

Incident Report  
Close Quarters  
*Arahura & Robert James*  
14 August 2005  
Class B



## DETAILS OF VESSEL, OWNER, NAVIGATIONAL EQUIPMENT & CREW:

<b>Name of Vessel:</b>	<i>Robert James</i>
<b>Vessel Type:</b>	Recreational motor vessel
<b>Built:</b>	1977
<b>Construction Material:</b>	Steel
<b>Length Overall (m):</b>	12.8
<b>Accident Investigator:</b>	Maritime New Zealand

### Owner Details

The vessel is co-owned by two Christchurch families.

### Skipper Details

The co-Skippers (husband and wife) obtained their respective Boat Master's Certificates at the end of 2004 prior to relocating the vessel to the Marlborough Sounds. The Skipper who was conning the vessel at the time of the incident had very limited recreational boating experience prior to purchasing *Robert James* in 2004. The husband and wife had taken the vessel out about eight times in the Marlborough Sounds prior to this incident.

### Vessel Details

*Robert James* was shipped from Australia to New Zealand in April 2004. She is a 12.8 metre motor launch. On arrival in New Zealand the vessel was refitted and refurbished with new navigation and safety equipment. The vessel has a maximum speed of about 6 ½ knots; the engine was described as very noisy.

### Navigational Equipment

<b>Magnetic compass:</b>	Yes
<b>Radar:</b>	Yes
<b>Depth Sounder:</b>	Yes
<b>GPS/ chart plotter:</b>	Yes
<b>VHF Radio:</b>	Yes



*Robert James*

## DETAILS OF VESSEL, OWNER, MANAGEMENT, CLASSIFICATION, PASSENGERS & CREW:

<b>Vessel Name:</b>	<i>Arahura</i>
<b>Ship Type:</b>	Passenger
<b>Certified Operating Limit:</b>	Coastal
<b>Port of Registry:</b>	Wellington
<b>Flag:</b>	New Zealand
<b>IMO No.:</b>	8201453
<b>Built:</b>	1983
<b>Construction Material:</b>	Steel
<b>Length Overall (m):</b>	148.37
<b>Gross Tonnage:</b>	13 621
<b>Net Tonnage:</b>	4 086
<b>Registered Owner:</b>	Toll NZ Consolidated Ltd
<b>Ship Operator/Manager:</b>	Interislander
<b>Classification Society:</b>	Det Norske Veritas

### The Vessel

*Arahura* is a passenger rail ferry of 13 621 gross tonnage and 148.37 metres length overall. It is employed as a Cook Strait ferry carrying passengers, rail and road vehicles between Wellington and Picton.

At the time of the incident, the vessel was en route from Wellington to Picton and had a total of 676 persons onboard, comprising 611 passengers and 65 crew.

*Arahura* is powered by a diesel electric system. It has four Vasa 32 Wartsila diesel engines providing 4 x 5 565 bhp at 750 rpm. Two synchronous AC propulsion motors are mounted on each of two propeller shafts in a line ahead configuration. Propulsive power is 6.6KV AC.

## NARRATIVE

At 1348 hours New Zealand Standard Time (NZST), on Sunday 14 August **2005**, whilst transiting Queen Charlotte Sound on passage to Wellington, the Inter-island ferry **Arahura** sighted the recreational motor-launch **Robert James** ahead. **Arahura's** course at this time was 075°(T) at a speed of 19.9 knots over the ground (See Figure 1). The weather was fine, the sea calm and the visibility good.

**Arahura** sighted **Robert James** about 15 degrees off her port bow and slowly crossing ahead from port to starboard, at a fine angle. **Robert James** was on a course of about 250°(T) at a speed of about 6 knots, as assessed by a radar plot on **Arahura** (See Figure 1).

At 1350 hours, **Arahura** sounded five short and rapid blasts to warn the launch, which was the give way vessel, of the need to keep clear. Instead of altering course to starboard however, **Robert James** altered course to port onto a heading of 228°(T) thereby increasing her angle of approach across the bow of **Arahura** (See Figure 1).

At 1352 hours, **Robert James** passed ahead of **Arahura** at a distance of approximately 300 metres. She then altered course to starboard to parallel the course being steered by **Arahura**, by steering a broadly reciprocal course.

At 1355 hours, **Robert James** passed about 30 metres down the starboard side of **Arahura**.

The Master of **Arahura** thought that **Robert James** had taken the action of altering course to starboard as the commercial water taxi, **Sounds Exciting**, was coming up on the starboard side of **Arahura** at speed, at a distance off the ferry of about 60-80 metres (See Figure 1).

When interviewed about six weeks after the incident, the Skipper of **Robert James** stated he had no recollection of what had occurred and therefore could not add anything to the report of events given by the Master of **Arahura**.

