

**Accident Report**  
Capsize & Rescue of an Unnamed  
Dinghy  
**30 June 2008**





**Maritime New Zealand**

Maritime New Zealand (MNZ) is a Crown Entity appointed under section 429 of the Maritime Transport Act 1994, with the responsibility to promote maritime safety, security and the protection of the marine environment.

Section 431 of the Maritime Transport Act sets out MNZ's functions. One of those functions is to investigate and review maritime transport accidents and incidents.

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## Executive Summary

1. At about 1930 hours on Monday 30 June 2008 two recreational fishermen launched their 2.5m dinghy in the Tukituki Estuary with the intention of setting a fishing net.
2. The outgoing current swept their vessel from the estuary and into the surf where it capsized. The men had no lifejackets or any other safety equipment on board.
3. Both men managed to right the dinghy and drifted 15 nautical miles (28 km) off the coast until rescued by the Coastguard 19 hours later.
4. Concerns regarding the *Sunny Napier II* and their failure to rescue the men were later raised by Police.



## Narrative

### Capsizing at the Tukituki River Estuary

5. This incident began at the Tukituki River Estuary, situated at the mouth of the Tukituki River, approximately 20 minutes drive from Hastings.
6. The Tukituki River Estuary is fed by Grange Creek, adjoining pastoral land and the Tukituki River which runs from the Ruahine Ranges. As such, heavy rainfall and snow, which was experienced for several days prior to this incident, can greatly affect the flow of the river. The flow in the estuary is also subject to the tide. There is no lighting at the estuary other than some ambient street lighting coming from a small park situated to the south.
7. The Tukituki River Estuary is managed by the Hawke's Bay Regional Council and is commonly used by the public for fishing, white baiting, duck shooting and general boating.



**Figure 1** The Tukituki River Estuary running out into Hawke's Bay  
Google Earth

8. The skipper is aged 37, and the other passenger was his 21-year-old nephew, both men reside in Flaxmere.

9. The skipper purchased the unnamed dinghy around the start of 2008. His experience with the vessel was limited to 6 or 7 fishing expeditions on the Tukituki River Estuary; however, he claimed to have a lifetime of experience with recreational fishing in Kiribati.
10. The dinghy involved is approximately 2.5m and constructed of molded fiberglass (see Figure 2). At the time it had no motor, oars, rowlocks, anchor or lights and was simply propelled by paddles. A bow painter, which was a thin rope approximately 2 m long



**Figure 2** Unnamed Dinghy

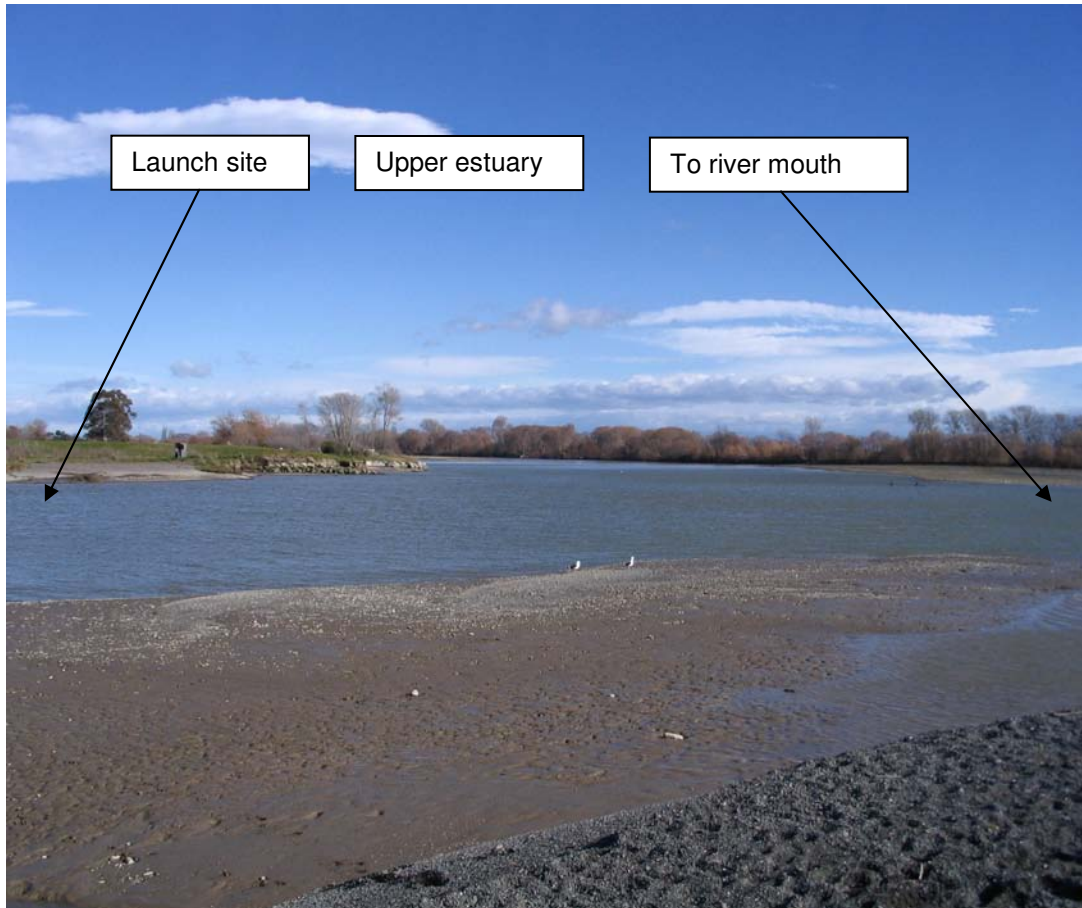
11. The dinghy was commonly carried on the roof racks of the skipper's vehicle and did not have a trailer.
12. A cellphone was carried on the dinghy, however, it was not in a waterproof container and was hung around the passenger's neck on a cord. A small torch was also carried, and this provided the only means of lighting. The skipper had filled a rice sack with stones to use as a makeshift-anchor and this, along with a fish-bin and net, were the only items on board when the men set out.
13. No other safety equipment was carried or owned by the men. Both men were lightly dressed and wearing gumboots.



