are currently available on the market are clearly unsuitable for use, particularly for a commercial fisherman, due to their bulk and hence inability to work unhindered, inflatable lifejackets can be purchased and either worn or carried around the waist in a manner similar to a money belt so as to be available in the event of an emergency. They will enable a person to continue working, give suitable buoyancy and, as previously stated, will aid in reducing the onset of hypothermia. *In commenting on the draft report, the widow of the deceased believes that had her husband had a cellphone or VHF attached to his body, it would not have assisted in this accident. She believes that had her husband had this equipment on his person and the time to use it, he would have been able to reboard the vessel. She suggested that an EPIRB that could be attached to the person and activated in water would be more appropriate.*
- 5.6** On the basis of the above it is recommended that a copies of this report be forwarded to FishSAFE and to the Education and Communication Division of the Maritime Safety Authority with a request that they consider critically the practicality and safety benefits of carrying a cell phone/hand-held VHF and the wearing of an inflatable lifejacket, particularly where there is a sole occupant on board. If this is considered appropriate, it is recommended that they promulgate their use to industry as widely as possible. *An interested*

party to the report commented that rather than an inflatable lifejacket a flotation jacket (vest) should be worn and that this form part of a vessel's survey.

- 5.7** The vessel was never issued a Safe Ship Management Certificate under Maritime Rule 21.13. The owner of the vessel therefore contravened section 17 of the Maritime Transport Act whilst fishing. It is recommended that Safe Ship Management Companies follow up where corrective action reports have been made out and appear to have been unresolved.
- 5.8** There appears to have been a delay in the Police being informed and organising the helicopter. It would have been more advantageous if the Police had been informed using the 111 emergency number. This would have enabled Police Southern Communications to organise the search and rescue helicopter more quickly.

In commenting on the draft report, the widow of the deceased advised that the radio operator for Moeraki Fishermans radio had used the 111 emergency number. The matter was investigated further by the MSA and the response from the radio operator was as follows:

“Following receipt of the call on VHF he tried to contact Timaru Police - no reply. He then dialled 111, the call centre then wanted all his details. i.e. name, location, phone number. Because he was concerned with the amount of daylight left, and the time it would take to get a helicopter in the air, he asked if he could to speak to one of two Inspectors who would have been on duty, only to be informed that he was speaking to the call centre at Wellington not Christchurch. He could hear over the V.H.F. that there was some confusion between the Timaru Police and Coastguard over who had to order the search helicopter. He terminated the 111 phone call so as to call Coastguard on the VHF in order to assist them. He was also concerned that the accident had taken place outside of his area and did not wish to be seen to be butting in. Because of the confusion, the helicopter was ordered from Christchurch not Omaru.”

This matter was put to the Police for their comment. They responded as follows:

“A call to Police by 111 is the method that should be used for emergency situations. As 5¾ hours had passed since the Skipper of Diane was last sighted on board the boat and he was now missing, believed to be in the water, the situation was an emergency.

The 111 call that was made should have been completed as the detail required to appreciate the incident was required and would have been passed to Christchurch electronically followed by an internal phone call from the Police to confirm it had been received and was being actioned. Calls are automatically transferred to Christchurch Communication Centre to Central Communications Centre, if the call isn't answered within 60 seconds.

Upon transfer of the call, the Timaru dispatcher would have received the incident and called the Police on-call SAR coordinator who would assume responsibility as Incident Controller and would have the required mandate to task Search and Rescue units, including a helicopter. He would also know the appropriate units to task.

Police are the coordinating agency for Class II SAROPs, including Class II marine SAR, and have the mandate to task resources for SAROPs. The New Zealand Coastguard Federation provide primary and secondary Search and Rescue units that Police will task for SAROPs as required.

APPENDIX 2
PHOTOS OF VESSEL



