

Class B Accident Report

**Audax**

**Grounding**

Kenepuru Sound on 8 January 2005

KEEPING YOUR SEA SAFE FOR LIFE



**Maritime Safety**

MARITIME SAFETY AUTHORITY OF NEW ZEALAND  
*Kia Maanu Kia Ora*

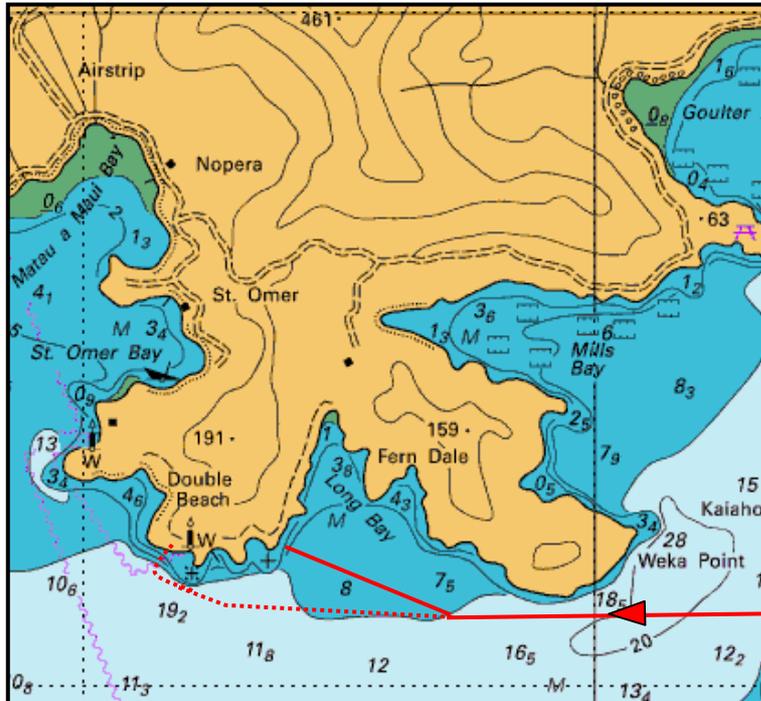


## REPORT NO: 05 1168

### AUDAX GROUNDING

*Audax* grounded in Kenepuru Sound whilst transiting from Portage Bay to Double Beach at about 0020 hours, New Zealand Daylight Time (NZDT), on 8 January 2005. Onboard were the Skipper, his wife, their two sons and a friend of one of the sons.

*Audax* hit the rocky shoreline at approximately 15-20 knots, narrowly missing the sheer cliffs to starboard and a potentially disastrous outcome. The vessel ended up almost completely out of the water. The passengers had to be evacuated by another vessel and taken back to their bach. *Audax* was re-floated on the high tide the next day. None of the family sustained any injuries but the vessel was badly damaged.



APPROXIMATE TRACK AND POSITION OF GROUNDING

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

<b>Name of Vessel:</b>	<i>Audax</i>
<b>Vessel Type:</b>	Recreational Riviera Class
<b>Built:</b>	1993
<b>Construction Material:</b>	Glass reinforced plastic (GRP)
<b>Length Overall (m):</b>	12.5m
<b>Propulsion:</b>	Twin Caterpillar engines - 240 kW Top speed about 25 knots Cruising speed 20 knots
<b>Accident Investigator:</b>	Zoe Brangwin

- **Owner/Skipper Details**

The Skipper has owned *Audax* for about nine years and has over 20 years experience owning and driving recreational vessels. He is also involved professionally in the maritime industry.

The Skipper takes *Audax* out on a regular basis throughout the year and for at least a month every summer.

At the time of the accident, the Skipper and his family were staying at their bach in Kenepuru Sound, Marlborough Sounds.

The Skipper does not hold any boating qualifications.

- **Navigational Equipment onboard *Audax***

- 24 nautical mile radar
- Chart plotter
- Echo sounder
- VHF radio

The VHF radio was operational at the time of the accident. However the chart plotter and echo sounder were not working.

The radar was inoperable due to a fault in the scanner. The unit had been serviced but had again developed the same fault after being in use for a short time.