**Figure 3** Both men inside the dinghy at the time of their rescue

14. At about 1930 hours the skipper and his nephew drove from their home address to the Tukituki River Estuary with the dinghy. They launched the dinghy from the beach on the southern side of the estuary with the intention of setting their net in the upper reaches of the estuary. It was dark at the time.
15. There are two scenarios to explain what followed. In brief, the skipper either intended to put his net across the river mouth and had intentionally paddled into the current, which proved stronger than he anticipated, or he intended to set his net further up the estuary and inadvertently paddled into the current.
16. The Napier police and fisheries officers have mentioned that it is common for people to set their nets across the mouth of the Tukituki River and the nearby Clive River. Fishing regulations require that a net does not extend for more than one quarter of a waterway, which in this case would be less than 10 m if one was to stay within the rules. Police and fisheries officers said that this was usually done at night under the cover of darkness to avoid detection.
17. Attempting to set a net across the river mouth provides a very logical and probable explanation for why the vessel was in a position to be taken by the outgoing tide.

18. When asked about this, the skipper denied intending to set his net across the river mouth and claimed that he had intended to travel further up the estuary to set his net. It logically follows, however, that a person intending to travel further up the estuary as alleged, would be unlikely to take a route that would lead them into the path of the current. It is possible though, that owing to a lack of lighting, the skipper paddled blind around the estuary and was confused about his location. Nevertheless the vessel was caught in the current which the skipper described as being *“faster than you could walk”*.



**Figure 4** Taken from the spit looking upstream of the Tukituki River Estuary



**Figure 5** Direction of travel

Google Earth

19. The river mouth through which they were taken is approximately 30m wide and runs for approximately 60m before entering the sea. A gravel bar situated just out from the river mouth, coupled with outgoing and incoming tides, creates surf conditions.



**Figure 6** Taken from the launch site looking towards the river mouth



**Figure 7** Taken from the spit where it joins the river and estuary

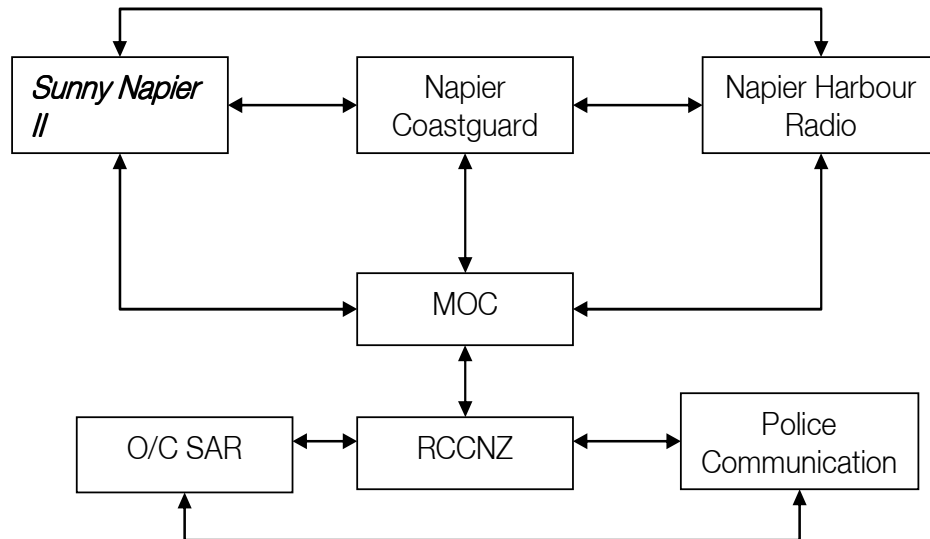
20. Once taken by the current the skipper lost all control of the dinghy and was unable to paddle to the edge of the channel. He considered abandoning the dinghy, but felt that the conditions far exceeded his swimming ability, which is limited.
21. The vessel was carried out into the surf where it was capsized by a wave breaking at the river mouth.
22. Both men were thrown into the water. The passenger became entangled in the fishing net and was held under for some time before managing to free himself and come to the surface. The skipper managed to grab hold of the painter and pulled himself to the dinghy, which he clung to while they drifted out through the surf.
23. The skipper managed to right the dinghy and climbed on board. While the skipper bailed water from the dinghy with his hands, the passenger clung to the side.
24. On attempting to climb back into the dinghy the passenger overbalanced it, causing it to capsize yet again. The process of righting and bailing the dinghy was repeated and the passenger climbed on board safely. An offshore south-westerly wind combined with tidal currents carried the vessel for approximately 28 km out to sea.