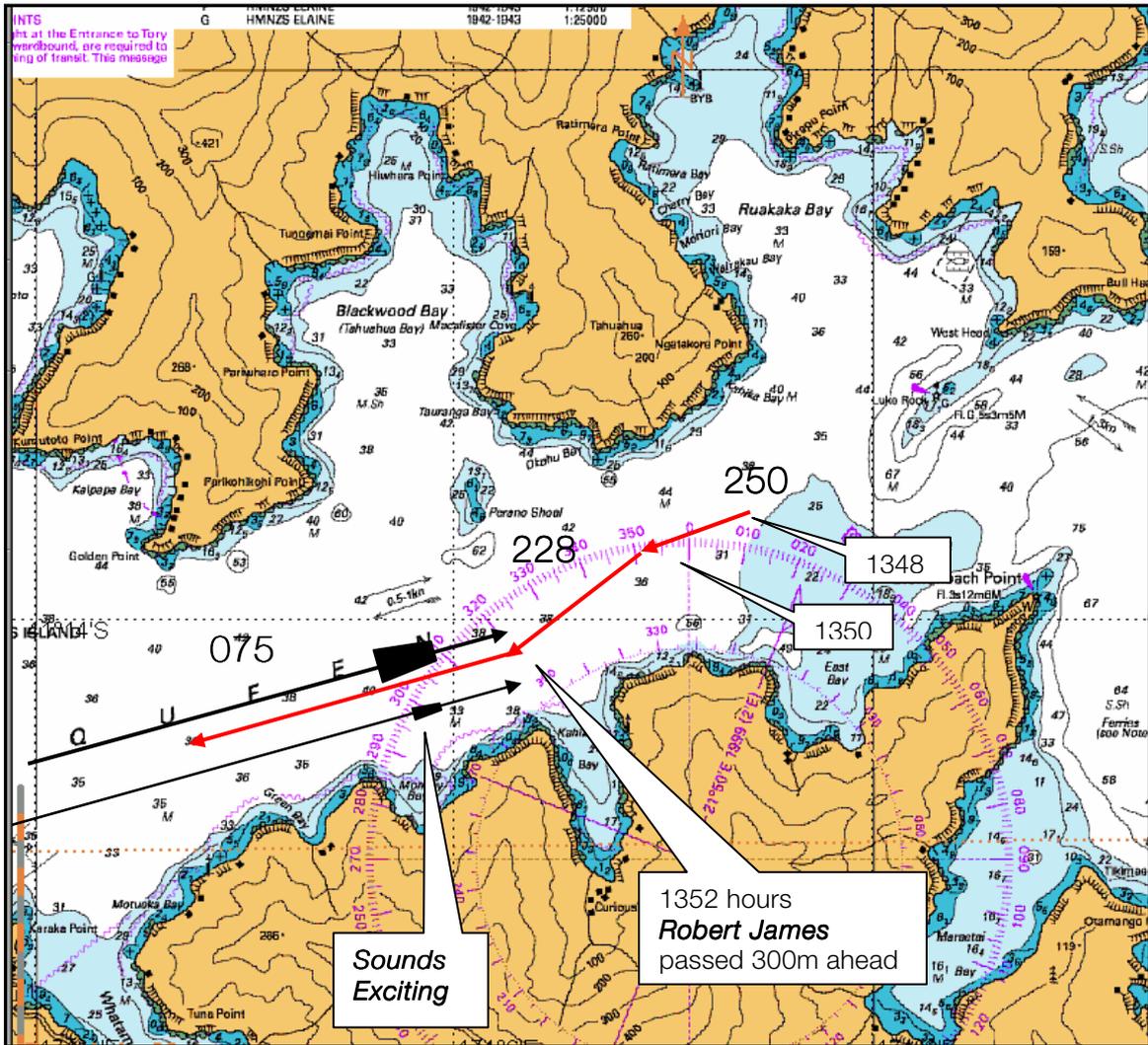


Figure 1  
 Queen Charlotte Sound chart extract from Land Information New Zealand (LINZ) Chart NZ 6153

# FINDINGS

The Skipper of **Robert James** failed to comply with and the Marlborough District Council Navigation Bylaws 2002 and Maritime Rule Part 22 – Collision Prevention as follows:

## **Marlborough District Council Navigation Bylaws 2002**

### **3.2 Directions for Transiting Queen Charlotte Sound**

- (d) *The Master of every ship shall keep as far to the sides of navigable channels as is practicable.*
- (e) *The Master of every ship, which is less than 500 gross tonnes, shall not impede the progress of any ship of 500 gross tonnes or more while navigating within harbour limits.*

This incident occurred within harbour limits.

## Maritime Rule Part 22

The major non-compliance on the part of the Skipper of **Robert James** was his failure to comply with the 'crossing rule'.