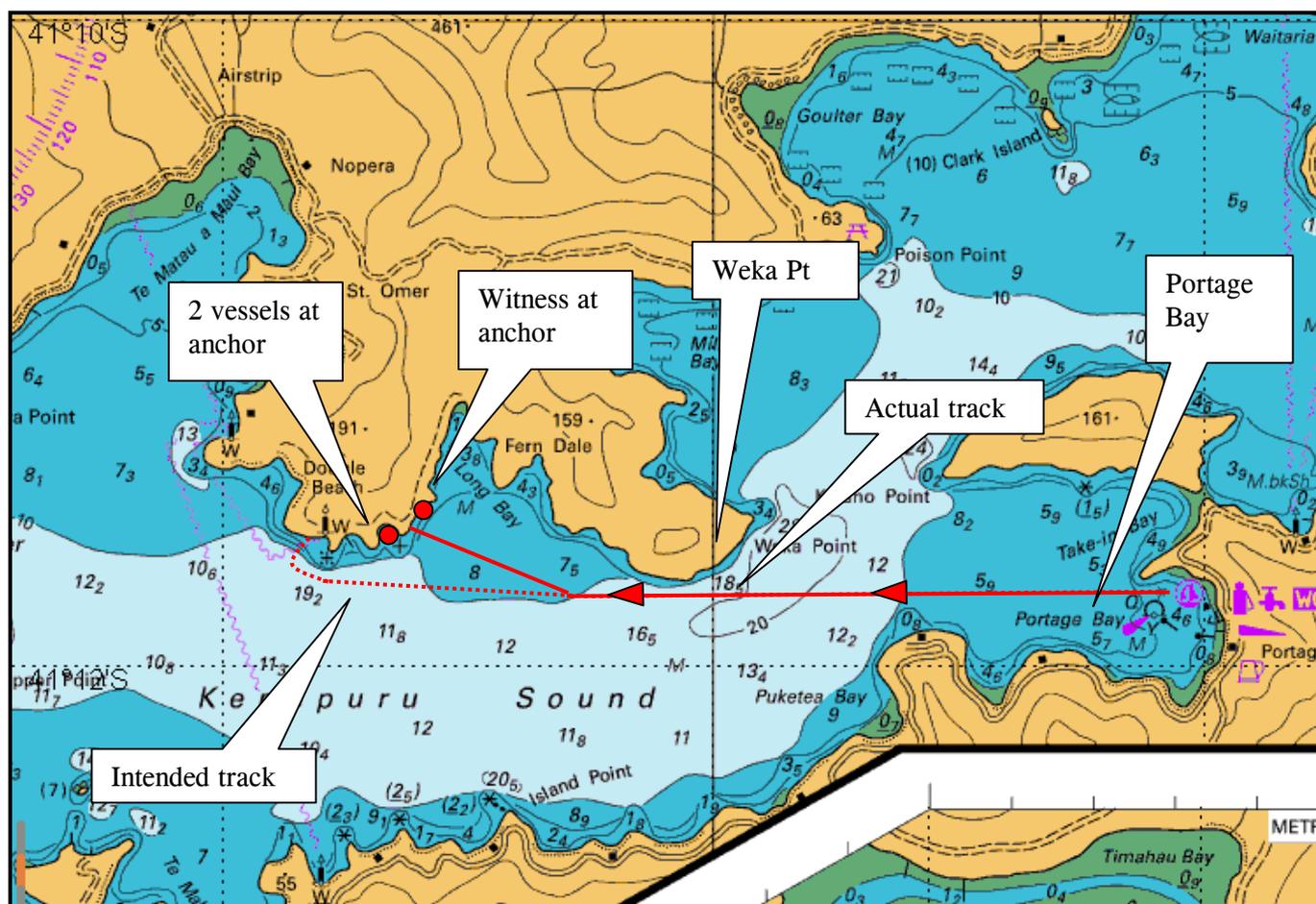
The Skipper stated that he did not use any of the navigational equipment as it was only a short trip from Portage to Double Beach and he knew the area very well.

The Skipper was navigating visually and using his local knowledge.

## NARRATIVE

At around 1830 hours, on the evening of the 7 January 2005, the family arrived at Portage Bay. They attended a BBQ dinner for a boating event that had been held earlier on that day.

Just after midnight the family left the BBQ in their vessel *Audax*. They left Portage Bay for their bach at Double Beach, a trip that usually took about 10 minutes.



APPROXIMATE COURSES AND POSITIONS OF *AUDAX*

The weather was clear, calm with a light breeze. It was described as a dark night with no moon.

After rounding Weka Point the Skipper observed the port and starboard navigation sidelights of another vessel right ahead. The vessel appeared to be on a reciprocal course to *Audax*. The vessel also appeared to veer slightly to port and then back onto a reciprocal course again. The Skipper of *Audax* presumed that the vessel was heading to an anchorage position in Fern Dale Bay.

As the Skipper tried to identify the intentions of the oncoming vessel he took the vessel out of autopilot and steered the vessel manually. He then altered course to starboard to avoid passing too close to the vessel.