## The rescue

25. Around 1200 hours the following day (1 July 2008) the skipper's wife, who had become concerned, went to the Tukituki River Estuary. She discovered the skipper's vehicle but no sign of the vessel or the two men. She called Police at 1239 hours and notified them of the situation.

26. At 1255 hours Maritime Radio began broadcasting the following mayday relay on channel 16:
- “A small orange boat with two persons on board, no motor, departed Haumoana beach at 311900 local time yesterday, out fishing and has not returned. Any vessels in the area with any knowledge or able to assist please respond to Maritime Radio channel 16.”*
27. Around this time **Sunny Napier II** was heading towards the Napier port having rounded the Mahia Peninsula.
28. When later spoken to, the second officer and the able seaman, who were on the bridge at the time of the mayday relays, both claimed that although they heard the relays they could not understand from where the dinghy was actually missing. They attributed this to their lack of English/Maori language skills, claiming that they could not understand the word “Haumoana” and were unable to find it on their charts. They acknowledged that it would have been prudent to ask for clarification, and offered no explanation for why they did not. A detailed analysis of this matter follows.
29. At about 1540 hours the able seaman was on the bridge of **Sunny Napier II** and sighted the dinghy through a pair of binoculars. He brought this to the attention of the second officer, who also used the binoculars and saw the dinghy. At this point, however, the dinghy was too far away and neither man on the bridge were able to make out what it was. Thinking that it could possibly be a buoy, the second officer checked his charts and confirmed that there were no buoys in that area. He then considered that it could be the missing dinghy, and as they were heading closer, continued on his course.
30. By 1550 hours the dinghy was approximately 1.5 nautical miles abeam of **Sunny Napier II**. The second officer and the able seaman were able to see both men sitting huddled in the dinghy.
31. The skipper of the dinghy stated that at some point around this time he tried to stand and wave at **Sunny Napier II** but was unable to as his legs had cramped up with the cold. He did, however, manage to briefly wave his jacket at the **Sunny Napier II**.
32. **Sunny Napier II** continued on its course toward Napier Harbour.
33. When later asked why they had not stopped, the second officer offered the excuse that he was still unsure about whether or not it was the actual dinghy that had been reported missing. He did acknowledge that he knew it was an orange dinghy with two persons on board that was missing and that was exactly what he had seen.
34. At 1601 hours **Sunny Napier II** called Napier Harbour Port Control to advise them that they had sighted the dinghy.
35. When asked why he had waited around 10 minutes before contacting anyone regarding the dinghy, the second officer claimed that he was busy preparing his charts for the end of his watch.
36. At 1605 hours the **Sunny Napier II** reported their position as 39° 27.40'S 177° 12.0'E and estimated the position of the dinghy as 39° 28.20'S 177° 17.0'S, which was plotted on their chart.
37. By now several parties were involved in the rescue operation, including Police Search and Rescue (SAR), Police Communications, Napier Coastguard, Napier Harbour Radio, the Rescue Coordination Centre New Zealand (RCCNZ), Maritime Operations Centre (MOC) and **Sunny Napier II**.

38. The following outlines the lines of communication during the rescue operation.



**Figure 8** Lines of communication during the rescue operation

- 39. Communications between the **Sunny Napier II**, the Napier Coastguard, Napier Harbour Radio and the MOC was via the VHF radio, on channels 12, 16 and 82.
- 40. Communications between the MOC, (Officer in Charge) SAR, RCCNZ and Police Communications was via telephone. RCCNZ does, however, have the ability to listen in on radio communications if desired.
- 41. A summary of the relevant communications that took place follows:

| Time (hours) | Communication                                                                                                                                                                                                                                                                                         |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1239         | Police Communications receives a call from the skipper’s wife informing them of the circumstances.                                                                                                                                                                                                    |
| 1247         | Police Communications call the Napier Police watchhouse and advise them to call out SAR.                                                                                                                                                                                                              |
| 1249-51      | Police Communications team leader calls RCCNZ to advise them of the situation.                                                                                                                                                                                                                        |
| 1255         | Request from RCCNZ to MOC for mayday relay broadcasts.                                                                                                                                                                                                                                                |
| 1256         | First mayday relay broadcast:<br><i>“A small orange boat with two persons on board, no motor departed Haumoana beach at 311900 local time yesterday, out fishing and has not returned. Any vessels in the area with any knowledge or able to assist please respond to Maritime Radio channel 16.”</i> |
| 1308         | Mayday relay repeated from Maritime Radio.                                                                                                                                                                                                                                                            |