### **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** (Maritime New Zealand emphasis).*

The other rules the Skipper of **Robert James** failed to comply with are set out below in chronological order:

### **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.*

### **22.8 Action to Avoid Collision**

*(1) Any action taken to avoid collision must, if the circumstances of the case allow, be positive, made in ample time and with due regard to the observance of good seafaring practice.*

*(3) If there is sufficient sea-room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that-*

*(a) it is made in good time; and*

*(b) it is substantial; and*

*(c) it does not result in another close-quarters situation.*

*(4) Action taken to avoid collision with another vessel must be such as to result in a safe passing distance. The effectiveness of the action must be carefully checked until the vessel is finally past and clear.*

(6)(a) *A vessel that, by any rules in this Part, is obliged not to impede the passage or safe passage of another vessel must, when required, take early action to allow sufficient sea-room for the safe passage of the other vessel.*

(b) *A vessel that is required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision. It must, when taking action, have full regard to the action which may be required of itself and the other vessel by this section of Part 22.*

## 22.9 Narrow Channels

(2) *A vessel of less than 20 metres in length or a sailing vessel must not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.*

(4) *A vessel must not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. If the vessels are in sight of one another, the latter vessel may use the following sound signal as prescribed in rule 22.34(4) if in doubt as to the intention of the crossing vessel -At least five short and rapid blasts on the whistle. This may be supplemented by a light signal of at least five short and rapid flashes.*

## 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.*

The Skipper of **Robert James** has been made aware, by Maritime New Zealand, of the gravity of the situation and informed of his obligations as the give way vessel under the above Bylaw and rules.

After careful consideration of this incident and a subsequent incident between **Robert James** and **Arahura**, the Director of Maritime New Zealand instructed that the following Imposition of Conditions be served on the two Skippers of **Robert James**:

## Imposition of Conditions - *Robert James*

A letter of imposition of conditions was served on the two Skippers of **Robert James**. They were required to undergo a Safety Oral Examination in front of an appointed Maritime New Zealand examiner. They were assessed on the following:

- Maritime Rule Part 91 – Navigation Safety Rules
- Maritime Rule Part 22 - Collision Prevention
- Marlborough District Council Navigation Bylaws 2002.

The examiner carried out the oral exam on the 30 December 2005 as follows:

- A breakdown session debriefing the two incidents as defined by the draft reports. (This was to satisfy the examiner that both were aware of what went wrong, why and the danger that each situation posed to persons on both vessels)
- An oral 'Boatmaster' examination
- An oral examination covering Maritime Rules Parts 22 & 91, local Bylaws, VHF procedures etc.

- A workshop session to develop a strategy to enhance their own knowledge and improve their Safe Operational Plans on board their vessel.

At the workshop session the two Skippers agreed to the following strategy:

- Obtain timetables for all Cook Strait Ferries and become familiar with their timetables in relation to any voyage they intend to make
- Seek local knowledge, become familiar with the shipping channels and mark them on a special chart on their vessel
- Contact local RYA Instructor and enrol in the next RYA GPS course.

In commenting on the draft report the Skipper of **Robert James** stated:

*"To date we have obtained timetables for all Cook Strait ferries and have created a policy of awareness in this area. Secondly as we have not been up in the Sounds much recently our intention is to put in place an understanding of the shipping lanes and mark these as was suggested in your incident report.*

*Our intention is to enrol in the GPS course and gain further knowledge in regards to GPS knowledge. Lastly we have penned a letter of apology to the master of the **Arahura**."*

## SAFETY RECOMMENDATIONS

1. It is recommended that Maritime New Zealand severely censure the Skipper of **Robert James** for his failure to comply with Maritime Rule Part 22 and the Marlborough District Council Navigation Bylaws 2002.
2. It is recommended that the Skipper of **Robert James** write a letter to the Master of **Arahura** apologising for his actions, which resulted in this close quarters situation.
3. Marlborough District Council employed Harbour Rangers last year and will again appoint them for the forthcoming summer months in the Marlborough Sounds to monitor and educate recreational boaties of the navigational requirements of the local Bylaws and, where appropriate, to issue infringement notices that will involve a fine. It is recommended that the Maritime New Zealand Recreational Boating Advisors work closely with the Marlborough District Harbourmaster, his Rangers and other harbourmasters in New Zealand in minimising these types of incidents by education and, where appropriate, by enforcement.
4. It is recommended that Maritime New Zealand produce a Safety Bulletin highlighting the constraints of large vessels whilst navigating in pilotage waters and of the need at all times for recreational craft to comply with local Bylaws and Maritime Rule Part 22 – Collision Prevention. The Safety Bulletin should include reference to the Maritime New Zealand web links to the relevant Maritime Rules and to Maritime New Zealand accident investigation reports, where recreational and other small craft have been involved in close quarters situations/collisions with large vessels.