While the Skipper was concentrating on the oncoming vessel he lost his orientation in relation to his planned track. Too late he realised that he was standing into danger before reducing speed. As he reduced speed the shoreline appeared in the vessel's lights ahead and they grounded.

The Skipper stopped both engines and left the vessel in its current position. He ascertained that everyone was ok before calling a local operator for assistance. The vessel had a hole in the bow, below the water line and a crack above the waterline.

The occupant of another vessel that was anchored close by witnessed the accident. He got in his dingy and rowed over to offer assistance but was told it was not needed. He also witnessed an altercation between father and son immediately after the accident.

The local operator took all the passengers back to their bach while the Skipper stayed onboard to look after the vessel.

When the local operator arrived at *Audax*, the two Skippers ascertained that the vessel that had been observed ahead of *Audax*, displaying port and starboard navigation sidelights was in fact at anchor off the Western headland of Long Bay.

When the local operator had passed the anchored vessel on his way to *Audax*, he noticed that it was still exhibiting port and starboard navigation sidelights. Later, however, after ferrying the passengers back to Double Beach on his return, he noted that the vessel was no longer displaying any navigational lights. The unidentified vessel did not come to their assistance and weighed anchor at first light.

The Skipper and local operator effected a temporary repair to the hole in the bow. They then backed *Audax* off the shore with the rising tide and returned the vessel to the jetty at Double Beach.

The vessel has since been taken to Nelson for repairs.

## FINDINGS

The witness stated that a family member onboard **Audax** accused the Skipper of being intoxicated at the time of the accident.

The Skipper of **Audax** stated that he had consumed four small bottles of beer during the evening between 1930 and 0001 hours.

*In commenting on the draft report the Skipper of **Audax** stated:*

*“We believe the witness referred to in the report as being nearby, has subsequently proven unqualified to make judgements or comments with regard to the events relating to the grounding, nor was he in a position to sight any other vessels anchored in or near the intended path of **Audax**. His willingness to make judgemental statements with regard to the state of the Skipper on **Audax** without actually speaking to him, then refusing to provide assistance when asked by a person on board, makes the credibility of this witness highly questionable.”*

The Investigator spoke to the Police at Havelock who advised that following enquiries made by the Police, it was ascertained that the Skipper of **Audax** and three others had apparently drunk about 1½ bottles of wine between them during the course of the evening.

*In commenting on the draft report, the witness stated that there were no vessels anchored near his vessel that were visible to him. The next morning, however, he found that there were two small craft anchored around the corner in a cove to the west.*

*In commenting on the draft report the witness stated:*

*“As a witness it was my observation that:*

- ***Audax** passed within a few metres of my vessel (safely at anchor with anchor light illuminated - clearly a major accident was narrowly averted).*
- ***Audax** hit the coast at full speed (as evidenced by the fact that the vessel ended up so far up the rocks - nearly completely out of the water).*
- ***Audax** narrowly missed the sheer rocks (which almost certainly would have caused injury to passengers),*
- ***Audax** was seriously damaged and had to undergo extensive repairs for some months at Nelson.”*

*The witness stated that this near miss with his vessel had caused him considerable anxiety.*

## Situational Awareness

The Skipper suffered from a loss of situational awareness, which resulted in the grounding of the vessel. Situational awareness can be defined as the accurate perception of the factors and conditions affecting the vessel and crew during a specific time period.

Causes and or symptoms of loss of situational awareness includes the following:

- a. Fixation or preoccupation\*
- b. Perception based on faulty information processing
- b. Ambiguity
- c. Complacency/familiarity\*
- e. Confusion\*
- f. Distraction
- g. Fatigue
- g. Overload/underload
- h. Poor communication
- j. Failure to meet targets
- k. Improper procedures or departure from regulations \*

The Skipper of *Audax* displayed a number of the above characteristics prior to the accident. They have been marked with a \*.

The Skipper was fixated/preoccupied with what the other vessel was doing.

He had done that trip many times and knew the area well. He was only minutes away from his jetty at the time of the accident.

The Skipper was confused by the intentions of the other vessel.

The Skipper of the other vessel later stated that he was indeed displaying the incorrect lights but turned them off and switched on the anchor light at about the same time as the accident occurred.

## Rule Breaches

The Skipper failed to reduce to a safe speed when navigating close to the shore. He also failed to keep a proper look out.