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1311          | Hawke's Bay Coastguard calls Maritime Radio to confirm they are aware of incident.                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1322          | Mayday relay repeated from Maritime Radio.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1333          | Mayday relay repeated from Maritime Radio.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1422          | Mayday relay repeated from Maritime Radio.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1442          | Hawke's Bay Coastguard calls Maritime Radio to advise of a further vessel description:<br><i>"Orange fiberglass hull, white inside still approximately 8 ft in length."</i>                                                                                                                                                                                                                                                                                                             |
| 1443          | Hawke's Bay Coastguard calls Maritime Radio and are instructed to go to channel 68.                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1450          | <b>Sunny Napier II</b> calls Napier Harbour Control and are told to go to channel 12.                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1510          | Mayday relay repeated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1540          | Mayday relay repeated.<br>One of the two mayday relays repeated at 1510 hours and 1540 hours was heard by <b>Sunny Napier II</b> . The crew claim this was the first relay they heard.                                                                                                                                                                                                                                                                                                  |
| 1540 (approx) | The able seaman and second officer of <b>Sunny Napier II</b> sight the dinghy, but claim it was too far away to make out what it was.                                                                                                                                                                                                                                                                                                                                                   |
| 1550 (approx) | The able seaman and second officer state that at around 1550 hours the dinghy was approximately 1 mile abeam of <b>Sunny Napier II</b> and they were able to make out two people on board.                                                                                                                                                                                                                                                                                              |
| 1601          | <b>Sunny Napier II</b> calls Napier Harbour Control and are told to go to channel 12.                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1602          | Napier Port Control calls Maritime Radio and are asked to go to channel 16.                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1603          | Napier Port Control calls Maritime Radio. Maritime Radio confirms they have information about the mayday relay.<br>Napier Port Control states he has just been called from <b>Sunny Napier II</b> informing him that they have sighted the vessel.<br>Napier Port Control advises Maritime Radio to try <b>Sunny Napier II</b> on channel 16.                                                                                                                                           |
| 1605          | Maritime Radio calls <b>Sunny Napier II</b> . Confirms they have sighted vessel. Gives current position of <b>Sunny Napier II</b> as 39° 27.40'S 177° 12.0'E.<br>Maritime Radio:<br><i>"Can you give me a position, do you have position of the vessel over."</i><br><b>Sunny Napier II:</b><br><i>"My present position right now is 39° 27.40'S 177° 12.0'E."</i><br>Maritime Radio:<br><i>"Roger you've sighted the vessel and your current position is 39° 27.40'S 177° 12.0'E."</i> |

|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | <p><b>Sunny Napier II</b> told to standby.</p> <p>Note: The MOC log for this time reads:<br/> Napier Maritime called <b>Sunny Napier II</b> and requested the position where the orange dinghy was sighted, vessel advised it was in position 39° 27.40'S 177° 12.0'E.</p> <p>This position, however, was the location of the <b>Sunny Napier II</b>, not the position in which the dinghy was estimated to be.</p>                                                                                                              |
| 1608 | <p>Maritime Radio calls <b>Sunny Napier II</b> to inquire if they have been able to contact the people on board the dinghy.</p> <p><b>Sunny Napier II:</b><br/> <i>"No we don't have we don't speak yet, we don't communicate with this vessel over."</i></p> <p>Maritime Radio:<br/> <i>"Copy and you are unable to provide any rescue for them over."</i></p> <p><b>Sunny Napier II:</b><br/> <i>"Just one moment, just one moment."</i></p>                                                                                   |
| 1610 | <p>Coastguard Naiad calls to advise that they are now on channel 16.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1611 | <p>Coastguard Naiad calls Maritime Radio and advises that they have lost channel 82 and have plotted the position of <b>Sunny Napier II</b> and are heading for that position.</p>                                                                                                                                                                                                                                                                                                                                               |
| 1613 | <p>Coastguard base calls <b>Sunny Napier II</b> and confirms that there are two people on board the dinghy.</p> <p><b>Sunny Napier II:</b><br/> <i>"Yes, we are already one and a half mile on my port...."</i></p> <p>Coastguard Base:<br/> <i>"Copy that we'll have a rescue vessel there shortly if you can continue to assist them until a rescue vessel is there over."</i></p> <p><b>Sunny Napier II:</b><br/> <i>"Yes sir. We are now proceeding to Napier Harbour; we are now proceeding to pilot station over."</i></p> |
| 1614 | <p>Maritime Radio calls Coastguard base and advises that RCCNZ and Police have been updated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1618 | <p>Coastguard base <b>calls Sunny Napier II</b> and asks if they can see orange Naiad. Confirms that cannot see it now and asks that they alter their course to 1 mile starboard.</p>                                                                                                                                                                                                                                                                                                                                            |
| 1622 | <p>Coastguard Base calls <b>Sunny Napier II</b>. Confirms they can now see helicopter and Naiad. Ask for directions for helicopter.</p> <p><b>Sunny Napier II:</b><br/> <i>"Just a moment I will give you the position."</i></p>                                                                                                                                                                                                                                                                                                 |
| 1625 | <p>Rescue helicopter calls <b>Sunny Napier II</b>.</p> <p>Rescue helicopter:<br/> <i>"We're getting conflicting reports. Have you still got the vessel in sight and if so would you be able to talk us to that object."</i></p>                                                                                                                                                                                                                                                                                                  |

