

Incident Report
Close Quarters
Pegasus II & Distraction
26 April 2006
Class B



NARRATIVE

Pegasus II (See Photograph 1 – ***Pegasus II***) is a 15.46 metre commercial fishing vessel with a gross tonnage of 40. She is owned by Squid Enterprises Ltd of Gisborne. The vessel held a valid Safe Ship Management (SSM) certificate at the time of the incident.



Photograph 1
Pegasus II

Distraction (See Photograph 2 – ***Distraction***) is a fibreglass 6 metre recreational vessel.



Photograph 2
Distraction

SUMMARY

On 24 April 2006 at approximately 1445 hours New Zealand Standard Time (NZST), the recreational vessel *Distraction* was at anchor, fishing in the Bay of Islands. At the same time the fishing vessel *Pegasus II* was outbound from Opuia. The Skipper of *Pegasus II* left his vessel on auto pilot to do maintenance on deck. He failed to observe that his vessel was on a collision course with *Distraction*. *Pegasus II* passed over *Distraction's* anchor warp after the Skipper of *Distraction* took evasive action (See Figure 1 - NZ Chart 5125 showing stated positions and courses).

Evidence of *Pegasus II*

Pegasus II departed Opuia wharf at approximately 1400 hours. The vessel travelled north from Opuia and then altered course to the north east on entering the sector light area north of No.1 and No.2 channel marks. The Skipper noted *Distraction* 20° to 30° on his port bow at an approximate distance of between one quarter and half a mile. As *Pegasus II* closed on *Distraction* the Skipper stated he gained the "impression" that *Distraction* was underway and bearing 20° on his port bow. At this stage *Pegasus II* was travelling at 6 knots. The Skipper then left *Pegasus II* on autopilot and commenced greasing bearings on a surface long line drum on the port side in front of the wheelhouse. After approximately 30 seconds the Skipper went to the port rail to urinate and saw an anchor warp on the surface dead ahead running across his course. He ran to the wheelhouse and took the engine out of gear and coasted over the warp. He observed a small vessel off his starboard side at a distance of approximately 15 to 20 metres. Prior to the close quarters the Deckhand was working on the aft deck and did not observe *Distraction* until she was abeam of *Pegasus II*.



Photograph 3

Evidence of *Distraction*

The Skipper had anchored *Distraction* approximately 0.5 miles south east of Battleship Rock (See *Figure 1*) for fishing. He observed *Pegasus 2* on a course from the south west heading directly towards his vessel. He could see someone on the foredeck bent over doing what looked like maintenance. As *Pegasus II* closed on *Distraction* the Skipper determined collision was imminent and ordered his crew to haul in the anchor. At that stage it became apparent to him that there was no time to haul in the anchor and he ordered the crewman to release the anchor warp. He immediately went hard in reverse to avoid *Pegasus 2* colliding with his vessel. As *Pegasus II* passed within three to five metres of his vessel he observed the Skipper running to his wheelhouse. *Pegasus II* then circled back to *Distraction* whereupon the Skipper alleged that *Distraction* was anchored in a shipping channel and was not permitted to anchor according to his "almanac".

Skipper of *Pegasus II*

The Skipper holds a New Zealand Inshore Fishing Skipper's Ticket issued in June 1977. He has 35 years of experience as a commercial fisherman and has been part owner and skipper of *Pegasus II* for five years. He stated he had been fishing out of Opuia on a full time basis since the previous year and had visited the Bay of Islands on a regular basis over the past 6 years. He stated he had not previously been involved in any incidents of this nature.

Skipper of *Distraction*

The Skipper of *Distraction* is an experienced recreational boater. He did not wish Maritime New Zealand to take legal action under the Maritime Transport Act against the Skipper of *Pegasus II*. He considered he should be required to take a refresher course.

