

Class B Accident Report

**West Bay Water Taxi
and Kontiki
Collision**

Picton Harbour on 14 November 2004

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Maritime Safety

MARITIME SAFETY AUTHORITY OF NEW ZEALAND
Kia Maanu Kia Ora



REPORT No: 04 3602

***WEST BAY WATER TAXI AND KONTIKI –
COLLISION***

The *West Bay* water taxi collided with pleasure vessel *Kontiki* whilst entering *Kontiki* was Picton Marina on 14 November 2004.

Details of Vessels, Owner & Management, Classification, Navigational Equipment, Manning & Crew:

Name of Vessel:	<i>West Bay</i>
Vessel Type:	Commercial passenger
Port of Registry:	Picton
Flag:	New Zealand
IMO/MSA/Official No.:	106179
Built:	1996
Construction Material:	Naiad
Length Overall (m):	9 m
Propulsion:	Two Johnson 150 HP Outboard motors
Capacity:	Surveyed for 23 passengers

Name of Vessel:	<i>Kontiki</i>
Vessel Type:	Pleasure
Built:	1996
Construction Material:	Fibreglass hull with aluminium hard top cabin
Length Overall (m):	5.7 m
Accident Investigator:	Zoe Brangwin

- **Owner Details**

West Bay Water Transport Limited owns *West Bay*. The company also own another water taxi “*Simply the Best*”. The company operates out of Picton and carries about 20 000 passengers a year.

- **SSM Certificate**

The vessel’s Safe Ship Management (SSM) Certificate was issued by SGS-M&I, on the 16 August 2002 and expires on 23 December 2006. The vessel was fit to ply inshore limits.

- **Skipper of West Bay**

The Owner/Skipper holds a Coastal Launch Master’s (CLM) Certificate, obtained in 1996. He has approximately 14 years experience in the maritime industry, and has been Owner/Skipper of *West Bay* since 1996, operating out of Picton.

- **Owner/Skipper of *Kontiki***

The Owner/Skipper does not hold any maritime qualifications. He has been on fishing vessels since 1991, and has been Skipper of under six metre vessels’ including *Kontiki*, for the past 15 years.