|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | <p><b>Sunny Napier II:</b><br/> <i>"We don't have any sighting of that object."</i></p> <p>Rescue helicopter:<br/> <i>"Did you have a confirmed sighting?"</i></p> <p><b>Sunny Napier II:</b><br/> <i>"Yes, an orange small boat with two persons on board."</i></p>                                                                                                                                                                                                                                                                                                                                                                        |
| 1627 | <b>Sunny Napier II</b> calls helicopter. No reply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1631 | Hawke's Bay Coastguard calls <b>Sunny Napier II</b> . Confirms that position was not exact only approximate at 39° 28.2'S, 177° 17.0'S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1631 | RCCNZ telephones O/C Police SAR. Police confirm that <b>Sunny Napier II</b> have sighted dinghy and gave co-ordinates of dinghy. SAR are unable to find the dinghy at the location given. Police advise that <b>Sunny Napier II</b> did not stop and stay with dinghy when they first sighted it.                                                                                                                                                                                                                                                                                                                                           |
| 1635 | (Note: This phone call took place while the previous phone call was continuing.)<br>RCCNZ telephones Hawke's Bay Coastguard, who advise that Sunny Napier II saw the dinghy and kept on steaming.<br>RCCNZ telephones Maritime Radio and clarifies <b>Sunny Napier II's</b> action. RCCNZ requests that Maritime Radio call <b>Sunny Napier II</b> , speak with the captain and ask them to turn around and help with the search.                                                                                                                                                                                                           |
| 1637 | Maritime Radio calls <b>Sunny Napier II</b> .<br>Maritime Radio:<br><i>"I have been talking to the Rescue Coordination Centre New Zealand they advise that as this is a distress situation, as this is a distress situation, you are to turn around and help with the search."</i><br>No reply.<br>Maritime Radio:<br><i>"Did you copy my last."</i><br><b>Sunny Napier II:</b><br><i>"Yes, just a moment Ma'am."</i><br>Captain of <b>Sunny Napier II</b> called to bridge by second officer.                                                                                                                                              |
| 1640 | Maritime Radio calls <b>Sunny Napier II</b> .<br>Maritime Radio:<br><i>"Can I speak to the captain."</i><br><b>Sunny Napier II:</b><br><i>"Yes this is the captain."</i><br>Maritime Radio:<br><i>"I have been talking to RCCNZ they advise that as this is a distress situation you are to turn around and help assist with the search for the dinghy."</i><br><b>Sunny Napier II:</b><br><i>"Roger, roger, now we are turning. I am captain so I not see that boat...(inaudible)...but our watchman say orange boat two persons on board so now I am turning. Position is also not clear I think he not check time at position over."</i> |

|      |                                                                                                                                                                                                                                                                         |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1647 | Maritime Radio calls <b>Sunny Napier II</b> and asks for approximate ETA and is told "about hour".<br>Hawke's Bay Coastguard advises that Naiad has two people and the dinghy on board. <b>Sunny Napier II</b> is no longer required and told that they can stand down. |
| 1649 | Maritime Radio confirms with Coastguard that two people are safe and well.                                                                                                                                                                                              |
| 1649 | Distress cancelled.<br>Maritime Radio contacts <b>Sunny Napier II</b> and advises that they can stand down and continue to Napier.                                                                                                                                      |