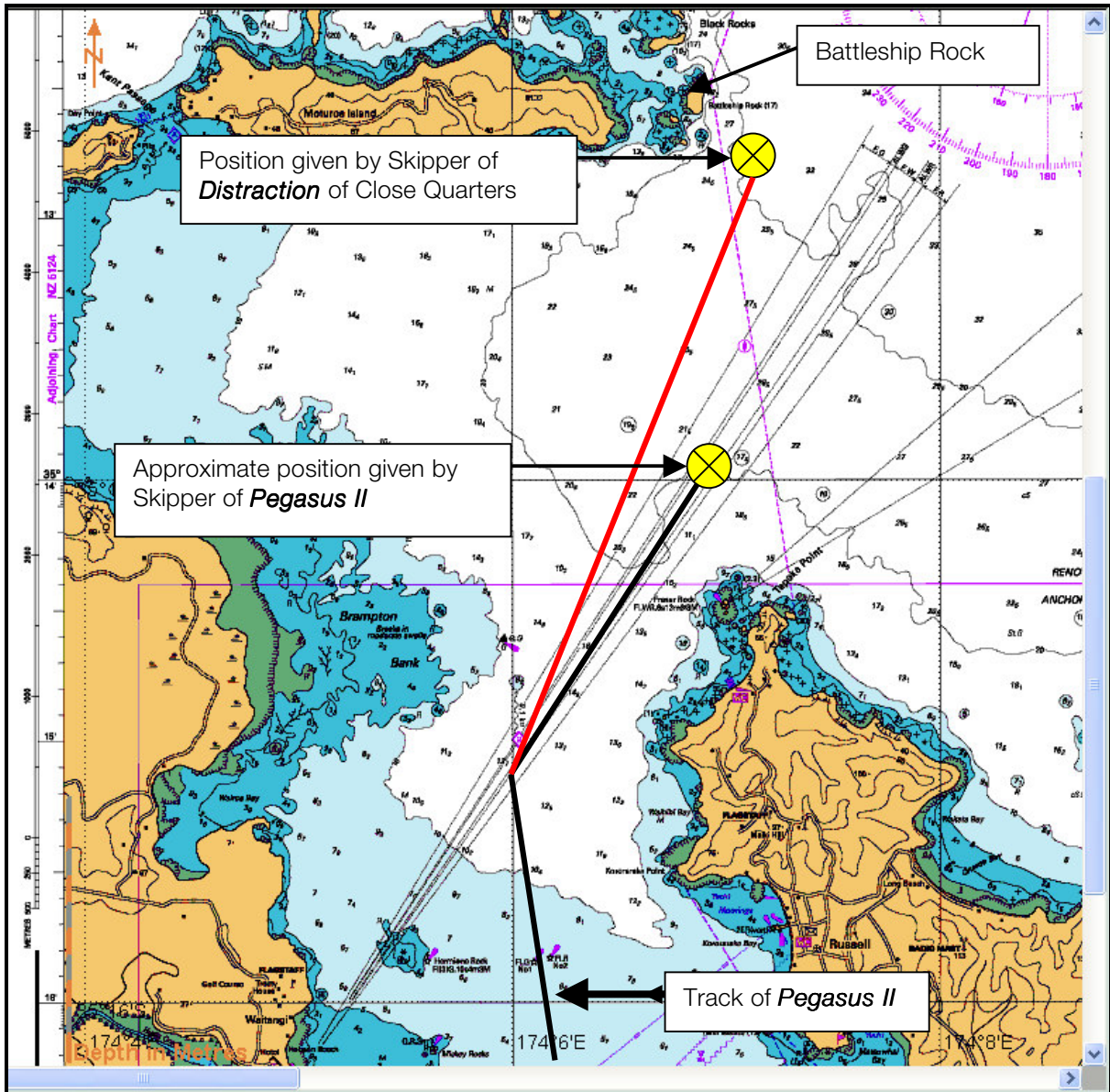


Figure 1
 NZ Chart 5125 showing stated positions and courses.