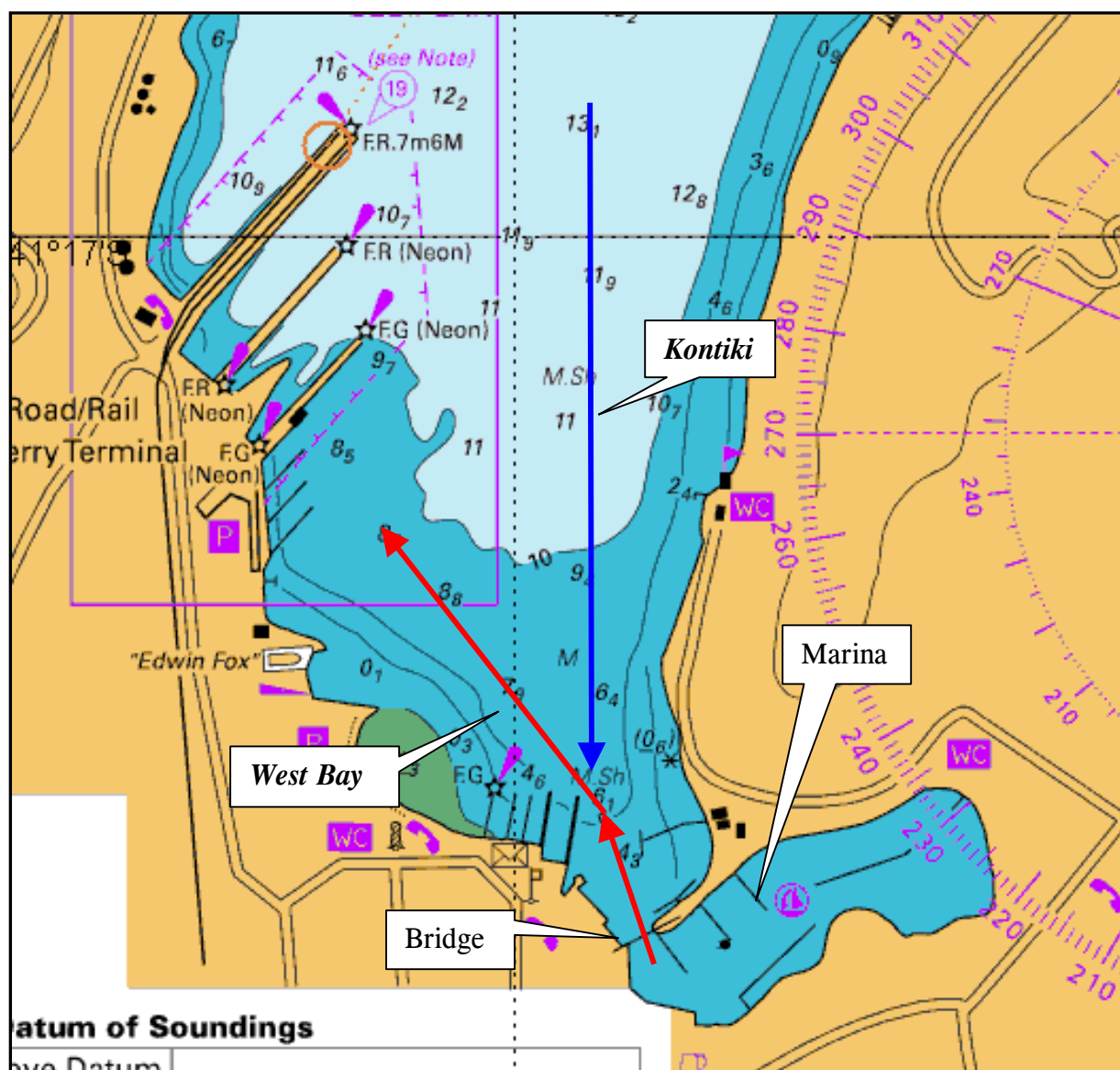
- **Navigational Equipment onboard *West Bay***

Radar: Furuno 1621

GPS/Satellite Navigation: GPS 4

NARRATIVE

On Sunday 14 of November 2004 at about 1501 hours New Zealand Daylight Time (NZDT), *West Bay*, whilst exiting Picton Marina at a speed of about three knots, collided with the pleasure vessel *Kontiki*.



APPROXIMATE COURSES AND POSITIONS OF *WEST BAY* AND *KONTIKI*

The Owner/Skipper of *Kontiki* and his wife had been fishing in Queen Charlotte Sound for about two hours. They were returning to Picton Marina at the end of the day. *Kontiki* was travelling towards the Marina at under five knots.

The weather was overcast and calm. There was minimal vessel traffic in the harbour at the time of the incident.

At approximately 1450 hours, the Owner/Skipper of *West Bay* returned from Blackwood Bay with seven passengers and dropped them off under the bridge in Picton Marina. There was one passenger left onboard, who was returning to the vessel's berth by the ferry terminal to be dropped off.

West Bay exited the marina at three knots. When the Skipper reached the end of the town wharf, he altered course to port towards his berth at the ferry terminal. He was looking at his passenger whilst answering a question when he suddenly looked up and saw *Kontiki* for the first time, about five metres off his starboard beam.

Kontiki observed *West Bay* exiting the marina. *West Bay* was the give way vessel. The Skipper was expecting her to alter course to starboard around their stern. The Skipper of *Kontiki* started to veer to starboard, as he was unsure whether *West Bay* would give way. At this stage *Kontiki* was about 40 metres off the marina breakwater.