42. An analysis of the rescue communications follows.

43. The following chart taken from the **Sunny Napier II** shows the position and timings of the vessel.

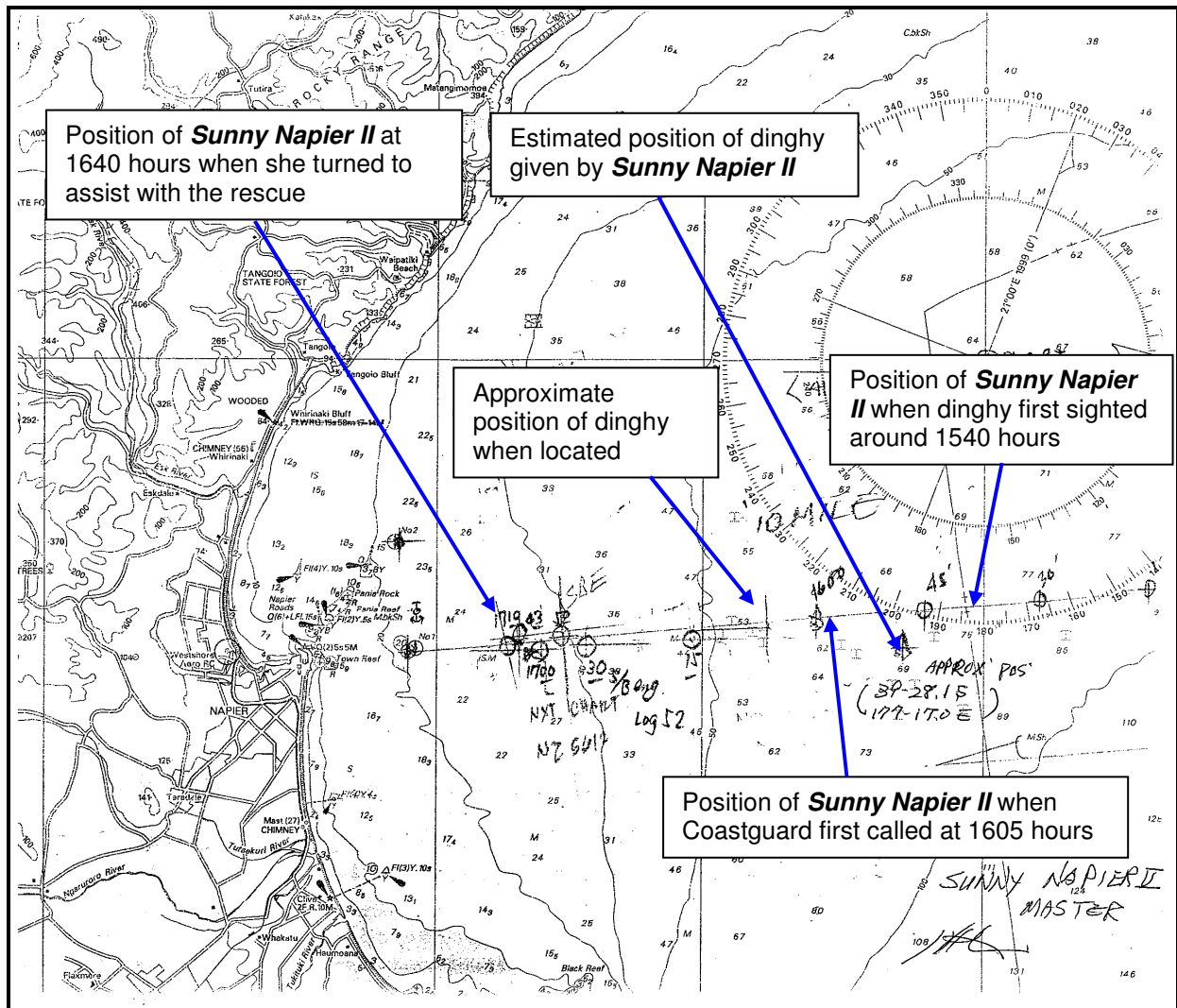
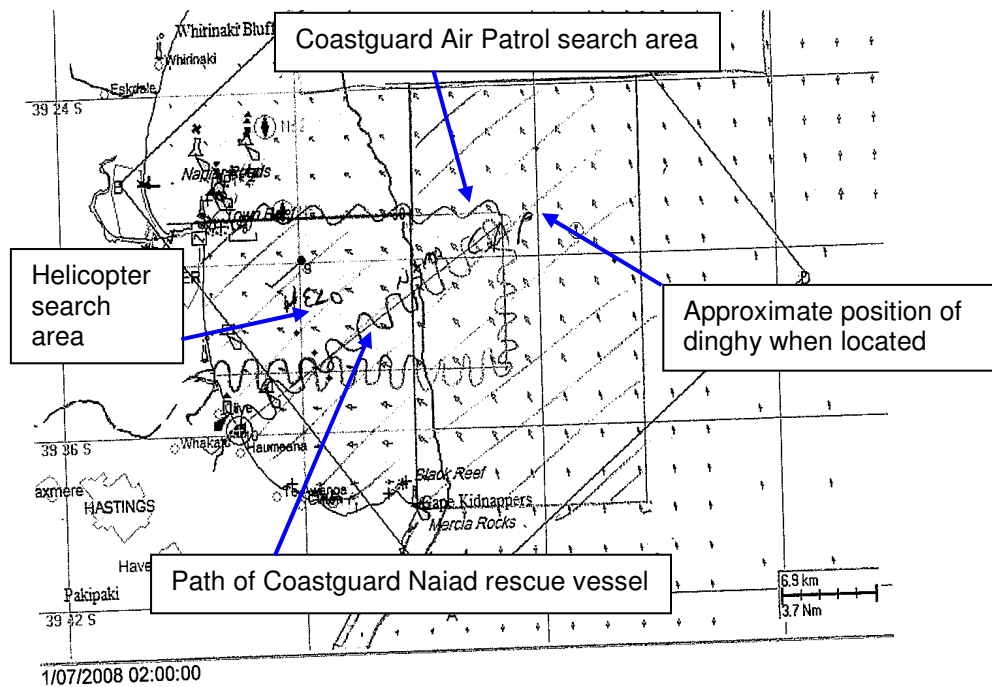