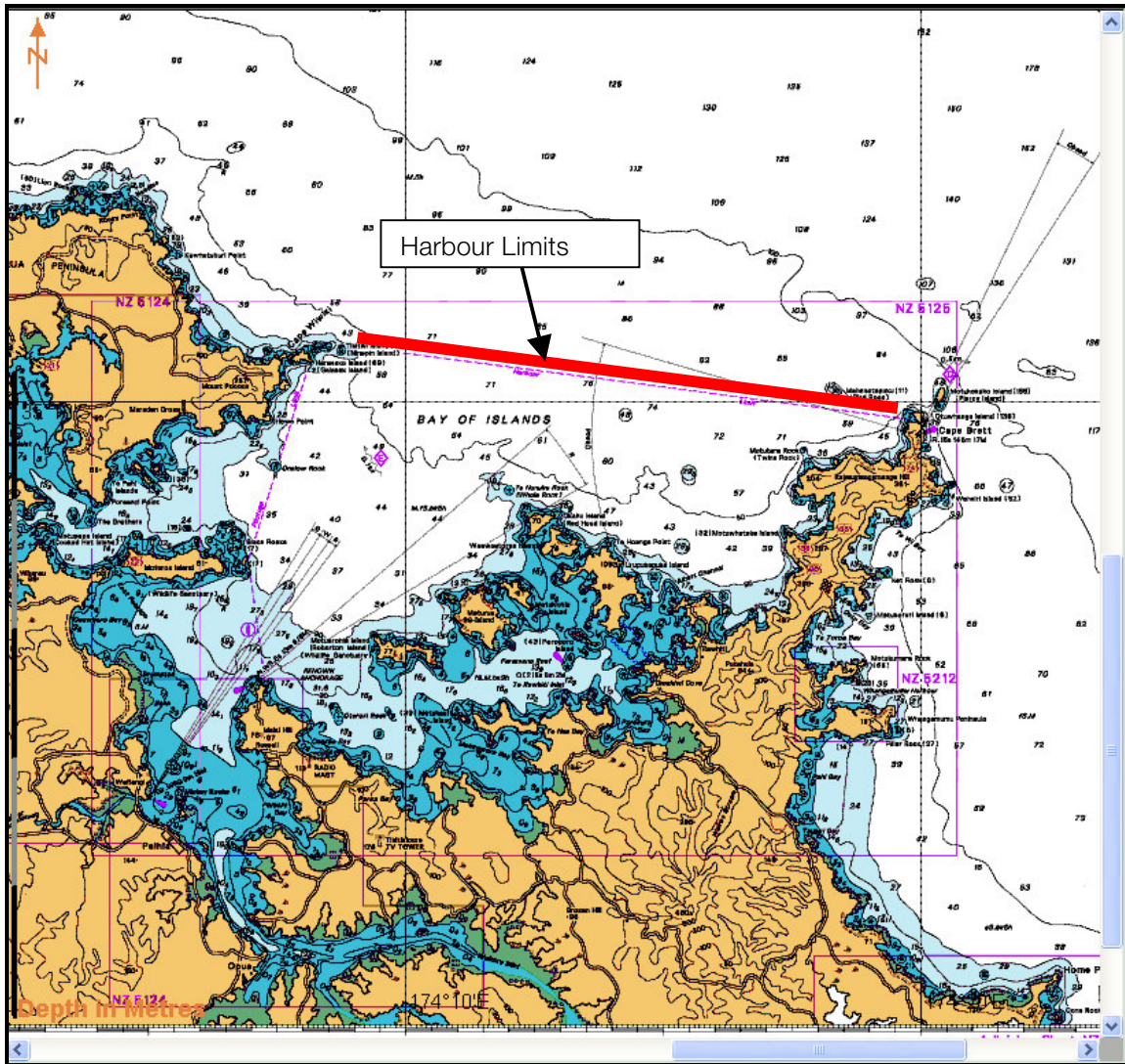


Figure 2
 NZ Chart 5125 showing Harbour Limits.

COMMENT

There is conflicting evidence as to where the close quarters occurred and the closest point of approach.

When questioned, the Skipper of *Pegasus II* was uncertain as to the whether anchoring was permitted in the area within the sector light (leads) extending from Hobson Beach out to a point 0.6 miles south east of Battleship Rock. He agreed he had told the Skipper of *Distraction* that he was in a prohibited anchoring area.

Maritime Rule 22.30 (3) does not require a vessel under 7 metres in length to exhibit a shape prescribed in the Rules for a vessel at anchor provided it is not in or near a narrow channel, fairway or anchorage. The areas where the Skipper of *Pegasus II* states *Distraction* was anchored does fall within the above definition.

Sector light areas (leads) are a common feature of many ports. Incoming and outgoing vessels usually navigate within them. Mariners in New Zealand can anchor within them provided they do not breach the Maritimes Rules or local Council Bylaws. In this case there was no Bylaw preventing anchoring in the positions given by the skippers. In some ports, Auckland for example, anchoring within leads is expressly forbidden within Harbour Limits by a Bylaw.

The positions given by both skippers fall well within Harbour limits. Harbour Limits lie inside a line from Harakeke Island to Tikitiki (Ninepin) Island to Cape Brett (See *Figure 2*).

Navigational Safety

Part 22 Maritime Rules

22.5 Look-out

Every vessel must at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions, so as to make a full appraisal of the situation and the risk of collision.

