

Accident Report

Target & Unnamed Dinghy Collision

North of Urupukapuka Island, Bay of
Islands on 26 September 2004

KEEPING YOUR SEA SAFE FOR LIFE



Maritime Safety

MARITIME SAFETY AUTHORITY OF NEW ZEALAND
Kia Maanu Kia Ora



REPORT NO: 04 3560

**VESSEL NAME: TARGET & UNNAMED
DINGHY**

CASUALTY DETAILS:

Date of Casualty: 26 September 2004

Time of Casualty: 0820 NZST

Casualty Type: Collision

Casualty Location: North of Urupukapuka Island, Bay of Islands

Weather Forecast Area: Brett

Date MSA Notified: 29 September 2004

Date Investigation Started: 4 October 2004

Date Investigation Completed: 5 November 2004

Investigator: Andrew Hayton



REPORT NO: 04 3560

**VESSEL NAME: TARGET & UNNAMED
DINGHY**

VESSEL 1 DETAILS:

Ship Name:	<i>Target</i>
Date of Build:	1989
Ship Category:	Charter Vessel
Certified Operating Limit:	Northland, Auckland Restricted Inshore 12' Limit
Overall Length (m):	10.9
Flag:	New Zealand
Ship Operator:	Target Charters
SSM Company:	Nortel



REPORT NO: 04 3560

**VESSEL NAME: TARGET & UNNAMED
DINGHY**

VESSEL 2 DETAILS:

Ship Name: *Unnamed Dinghy*

Ship Category: Recreational

Ship Type: Dinghy

Construction: Aluminium

Overall Length (m): 4

Flag: New Zealand



TARGET



UNNAMED DINGHY

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SUMMARY

The Charter vessel *Target* collided with an anchored dinghy in the Bay of Islands. The Skipper's visibility was impaired by both sun strike and the presence of sea spray on the vessel's windshield. *Target* was proceeding at an unsafe speed given the prevailing circumstances and conditions. The dinghy's crew jumped into the water before the impact. *Target* picked them up and returned them to shore. There were no injuries.

1. KEY EVENTS

- 1.1 On 26 September 2004 at approximately 0550 hours NZST (New Zealand Standard Time) an *Unnamed Dinghy* was launched from the beach at Parekura Bay in the Bay of Islands.
- 1.2 The dinghy, with two people onboard, proceeded towards Cliff Rock off the west coast of Okahu Island. Upon arrival at the rock, the crew hauled the dinghy ashore and commenced rod fishing.
- 1.3 At approximately 0730 hours the Charter vessel *Target* departed from Paihia wharf for Russell with the Skipper and three passengers onboard.
- 1.4 At approximately 0730 hours, the *Unnamed Dinghy* was launched once more and the crew motored through Okahu Passage, down the east coast of Waewaetoria Island and stopped in the eastern entrance to Waewaetoria Passage where they began fishing from the dinghy.
- 1.5 At approximately 0745 hours, *Target* departed from the wharf in Russell having embarked one further passenger. At about this time, the dinghy was moved to a position approximately 200 metres off Te Hoanga Point where the crew dropped anchor and resumed fishing. The nearest rock was approximately 50 metres away from them. They anchored on the edge of the calm water near the interface of where the sea became unprotected from the wind and became rough.
- 1.6 *Target* proceeded around the Russell Peninsula and when approximately 500 metres to the north west of Fraser Rock the Skipper altered course to approximately 066°(T) in order to pass to the north of Motuarohia and Moturua Islands. *Target* was cruising at approximately 20 knots.
- 1.7 When approximately 650 metres north of Rangiatea Island, the Skipper of *Target* altered course and headed to the western entrance to the Waewaetorea passage.
- 1.8 At the entrance to Waewaetorea Passage the Skipper claimed to have reduced *Target's* speed to approximately 10 knots. The passage was sheltered from the wind and the sea was calm. One of *Target's* passengers went below decks to prepare the fishing gear. The others remained on the flying bridge with the Skipper.
- 1.9 At approximately 0815 hours, the dinghy's crewmembers observed *Target* transiting the passage.
- 1.10 The dinghy's crewmembers closely monitored *Target's* progress as it headed towards them and they commented to each other that they hoped that the Skipper of *Target* had seen them.