Figure 9 Positions noted on a copy of the chart taken from **Sunny Napier II**

44. The following chart shows the original search plan as prepared by RCCNZ.



**Figure 10** Copy of original search plan from RCCNZ

45. There was approximately 1 hour of light left when the dinghy was located. It is most likely that either the Coastguard Air Patrol or the Coastguard Naiad would have located the dinghy before dark, regardless of whether or not **Sunny Napier II** had given an estimate of the dinghy's position. The above chart shows that the Coastguard Naiad was on a course towards the dinghy.

## Analysis

### Analysis of the dinghy's actions

46. Venturing into waters subject to strong river currents without lifejackets or safety equipment is foolhardy and reckless. Setting and retrieving a fishing net from such a small vessel is in itself a risky activity and doing this in the dark only adds to that risk.
47. Righting the vessel and remaining with it was the correct thing to do in these circumstances. It is not likely that the dinghy's skipper and passenger would have been successful in swimming for the shore, considering it was dark, the outgoing current was strong, they had limited swimming ability, they had no buoyancy aids, and there were strong surf conditions.

### General analysis of the rescue

48. Overall, the rescue mission was well planned and executed. The projected estimate of the dinghy's position proved to be relatively accurate. This provided a good foundation for the planning of the search and the appropriate resources were utilised.

### Analysis of the rescue communications

49. There are several issues that contributed to the way in which the rescue mission unfolded. Firstly, there was a language barrier that appears to have resulted in several misunderstandings between the rescue parties. The language used in several instances created some confusion for the **Sunny Napier II** crew.
  - a) The mayday relay spoke of a dinghy missing from Haumoana beach, then followed with the words "*Any vessels in the area*" which clearly means any vessels in the region of Haumoana Beach. At the time of these broadcasts **Sunny Napier II** was well offshore in the Hawke's Bay/Napier area. Part of their argument for not checking exactly what area the broadcast related to was that they were nowhere near a beach area.
  - b) The words "*with any knowledge or able to assist*" used in the mayday relay could exclude the **Sunny Napier II**, as they had no knowledge of the dinghy and considered themselves to be outside the area, and therefore felt that they were unable to assist.

The second officer and the able seaman **on Sunny Napier II** were not familiar with the word "Haumoana" and claimed to simply not understand what was being said, although, clarification was not sought. Had this been done the captain could have been notified and **Sunny Napier II** could have altered course and made its way towards the Haumoana beach area to assist.

- c) The IMO Search and Rescue Manual, Part 2 – Chapter 3 recommends three methods for outlining a search area. Simply using a physical location, such as Haumoana beach, is not amongst the recommended methods. The recommended method that could have been used in this instance was the geographical co-ordinate method.

*“Geographical co-ordinate method:*

*This is the generally accepted method of designating an area. The corners are defined by geographical co-ordinates of latitude and longitude. An advantage of this method is that irregular area can easily be designated; a disadvantage is that it is somewhat cumbersome and subject to errors in transmission.*

*3.7.1.2 The use of whole degrees of latitude and longitude to designate the search areas will halve the digits used.”*

- d) Maritime Radio should have been contacted when the dinghy was first sighted, even though the second officer was unsure whether or not it was the dinghy. Had this been done the fixed wing aircraft or helicopter involved in the search could have easily located the dinghy. Failing to do this protracted the search unnecessarily.
- e) Confusion arose somewhere along the chain of communication regarding the estimated position of the dinghy.
- f) Maritime Radio: *"Can you give me a position, do you have position of the vessel over."*
- g) Clearly the operator is referring to the location of the dinghy, however, the second officer's reply suggests that he misunderstood and gave the position of **Sunny Napier II**.
- h) **Sunny Napier II**: *"My present position right now is 392740s 177120e."*
- i) Maritime Radio: *"Roger you've sighted the vessel and your current position is 392740s 177120e."*
- j) Nothing further was sought regarding the operator's original question of where the dinghy was. RCCNZ then recorded **Sunny Napier II's** position as the position of the dinghy, although this was later clarified. It is not apparent how much time this misunderstanding added to the rescue, if any, but it was still an issue at 1625 hours when the rescue helicopter contacted **Sunny Napier II** seeking clarification.

