



# Accident Report

*Aquilo*

Person Overboard/Fatality

Whangamumu Harbour on

17 December 2004

Class A



REPORT NO.: 04 1155

## AQUILO – PERSON OVERBOARD/FATALITY

On 17 December a motor launch anchored for the night in Whangamumu Harbour near the Bay Of Islands with three people on board. The Skipper's father stayed on board while the Skipper and his son visited another vessel. On their return, the Skipper's father was asleep in his cabin. Shortly after dawn the Skipper's father was found to be missing. His body was found an hour later on the rocky foreshore in the harbour.



## Details of Vessel, Owner & Management, Classification, Navigational Equipment, Manning & Crew

<b>Vessel Name:</b>	<i>Aquilo</i>
<b>Ship Type:</b>	Recreational – Riviera Launch
<b>Built:</b>	1995
<b>Construction Material:</b>	Fibreglass
<b>Length Overall (m):</b>	12.46
<b>Maximum Breadth:</b>	4.1
<b>Gross Tonnage:</b>	9 500kg
<b>Propulsion:</b>	2 x 225 (450hp) Perkins Diesel Engines
<b>Accident Investigator:</b>	Sue Tucker & Jim Lott



## NARRATIVE

On Thursday 16 December 2004 at approximately 1100 hours **Aquilo** departed Half Moon Bay Auckland bound for the Bay of Islands with three crew on board, the Skipper, his father and his son. The Skipper obtained a weather forecast prior to the trip from Metservice. **Aquilo** was travelling in company with two other vessels, **Redemmer II** and **Entourage**.

On route the three vessels stopped for the night at Kawau Island before making the 70 mile coastal passage to Whangamumu Harbour.

On 17<sup>th</sup> December at about 1500 hours **Aquilo** arrived at Whangamumu Harbour and anchored in the outer part of the harbour for about two hours while the Skipper and his son went fishing in the dinghy around the rocks. The Skipper's father stayed on board the launch during which time he consumed some wine.

At about 1700 hours **Aquilo** moved further into the bay and anchored in the area with about 10 other vessels, including the yachts **Redeeder** and **Entourage** (See Figure 1). There was a light northwest wind.

At about 1800 hours the Skipper and his son went ashore in the dinghy to view the whaling station and on their return visited the crew from **Redemmer II** and **Entourage**. During this time the father remained on board **Aquilo**.

Shortly after 2030 hours the Skipper and his son returned to **Aquilo**. They noticed that his father had consumed further alcohol while they were absent. The crew on **Aquilo** were invited to **Redeemer II** for dinner. They accepted, but the Skipper's father decided to stay on board **Aquilo**.

At about 2230 hours the Skipper and his son returned to **Aquilo** and noted that the Skipper's father was asleep in his bunk. The saloon door was left open for ventilation and the dinghy was lashed across the boarding platform at the stern of **Aquilo** for extra security. The Skipper placed a bucket in the cabin where his father was asleep before he and his son turned in.

On 18<sup>th</sup> December at about 0630 hours the Skipper awoke and very soon discovered that his father was not on board. He noticed that the dinghy was still tied across the boarding platform and that the transom door was shut.

The Skipper's son went ashore in the dinghy to search for his grandfather who was a keen swimmer and often rose early.

At about 0700 hours the Skipper made a 111 phone call to advise police that his father was missing. He then transmitted a VHF radio call to other anchored vessels requesting assistance in searching the bay for his father.

A short time after 0700 hours crewmen from **Redeemer II** began searching the bay.

At about 0730 hours they located the body of the Skipper's father on the rocks at about the high water level to the south of where **Aquilo** was anchored (See Figure 1). He was dressed in underpants and a singlet, which was his normal sleep attire and had minor cuts and grazes from being washed onto the rocks. He showed no signs of life.

At 0735 hours police advised Whangaruru Coastguard of the missing person.

At about 1020 hours the Whangaruru Coastguard rescue vessel departed for Whangamumu some 15 miles north with police on board.

At about 1050 the Coastguard Rescue vessel arrived at Whangamumu and were directed by the Skipper of **Aquilo** to where his father's body had been found on shore.



