



# Accident Report

Grounding

*Wai-iti*

30 December 2005

Class B





Photograph 1  
*Wai-iti (Snappa)*

REPORT NO.: 05 3927

VESSEL NAME: *WAI-ITI (SNAPPA)*

<b>Ship Type:</b>	Commercial Passenger
<b>Certified Operating Limit:</b>	Enclosed Water
<b>Flag:</b>	New Zealand
<b>MSA No.:</b>	100750
<b>Length Overall (m):</b>	11.51
<b>Owner:</b>	B A Devlin
<b>SSM Company:</b>	Survey Nelson Ltd
<b>Accident Investigator:</b>	Ian Howden

# INTRODUCTION

This investigation commenced after Maritime New Zealand was advised of the grounding of the charter vessel **Wai-iti** off Paihia in the Bay of Islands in December 2005. Allegations of intoxication and dangerous operation were alleged by members of the maritime community. The following day in the interest of maritime safety the Skipper's Certificate of Competency was suspended for 28 days and conditions were imposed on **Wai-iti** by Maritime New Zealand. The Skipper and witnesses were interviewed in Ruawai, Paihia and Russell between 9 and 11 January 2006.

This report:

- Details the circumstances surrounding the grounding of **Wai-iti**.
- Contains excerpts of witness statements in relation to the operation of **Wai-iti** prior to and on 30 December 2005.
- Makes comments and recommendations on the Skipper's fitness to be the holder of a maritime Certificate of Competency

## NARRATIVE

On 30 December 2006 at 1030 hours NZDT (New Zealand Daylight Time), the commercial charter fishing vessel **Wai-iti** (otherwise known as **Snappa**) departed the Paihia waterfront with the Skipper and two passengers on board.

The vessel went directly to the southern aspect of Motumaire Island and attempted to drift fish in the shallows approximately 500 metres from the Paihia waterfront. Shortly after commencing fishing the vessel grounded. Due to the ebb tide, the vessel remained aground until the flood tide lifted her clear in the afternoon.

The Northland Regional Council (NRC) vessel **Gemini 2** with two staff on board observed **Wai-iti** aground and spoke with the Skipper. The two passengers who had waded ashore to the island were taken back to the Paihia wharf by **Gemini 2** (See Photographs 2 & 3 below taken from **Gemini 2** of **Wai-iti** aground)



Photograph 2



Photograph 3

The passengers stated that the Skipper consumed two bottles beer (stubbies 330ml) when they boarded at 1000 hours and that he consumed another bottle prior to grounding. Further beer was consumed by the Skipper after the grounding. Both stated he exhibited strange behaviour for most of the time.

The Skipper stated he consumed only two 250 ml bottles of beer after the grounding.

NRC staff members stated the Skipper exhibited common attributes of an intoxicated person when spoken to.

After *Wai-iti* returned to the Paihia waterfront the local Police at the request of Maritime New Zealand requested the skipper to undergo a voluntary breath screening test. This returned a “failed general” result.

## Vessel

*Wai-iti* is a 11.79 metre commercial charter vessel holding an Enclosed Waters Inshore Limits Survey Certificate. The vessel operates out of Opuia in the Bay of Islands and is surveyed for 25 passengers. At the time of grounding the Skipper, as owner of the vessel, had failed to comply with the vessel’s Safe Ship Management (SSM) survey requirements, namely that prescribed maritime documentation was in force for the vessel.

The day after the grounding Maritime New Zealand imposed conditions on **Wai-iti** that the vessel was not to be operated until such time as the vessel was inspected by an authorised safe Ship Management (SSM) surveyor for damage following the grounding and found to be fit for purpose and a satisfactory inspection report was submitted and accepted by the Director of Maritime New Zealand.

In contravention of the above, the Skipper stated that **Wai-iti** carried out a commercial charter after the above imposition was served on him.

Subsequently on 10 January the vessel was detained by Maritime New Zealand for failing to comply with the above SSM requirements.

## Skipper's Background

The Skipper is the holder of an Inshore Launch Master Certificate issued on 15 March 2005. In 1982 he became a suspended person under section 52 of the Maritime Transport Act 1994 after a conviction under the Misuse of Drugs Act 1975. In July of 2001 the suspension was lifted to enable the Skipper to sit for an Inshore Launch Master (ILM) qualification. This was after favourable medical and character documentation was provided to Maritime Safety Authority (MSA) (now Maritime New Zealand).