Rescue helicopter: *"We're getting conflicting reports. Have you still got the vessel in sight and if so would you be able to talk us to that object."*

- k) When **Sunny Napier II** informed them that they had not communicated with the dinghy Maritime Radio responded with:

*"Copy.... and you are unable to provide any rescue for them, over."*

This is obviously intended as a question; however, it is possible that a person with limited English could see this as a direction or instruction.

At 1613 hours when asked to assist, the second officer's response shows that he did not understand what was being asked of him, and this was not repeated or clarified until 1640 hours.

Coastguard base:

*"Copy that we'll have a rescue vessel there shortly if you can continue to assist them until a rescue vessel is there over."*

**Sunny Napier II:**

*"Yes Sir. We are now proceeding to Napier Harbour, we are now proceeding to pilot station over."*

Taken literally and in the context of the request, the word *"them"* refers to the subject of the sentence, the rescue vessel, not the dinghy as may have been intended. The words *"if you can continue to assist"* implies that what he is already doing, namely providing the estimate latitude and longitude, is assisting the rescue vessels, and the request is that he continues doing exactly what he is already doing.

This is supported by his response *"Yes Sir, we are now proceeding to Napier Harbour, we are now proceeding to pilot station"* which shows he did not understand what was actually being asked of him.

Furthermore, when he advised that he was continuing to Napier he was not corrected and no clarification of the intended message was given.

Nevertheless, when asked to assist, the second officer should have immediately agreed and then informed the captain, as opposed to asking Maritime Radio to “*hold on*” and “*just a moment Ma’am*” while he consulted with the captain. The captain should have been notified when the dinghy was sighted and **Sunny Napier II** stopped to guide rescue vessels to its location. By continuing on the second officer lost sight of the dinghy, again protracting the rescue operation. Overall, he took himself from being in a position where he could assist the men in the dinghy to one where he could not.

- I) Under the Global Maritime Distress and Safety System (GMDSS) a Digital Selective Calling (DSC) message was not sent by the MOC.

The GMDSS system provides a means of communicating urgent safety messages, SAR information, navigational and meteorological warnings, forecasts and any other necessary safety information. DSC messaging is a system within GMDSS, which can be used by MOC for relaying distress alerts and safety calls. Once received, DSC messages can be printed in hard copy, similar to a fax or a telex message.

The GMDSS system consists of many separate sub-systems being implemented in a coordinated and agreed-upon manner. The co-ordination enables a ship which is in distress to send a distress alert message in various ways and be virtually certain that it will be heard and acted upon. SAR authorities ashore, as well as ships in the immediate vicinity of the ship in distress, will be rapidly alerted so they can assist in a co-ordinated SAR operation with the minimum of delay. The system also provides urgency and safety communications and disseminates maritime safety information including navigational and meteorological warnings. On receipt of a relayed distress alert, SOLAS ships in the area addressed are required to establish communication with the MOC/RCC concerned to enable the assistance to be co-ordinated.

In New Zealand the RCC and the MOC have differing roles within the system. The RCC is responsible for the content of SAR messages that are sent via satellite and DSC. MOC are responsible for the formatting and transmission of these messages sent via satellite or via DSC on VHF, MF and HF radio frequencies.

In this instance Sunny Napier II was within VHF range, where the responsibility for sending DSC messages fell with MOC. Sunny Napier II was carrying the appropriate equipment to send or receive such a message as required by the SOLAS Convention, and MOC also had the appropriate equipment for sending such a message.

A DSC message including a latitude and longitude position of the search area would have most likely eliminated any confusion as to where the search area actually was. Sunny Napier II would have been required to respond to the message and subsequently make themselves available to assist with the search for the dinghy.

## Recommendations

50. It is recommended that the following action is taken:
- a) Forward a copy of this report to the following:
    - i) Philippines Maritime Administration with a letter outlining the findings relating to the actions of the second officer
    - ii) The ship's operator
    - iii) The master of ***Sunny Napier II***
    - iv) The second officer of ***Sunny Napier II***
  - b) Implement a procedure that ensures that all facilities available under the GMDSS system are considered and utilised where appropriate. This should be done in all distress/mayday situations to negate any confusion or language barriers.
  - c) Implement a procedure that ensures a definitive geographical location, including a latitude and longitudinal reference of a search area is given in accordance with the IMO Search and Rescue Manual with the directive that SOLAS vessels within 100nm respond.
  - d) Implement a procedure that ensures directives, requests and commands made during a distress/mayday situation are repeated back by the recipient. The purpose of this is to remove any ambiguity or misinterpretation of what is actually being said.

## **Action Taken**

51. The dinghy's skipper was charged with an offence against section 65 of the Maritime Transport Act. He subsequently pleaded guilty in the Napier District Court and was sentenced to community service.