- 1.11 When *Target* reached the eastern entrance of the passage, the Skipper increased speed to approximately 20 knots. After travelling approximately 300 metres, he reduced speed to approximately 15 knots as his vision was being impaired by sun strike both directly and reflecting off the water.
- 1.12 When *Target* was approximately 200 metres away, the dinghy's crew became more concerned about the progress of *Target* towards them. The dinghy's Skipper stood up and started to wave his arms and shout at *Target*.
- 1.13 At approximately 0820 hours, with *Target* less than 20 metres away and still heading directly towards them, the dinghy's crewmembers made a joint decision to jump into the sea from the starboard side of the dinghy and attempt to swim away from the dingy.
- 1.14 When approximately two or three metres away from the *Unnamed Dinghy*, *Target's* Skipper observed it just off *Target's* port bow. He immediately put the engine into neutral but there was no time for any action to take effect before *Target* collided with the starboard bow of the dinghy. *In commenting on the draft report, the crewmember on the dinghy stated that Target did not stop engines before the impact occurred as her Skipper had not seem them beforehand.*
- 1.15 The Skipper of *Target* brought it to a stop and then went astern towards the dinghy. By this stage the dinghy's Skipper had re-boarded the dinghy and the other crewmember was hanging onto the side of it.
- 1.16 The dinghy's crewmembers were soon brought onboard *Target* and offered dry clothes and drinks. The dinghy was taken in tow by *Target* and was towed via the Albert Channel back to the launch site at Parekura Bay.

2. KEY CONDITIONS

2.1 *Target's* Details

- 2.1.1** *Target* is a charter vessel with a length overall of 10.9 meters. It was built on the banks of the Wade River in 1989 and is of glass over plywood construction. The vessels maximum speed is approximately 27 knots and has a service speed of approximately 20 knots.
- 2.1.2** The vessel is powered by a 130 horsepower Cummins diesel engine.
- 2.1.3** *Target* is owned by a Partnership. They have owned *Target* for approximately three years.
- 2.1.4** The Safe Ship Management (SSM) Company responsible for the vessel is Nortel.
- 2.1.5** The last SSM inspection and audit was carried out on 12 September 2004 and the last Flag State Inspection was carried out on 5 October 2004. There were no recorded deficiencies on either of these inspections.
- 2.1.6** The vessel was originally built for Cray fishing. The present owner has installed clear plastic covers around the flying bridge making it able to be fully enclosed.
- 2.1.7** The plastic flying bridge windshield had been replaced with polycarbonate in 2003 in order to improve visibility.
- 2.1.8** *Target* is normally conned from the flying bridge as the visibility is better than from the wheelhouse.
- 2.1.9** There were no windshield wipers or washers fitted to *Target*. The Skipper washed the vessel with fresh water upon return to Paihia after each trip.
- 2.1.10** The vessel's Skipper was 64 years old and had held a Commercial Launchmaster's Certificate of Competency (CLM) since 1987. He had been a charter boat Skipper in the Bay of Islands since passing his CLM Certificate and had a very good knowledge of the area. The Skipper stated that he had transited the Waewaetorea Passage 'hundreds' of times prior to the day of the accident.
- 2.1.11** The Skipper does not drink alcohol. He is on medication in regard to his heart and takes the prescription drug 'Atanol'. The Skipper is unaware of any associated side effects.
- 2.1.12** The Skipper was well rested before leaving port on the day of the accident.

- 2.1.13** On the day of the accident, in addition to the Skipper, there were four other people onboard, consisting of two fare paying passengers and two of the Skipper's friends. None of the passengers held maritime qualifications.
- 2.1.14** *Target* was not fitted with operational radar; however, this is not a legal requirement.
- 2.1.15** The Skipper of *Target* wears prescription glasses with lenses that go darker in the sun. He had had these glasses for approximately one month after undergoing an eyesight test.
- 2.1.16** At the time of the accident the Skipper and three of the passengers were sitting on the flying bridge. All were facing forward.
- 2.1.17** The damage incurred by *Target* consisted of superficial scratching on the port bow. The repairs cost \$50.

2.2 Dinghy's Details

- 2.2.1** The dinghy was manufactured by Parkercraft and is 3.66 metres in length. It is of alloy construction and powered with a Honda 15 horsepower outboard motor.
- 2.2.2** The Skipper was 26 years of age and did not hold any maritime qualifications. He had a good knowledge of the area and had previously fished and dived in the vicinity of where the accident occurred.
- 2.2.3** The Skipper had owned the dinghy for approximately two years prior to the incident
- 2.2.4** On the day of the accident, in addition to the Skipper, there was one other crewmember onboard the dinghy.
- 2.2.5** The dinghy's Skipper had slept for about five and a half hours prior to departing his house on the morning of the accident. He considered himself to be well rested.
- 2.2.6** The Skipper claimed that the dinghy carried a lifejacket and a Buoyancy Compensation Device (BCD) as used by Scuba divers. The Skipper and passengers onboard *Target* dispute this and do not recall seeing any evidence of these items after the accident.
- 2.2.7** The communication equipment onboard the dinghy consisted of two cell phones and a waterproof hand held torch.
- 2.2.8** The dinghy's anchor line is 55 metres in length.

2.2.9 The Skipper and crewmember were wearing heavy clothing and gumboots. Neither was wearing a lifejacket at the time of the incident.

2.2.10 The damage to the dinghy consisted of a crumpled starboard bow (*See Appendix 1 – Photo 1*). The engine was also swamped and required repairs.

2.3 Maritime Rules

2.3.1 Maritime Rule 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 full appraisal of the situation and the risk of collision.