**Maritime Rule Part 22.5 - Look-Out** states:

*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.*

**Maritime Rule 22.6-Safe Speed** states:

*“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) The 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.*

*In commenting on the draft report the witness stated:*

*“I still find it difficult to accept the report’s conclusion as to how the Skipper became disorientated. On the attached expanded chart, I have shown exactly where my boat was anchored, where the two small craft were anchored, and the intended track of **Audax**. I fail to see how any clear headed Skipper can make a deviation towards the coast at speed on a pitch dark night, irrespective of the inadequate lighting of other anchored boats.”*

## **Lights**

### **Maritime Rule Part 22.30 - Anchored Vessels**

*(1) A vessel at anchor must exhibit where it can best be seen -*

*(a) in the fore part, an all -round white light or one black ball; and*

*(b) another all-round white light at or near the stern at a lower level than the light in the fore part;*

*BUT if the vessel is less than 50 metres in length it may exhibit an all -round white light where it can best be seen instead of the lights referred to in subparagraphs (a) and (b) of this paragraph.*

*(3) A vessel of less than 7 metres in length at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, is not required to exhibit the light or shape prescribed for a vessel at anchor.*

The Marlborough District Council Navigation bylaws state:

### **3.1 Reporting of Accidents, Collisions and Incidents**

*(i) The master of any ship that:*

*(a) has been involved in a collision with any ship or property that involves damage to that ship that affects or is likely to affect its seaworthiness or has been sunk or grounded or become stranded in any harbour within the region; or*

*(b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to any person, other ships or property; or*

*(c) in any manner gives rise to an obstruction; or*

*(d) causes damage to any navigation aid or structure or anything on that structure;*

*Must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as practicable report the occurrence to the Harbourmaster or Enforcement Officer and as soon as is practicable, but within 7*

*days, provide the Harbourmaster or Enforcement Officer with full written details of the occurrence.*

#### **5.4 Speed of Powered Pleasure Craft**

1. *No person shall navigate a ship (including a ship towing someone or some object) at a proper speed exceeding 5 knots when:*
  - (a) *Within 50 metres of any other ship, floating structure or person in the water;*  
*or*
  - (b) *Within either 200 metres of the shore or of any structure;*

#### **Maritime Transport Act Section 31 - Obligation to Notify All Accidents, Incidents, Etc.**

*The Master of-*

- a) *any New Zealand Ship; or*
- b) *Any foreign ship in New Zealand waters-*

*That is involved in a mishap that results in serious harm to a person, an accident, or an incident, shall notify the mishap, accident, or incident to the authority as soon as practicable.*

The Skipper of **Audax** failed to notify the Maritime Safety Authority of the grounding, therefore breaching Section 31 of the Maritime Transport Act.

*In commenting on the draft report the Skipper of **Audax** stated:*

*“The incident was reported to The Marlborough District Council Harbourmaster and the Police within 15 hours of the incident. The Harbourmaster was to send an incident report but the copy which was faxed to our back number was illegible and he was asked to post a copy to my Christchurch address, but this was not received.*

*Neither the Police nor the Harbourmaster made suggestion that the incident should be reported to MSA, in fact the Police suggested, they would notify MSA Picton of the incident, and as there were no injuries, had no further interest.*

*I hold a copy of the Marlborough Sounds Safe Boat bulletin issued to all marina berth holders, whilst it covers many safety issues, there is no mention of reporting. Perhaps this is an area where there is poor knowledge amongst the boating fraternity as a result of poor education by the various maritime safety bodies.”*

## SAFETY RECOMMENDATIONS

1. It is recommended that the Skipper of *Audax* be censured for failing to use all available means to ensure the safe navigation of his vessel and subsequently endangering life and property, and for failing to report the accident to the Maritime Safety Authority and the regional Harbourmaster within an adequate time frame.

In commenting on the draft report the Skipper of *Audax* stated

*“As for failing to report this incident to MSA. This is a little known and poorly advertised rule, I now know of this requirement, but how many other recreational boat owners would know of this requirement, I dare say very few.”*

In response to this comment it is recommended that the Education and Communication Division of the MSA reassess their recreational boating campaign with regard to reporting recreational accidents.

In commenting on the draft report the Skipper of *Audax* stated:

*“I see no censure or suggested action against the skipper(s) of the vessel(s) displaying incorrect or no lights, and being involved in creating the incident, as per your Rule Part 22.30 (3) and as a consequence, endangered the lives of others.”*

2. It is recommended that the Skipper of *Audax* sit the New Zealand Coastguard Boat Masters Course and provide a copy of the completion certificate to the Maritime Safety Authority by 8 May 2005.
3. It is recommended that the Skipper of the other vessel be censured for failing to display the correct navigation lights.
4. It is recommended that a copy of this report be sent to the Marlborough District Council Harbourmaster and the Maritime Safety Authority Education and Communication Division, to promulgate the importance of displaying the correct lights at anchor and when underway.