The Skipper of *Kontiki* could see that the Skipper of *West Bay* was not looking ahead; he appeared to be talking to the passenger beside him to his left. When the two vessels were about 20 metres away from each other he realised that *West Bay* was not going to give way so he put his engine astern to avoid collision. The engine then stalled.

Kontiki hit *West Bay* head on at about one knot and then rode up her starboard side midships pontoon.

The Skipper of *West Bay* put his vessel out of gear and checked that the occupants of *Kontiki* were all right and that they had got their motor started. Both vessels then continued on their way with no further incident.

There was no damage to *Kontiki*. *West Bay* sustained minor damage, consisting of a small dent and minor damage to the paintwork.

FINDINGS

The Skipper admitted to not seeing *Kontiki* as he was answering a question from a passenger at the time. By failing to see *Kontiki* the Skipper of *West Bay* failed to keep a proper look out in accordance with Maritime Rule Part 22 5- Lookout:

Maritime Rule 22.5 Look-Out

Every vessel must at all times maintain a proper lookout 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.

The Skipper of *West Bay* stated that he had right of way as he was exiting the marina and that it was common knowledge that vessels entering the marina give way to those exiting. He said that this is the way he had always been operating and has never had a problem in the past. An investigation revealed that no such rule exists.

By failing to give way the Skipper failed to act in accordance with the following rules:

22.15 Crossing Situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on its own starboard side must keep out of the way. The vessel required to keep out of the way must, if the circumstances of the case allow, avoid crossing ahead of the other vessel.

22.16 Action by Give-Way Vessel

Every vessel which is directed to keep out of the way of another vessel must, so far as possible, take early and substantial action to keep well clear.

It should be noted that the stand on vessel is required to maintain its course and speed in accordance with the maritime rule stated below. The Skipper of *Kontiki* made small alterations of course when he should have stood on and then taken action to best avoid collision, as required by **Maritime Rule Part 22.17**, which he eventually did.

22.17 Action by Stand-On Vessel

(1) If one of two vessels is to keep out of the way, the other must keep its course and speed.

(2) As soon as it becomes apparent to the stand -on vessel that the vessel required to give way is not taking appropriate action in compliance with this Part—

(a) it may take action to avoid collision by its manoeuvre alone; and

(b) if it is a power -driven vessel in a crossing situation, if the circumstances of the case allow, it must not alter course to port for a vessel on its own port side.

(3) When, from any cause, the stand-on vessel finds itself so close that collision cannot be avoided by the action of the give-way vessel alone, it must take whatever action will best avoid collision.

22.34 Manoeuvring and Warning Signals

(4) When vessels in sight of one another are approaching each other and for any reason either fails to understand the intentions or actions of the other, OR is in any doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt must immediately indicate such doubt by sounding the following signal on its whistle— at least five short and rapid blasts.

This signal may be supplemented by a light signal of at least 5 short and rapid flashes.

The Marlborough District Council Navigation bylaw 3.8 (i) states that, “*No person may operate any ship in breach of Maritime Rule Part 22 – Collision Prevention - made under the Maritime Transport Act 1994.*”

SAFETY RECOMMENDATIONS

The Skipper and other users of the Picton Harbour and marina are reminded that:

- Picton harbour and marina can be a very busy place, especially during the holiday periods. This is a timely reminder of the importance of keeping a proper look out at all times.
- The Maritime Rules are the final authority on collision prevention within New Zealand.
- The Marlborough District Council Navigation bylaw **3.8** (i) states that, “No person may operate any ship in breach of Maritime Rule Part 22 – Collision Prevention - made under the Maritime Transport Act 1994.”

It is recommended that the Skipper of *West Bay* be censured for failing to keep a proper lookout and subsequently endangering life and property.

It is recommended that a copy of this report be sent to the Marlborough District Council Harbourmaster with a view to promulgating the report to the local commercial operators to ensure they are aware of the requirements to comply with Maritime Rules Part 22 – Collision Prevention and the importance of keeping a proper lookout.