Due to concerns voiced by members of the maritime community, MSA required the Skipper to confirm in writing that he would abstain from excessive alcohol consumption whilst in command of any future vessels.

In August 2001 the Skipper signed an undertaking as an applicant for a maritime certificate of competency that he would:

*"not consume alcohol in a manner that interferes with my responsibilities as a holder of a certificate of competency when undertaking maritime duties"*

On 31 December 2005 Maritime New Zealand suspended the Skipper's maritime qualifications for 28 days. This was done in the interests of maritime safety and on the grounds that he had operated **Wai-iti** whilst intoxicated the day before.

The Skipper was interviewed at the Paihia Police Station on 10 January 2006 by Maritime New Zealand. He denied ever having consumed alcohol whilst in command of a commercial charter vessel, the one exception being 30 December 2005 when he stated he had consumed two cans of beer after **Wai-iti** grounded.

## Statements of Members of Maritime Community & Police

Maritime New Zealand interviewed seven persons in relation to the operation of **Wai-iti**. All of these contained allegations that the Skipper had consumed alcohol whilst in command of **Wai-iti**. The Police provided one statement of a passenger who alleged the Skipper became intoxicated on a charter on 5 January 2005.

Excerpts of statements are as follows:

*"He was drinking bourbon and cola from cans .... He had at least 3 cans (of beer) while we were out with him, possibly five cans ..... he was clearly drunk by the time the trip ended"*  
Passenger - 5 January 2005.

*'He was coming into the wharf at speed ..... hitting side on and steaming off and come round and bash the wharf again.....roaring around the wharf without navigation lights.....He is picking up young kids (from the wharf) and taking them out on the boat.....when he's being on the booze.....a very unsafe practise"*

Skipper of charter boat on observing **Wai-iti** operating off Russell Wharf at 0100 hours on 30 December 2005.

*"He had a beer before departure .....He had one more before he ran aground"*  
Passenger on 30 December 2005.

*"I believed him to have been drinking. I observed a can (of beer) in his hand and a slur of his speech"*

Northland Regional Council Launch Master on approaching **Wai-iti** whilst aground on 30 December and conversing with the Skipper.

*"Mr (the skipper of **Wai-iti**) exhibited the common attributes of an intoxicated person, in that his breath smelt strongly of liquor, his speech was slurred and his eyes were glazed"*

Senior Police Constable who administered a breath screening test on 30 December 2005.

*"Observing him he looked to be very intoxicated..I do believe he could be dangerous and...he may injure or hurt someone badly or even kill somebody"*

Skipper of charter vessel on observing the Skipper of **Wai-iti** after he berthed the vessel at Russell wharf at 1900 hours on 30 December 2005.

*"On numerous occasions I have seen him load passengers and leave absolutely drunk and arrive back drunk as well.....The sooner he gets stopped the better"*

CEO of tour company based in Paihia

## FINDINGS

There was strong credible evidence throughout the maritime community in Paihia and Russell that the Skipper of **Wai-iti** regularly operated the vessel whilst under the influence of alcohol and/or drugs and that he did so in a dangerous manner. There was a general consensus that he is likely to be involved in a serious accident unless he is prevented from operating **Wai-iti** or any other vessel.

## SAFETY RECOMMENDATIONS

1. Based on the evidence obtained the Investigator is firmly of the opinion that the Skipper is not a fit and proper person to hold a maritime certificate of competency and recommends he be prohibited from holding such a certificate permanently.
2. It is further recommended that **Wai-iti** have further conditions imposed to prevent the Skipper from being in command whilst the vessel is operating on a recreational basis due to the danger he presents to the maritime community.

## ACTION TAKEN

On 28 February 2006, the Director of Maritime New Zealand revoked the Skipper's Inshore Launchmaster Certificate of Competency on the grounds that such action was necessary in the interests of maritime safety. At the time of completing this report no appeal pursuant to section 424 of the Maritime Transport Act 1994 had been lodged by the Skipper.