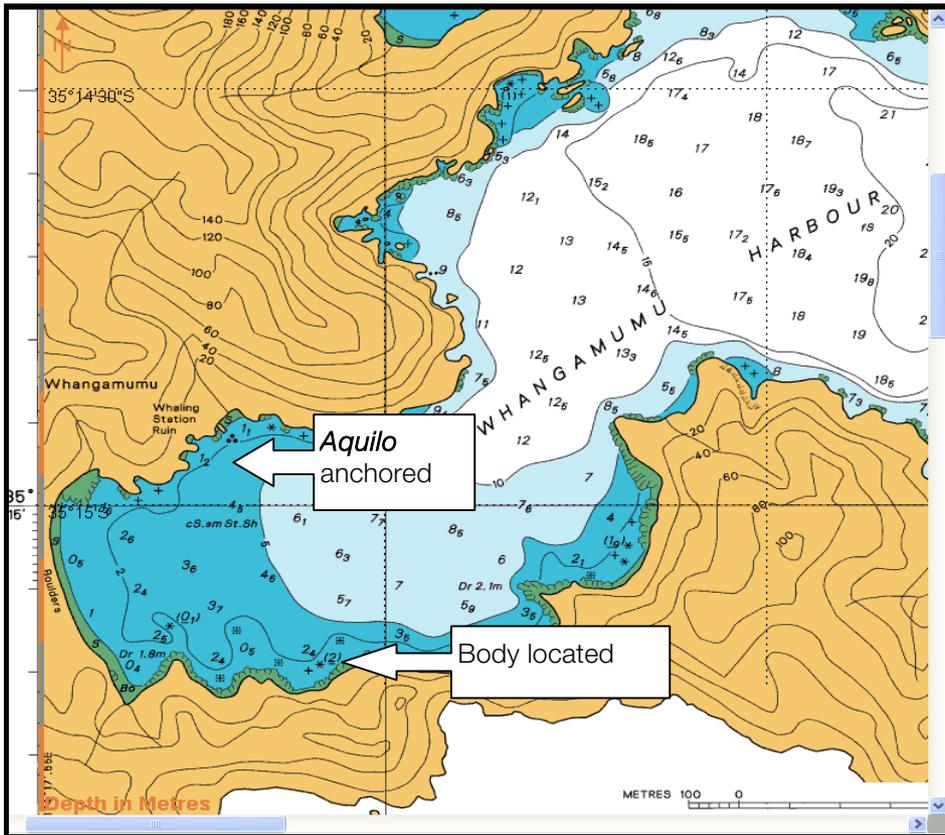


Figure 1



## FINDINGS

1. The 12.46 metre Riviera launch was 10 years old and was maintained in excellent condition and was well equipped
2. The equipment carried on board included 10 PFD's (lifejackets), a fixed VHF radio, GPS, chart plotter, radar, depth sounder EPIRB and distress flares.
3. The owner/Skipper had been boating for about 20 years and holds a Coastguard Boatmaster Certificate and Radio Operators qualification.
4. The Skipper's teenage son has many years of boating experience.
5. The Skipper's father had been crew on *Aquilo* on many previous occasions. It was his normal practice to drink heavily on most days. He was a keen swimmer who swam from the launch most mornings. Following this sad accident, the Skipper's mother informed the Skipper that his father had become prone to sleep-walking in recent times.
6. The search for the missing person started promptly as soon as the Skipper found that his father was not on board. His son made a quick search to ascertain whether his grandfather had gone swimming. The Skipper acted appropriately by alerting other craft of the situation so that there would be no delay before the search started. VHF radio transmission is often difficult between vessels in Whangamumu Harbour and coastal stations due to the screening effect from the surrounding high land. The Skipper's use of cellphone and calling 111 was the best option. While there was a slight delay of about 35 minutes before Coastguard was alerted, the missing person was quickly found by searchers from the craft in the area.
7. The weather was fine and calm with a light northwest wind in Whangamumu Harbour. The sea temperature was about 17 degrees Centigrade. The visibility was very good. High water was at about 0100 hours.
8. The deceased's body was located at approximately high water level. High water was at about 0100 hours and given the time it would take for his body to drift in the slight breeze from the position of the launch to the shore, is probable that he fell overboard before midnight.
9. The post mortem report indicated the Skipper's father died as the result of drowning. It identified that his blood-alcohol level was over twice the legal limit to drive a car. The report also noted abrasions due to the slight surge that enters the harbour and the rocks where his body grounded.
10. The deceased's body was found dressed in sleeping attire. The police report noted that it appeared that his underpants were positioned as though he had been attempting to urinate when he fell overboard.
11. This practice is very wide-spread on small craft, both commercial and recreational. It is due at least in part to the noise generated by the use of marine toilets and the desire not to disturb others who are sleeping. The practice of urinating directly overboard results in falling overboard on rare occasions but in most cases the person is able to climb back on board. However, the combination of the effects of heavy alcohol consumption, moving from a warm bunk into the much cooler air outside, lack visibility at night, and the likelihood of dew making the deck more slippery creates a high-risk environment. In such circumstances the use of the vessel's toilet ("head") is the safest option unless the vessel is fitted with rails that will prevent a person from falling overboard.