22.6 Safe speed

Every vessel must at all times proceed at a safe speed so that proper and effective action to avoid a collision can be taken and the vessel can be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed, the following factors must be among those taken into account -

- (1) For all vessels -*
 - (a) the state of visibility;*
 - (b) traffic density, including concentrations of fishing vessels or any other vessels;*
 - (c) the manoeuvrability of the vessel, with special reference to stopping distance and turning ability in the prevailing conditions;*
 - (d) at night, the presence of background light such as from shore lights or from the back scatter of the vessel's own lights;*
 - (e) the state of wind, sea, and current, and the proximity of navigational hazards;*
 - (f) the draught in relation to the available depth of water.*

- (2) Additionally, for vessels with operational radar -*
 - (a) the characteristics, efficiency, and limitations of the radar equipment;*
 - (b) any constraints imposed by the radar range scale in use;*
 - (c) the effect on radar detection of the sea state, weather, and other sources of interference;*

- (d) *the possibility that small vessels, ice, and other floating objects may not be detected by radar at an adequate range;*
- (e) *the number, location, and movement of vessels detected by radar;*
- (f) *the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.*

22.7 Risk of Collision

- (1) *Every vessel must use 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.*
- (2) *Proper use must be made of radar equipment, if fitted and operational, including long-range scanning to obtain early warning of the risk of collision and radar plotting or equivalent systematic observation of detected objects.*
- (2) *Assumptions must not be made on the basis of scanty information, especially scanty radar information.*
- (3) *In determining if the risk of collision exists, the following considerations must be among those taken into account –*
 - (a) *such risk must be considered to exist if the compass bearing of an approaching vessel does not appreciably change; and*
 - (b) *such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.*

Northland Regional Council Navigation Safety Bylaw 2001

2.13 Navigating Within Harbour Limits

2.13.1 *The Master of every vessel shall, when navigating within harbour limits, ensure that:*

- (a) *automatic steering 'pilot' devices, if fitted, are not used, unless a helmsman is standing by in the immediate vicinity of the helm station or wheel. Otherwise, vessels are to be in hand-steering mode; and*
- (b) *the vessel's main engine(s) is immediately available for reducing speed, stopping or going astern at all times and without delay; and*
- (c) *the vessel's anchors are immediately available for use in an emergency and capable of being used without power.*

2.13.2 *The master of every vessel which is not a pleasure craft whether under pilotage or pilot exempt, shall have an agreed passage plan for transits of the harbour, and:*

- (a) *the number of crew members on the bridge shall be sufficient to safely carry out the passage plan; and*
- (b) *in determining the composition of the bridge team, due regard shall be taken of the need to steer, operate manoeuvring machinery, monitor the progress of the vessel visually, use all available aids to navigation and refer to an appropriate navigation chart.*

- 3.2.1 *No person may propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots:*
- (a) within 50 metres of any other vessel.*

FINDINGS

The Skipper of *Pegasus II* breached **Maritime Rule 22.5** insofar as he failed at all times to keep a proper lookout. He could have utilized his radar and called his Deckhand to take over the lookout.

The Skipper of *Pegasus II* breached **Maritime Rule 22.6** insofar as he failed at all times to proceed at a safe speed so that proper and effective action to avoid a collision could be taken.

The Skipper of *Pegasus II* breached **Part 2.13.1** of the **Northland Regional Council Bylaws** by:

- Operating an automatic pilot within harbour limits whilst the helmsman was not in the immediate vicinity of the helm.
- Failing to ensure his vessel's engine was able to immediately reduce speed, stopping or going astern.

The Skipper of *Pegasus II* breached **Part 2.13.2** of the **Northland Regional Council Bylaws** by:

- Having insufficient crew in the bridge to safely carry out the passage plan.

The Skipper of *Pegasus II* breached **Part 3.2** of the **Northland Regional Council Bylaws** by:

- Exceeding 5 knots within 50 metres of another vessel.

The Skipper of *Pegasus II* was unable to keep a proper lookout from where he was working on deck due to the sheer of his vessel's bow.

The Skipper of *Pegasus II* wrongly believed that the area inside the sector lights extending from shore was a shipping lane in which anchoring was not permitted.

Pegasus II was equipped with a radar that had ARPA function. No effort was made to acquire *Distraction* as a target to determine if *Pegasus II* was on a collision course, firstly, by acquiring *Distraction* as a target, to determine if it was on a constant bearing, or secondly, by determining the CPA (Closest Point of Approach).

There is considerable doubt as to whether the incident took place in the sector light area or off to the west as stated by the Skipper of *Distraction*.

Had the Skipper of *Distraction* not released his anchor and motored astern there would have been a collision between both vessels.

SAFETY RECOMMENDATIONS

1. It is recommended that the Skipper of *Pegasus II* be censured for breaching **Maritime Rules 22.5, 22.6, 22.7** and for breaching **Northland Regional Council Bylaws 2.13.1, 2.13.2 and 3.2.1**.
2. It is recommended that this report be forwarded to the Northland Regional Council Harbourmaster.
3. It is recommended that this report be included in the next issue of the Maritime New Zealand Safety Digest Lookout!