2.3.2 For vessels without operational radar, 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

(c) the manoeuvrability of the vessel, with special reference to stopping distance and turning ability in the prevailing conditions.

(d) the state of wind, sea, and current, and the proximity of navigational hazards.

(e) the draught in relation to the available depth and width of water

2.3.3 Maritime Rule 91.6 Speed of vessels states:

(1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or object) at a proper speed exceeding 5 knots:

(a) within 50 meters of any other vessel, raft, or person in the water; or

(b) within 200 metres of the shore or of any structure; or

(c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).

3. CONTRIBUTING FACTORS

N.B. These are not listed in order of importance.

- 3.1** The position of the sun and its reflection off the water impaired the vision of *Target's* Skipper and passengers.
- 3.2** *Target's* windshield was covered in sea spray. This impaired the visibility of the Skipper and passengers.
- 3.3** The lower part of *Target's* windshield was constructed from plastic. This had become discoloured over time and was almost opaque, and impaired the visibility of the Skipper and passengers (*See Appendix 2 – Photos 2, 3 & 4*).
- 3.4** The dinghy was anchored near the interface of calm water and rough water.
- 3.5** *Target* was proceeding at a speed greater than five knots within 200 metres of the shore.
- 3.6** *Target* was not proceeding at a safe speed as defined in Maritime Rule 22.6.

4. CAUSE

Human Factor

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Failure to comply with regulations | <input type="checkbox"/> Drugs & Alcohol | <input type="checkbox"/> Overloading |
| <input type="checkbox"/> Failure to obtain ships position or course | <input type="checkbox"/> Fatigue | <input type="checkbox"/> Physiological |
| <input checked="" type="checkbox"/> Improper watchkeeping or lookout | <input type="checkbox"/> Lack of knowledge | <input type="checkbox"/> Ship Handling |
| <input type="checkbox"/> Misconduct/Negligence | <input checked="" type="checkbox"/> Error of judgement | |

Environmental Factor

- | | | | |
|--|---|------------------------------------|---|
| <input type="checkbox"/> Adverse weather | <input type="checkbox"/> Debris | <input type="checkbox"/> Ice | <input type="checkbox"/> Navigation hazard |
| <input type="checkbox"/> Adverse current | <input type="checkbox"/> Submerged object | <input type="checkbox"/> Lightning | <input checked="" type="checkbox"/> Other . . . |

Technical Factor

- | | | |
|---|---|---|
| <input type="checkbox"/> Structural failure | <input checked="" type="checkbox"/> Wear & tear | <input type="checkbox"/> Steering failure |
| <input type="checkbox"/> Mechanical failure | <input type="checkbox"/> Improper welding | <input type="checkbox"/> Inadequate firefighting/lifesaving |
| <input type="checkbox"/> Electrical failure | <input type="checkbox"/> Inadequate maintenance | <input type="checkbox"/> Insufficient fuel |
| <input type="checkbox"/> Corrosion | <input type="checkbox"/> Inadequate stability | <input type="checkbox"/> Other . . . |

NB. Environmental Factor Other = Sunstrike

- 4.1** *Target* was proceeding at an unsafe speed in the prevailing conditions. The Skipper's visibility was impaired due to the vessel being navigated directly into the sun, and the vessel was in close proximity to the shore.

5. OPINIONS & RECOMMENDATIONS

5.1 Opinions

- 5.1.1 A combination of sun strike and the build up of salt spray on the windshield impaired the visibility of *Target's* Skipper and passengers.
- 5.1.2 The discoloration of the lower section of *Target's* windshield impaired the visibility of *Target's* Skipper and seriously impaired that of the passengers
- 5.1.3 *Target's* speed was excessive in the prevailing circumstances and conditions.
- 5.1.4 There is some doubt as to whether the dinghy carried any lifejackets. If none were carried, this would be in breach of **Maritime Rule Part 91.4**.

5.2 Recommendations

- 5.2.1 The owner of *Target* should replace the lower plastic section of the windshield with new 'see through' material to improve the visibility from the flying bridge. This should be done within one month of this report being published.
- 5.2.2 It is recommended that the Maritime Safety Authority, censure the Skipper of *Target* for his failure to proceed at a safe speed.
- 5.2.3 It is recommended that the owner of the *Unnamed Dinghy* ensure that a sufficient number of lifejackets are kept on board at all times in accordance with the requirements of **Maritime Rule Part 91.4** and that these are worn in accordance with the requirements of **Maritime Rule Part 91.4(6)** which states:

“Despite Rule 91.4(4), no person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.”

Appendix 1



PHOTO 1 – DAMAGE TO BOW OF UNNAMED DINGHY



PHOTO 2 – FLYING BRIDGE CONNING POSITION



PHOTO 3 – FLYING BRIDGE WINDSHIELD



PHOTO 4 – VIEW OF PASSENGERS WHEN SITTING ON FLYING BRIDGE