The Skipper on *Aquilo* had appreciated that his father would need to go to the toilet during the night and, knowing his father would not wish to use the noisy head, had placed a bucket in his cabin. The Skipper also secured the dinghy athwartships across the aft edge of the boarding platform as added security.



12. **Aquilo** is a typical modern motor launch with a cockpit area aft and a door in the transom that separates the cockpit from the boarding platform. A step at each side leads up to the open deck that leads forward each side of the deckhouse.
13. When the Skipper found his father was missing, he noted that the door through the transom was closed and secured.
14. It has not been possible to determine the precise sequence of events that led to the deceased falling overboard.

It can be safely surmised that he left his cabin either in response to the need to urinate or as a result of sleep-walking. If he was awake then he may have closed the transom door after stepping through to the boarding platform and subsequently fallen overboard. Alternatively he may have stepped up onto the open deck and then lost his footing. Normally a person who is a competent swimmer and who is awake when they fall overboard is able to surface and at least call for help. This ability is likely to be seriously reduced by alcohol consumption.

Falling into cold water can have a shock effect and what is referred to as the 'gasp' reflex can cause fainting and consequent drowning.

There was no evidence that the deceased had a heart attack.

The possibility that he was sleep-walking cannot be discounted. In this case, the disorientation resulting from suddenly finding himself in cold water, the effects of alcohol, and lack of visibility at night would, in the opinion of the investigator, be likely to result in drowning.

While the police report concluded the deceased fell overboard while urinating, the fact that his underpants were pulled aside is inconclusive due to the time it took for his body to drift ashore in the light breeze and the slight surge coming into the harbour that was sufficient to cause abrasions and could equally have caused his clothing to be twisted.

15. Alcohol consumption, while common practice on board vessels, creates significant risks.
  - It causes slight dizziness and increases the chance of falling in an environment where steadiness is essential. The natural rocking of a boat, even in still water, is a factor that exacerbates any tendency towards instability. Falls on boats can cause injury, or possible death if a person falls overboard.
  - Judgement concerning safe decisions is impaired.
  - Disorientation, particularly in cases of accidental immersion, is considerable, more especially at night.
  - Alcohol causes dilation of blood vessels, which results in the rapid onset of hypothermia. This can halve the time a person is able to retain consciousness and resist drowning.

### Legal Provisions Applicable to Recreational Boating in New Zealand

1. The Maritime Transport Act 1994, section 19, states that the master (Skipper) of every vessel is responsible for the safety of the vessel, those persons on board and for complying with all maritime rules and bylaws. Section 65 of the Act makes it an offence to maintain or operate a vessel in a way that causes any unnecessary risk or danger to persons or property.
2. Northland Regional Council Navigation Safety Bylaws, which must contain the same provisions as Maritime Rules Part 91 – Navigation Safety, require all vessels to carry an approved PFD of the correct size for each person on board. PFDs must be worn at all times of heightened risk.



## SAFETY RECOMMENDATIONS

1. It is recommended that the Business Development and Communications division of Maritime New Zealand consider an education campaign regarding alcohol use and recreational boating in co-operation with members of the National Pleasure Boat Safety Forum. *This Recommendation was discussed at the recent meeting of the National Pleasure Boat Safety Forum and a campaign is being put into effect.*
2. It is recommended that Maritime New Zealand note the mandatory BAC level for skippers of vessels underway that have been introduced in Australia and the United Kingdom, and the reasons for its introduction. *This recommendation has been noted.*
3. It is noted that Maritime NZ, in co-operation with the National Pleasure Boat Safety Forum, is conducting in 2005 a review of the 1999 Report of the Pleasure Boat Safety Advisory Group. It is recommended that this review specifically include the use of alcohol on board vessels in light of new information that was not available in 1999. *This Recommendation was discussed at the recent meeting of the National Pleasure Boat Safety Forum. A specific recommendation has been sent to the Ministry of Transport from the Forum for the alcohol review currently under consideration be for all modes of transport.*

