

# Summary Report

Grounding

*Rere*

14 August 2006





Photograph 1  
*Rere*

# NARRATIVE

At 1345 hours New Zealand Standard Time on 14 August 2006, the recreational vessel **Rere** departed the Tindals Bay boat ramp on the Whangaparaoa Peninsula with three persons on board. The vessel went to Kawau Island where two of the crew dived at different locations on the south coast.

As darkness fell, **Rere** departed Kawau Island for Tindals Bay. Due to a moderate south east sea the crossing was made at a relatively slow speed of approximately 17 knots. As **Rere** came in to the lee of Whangaparaoa Peninsula, with calmer waters, speed was increased to approximately 25 knots. The Skipper was looking ahead and had unobstructed vision through an opening in the canopy above the windscreen. He was looking for a kayak that frequently fishes off the reef, to the east of Tindals Bay. It was a very dark night. The Skipper lost situational awareness. He was unaware that **Rere** was in fact much closer to the shore than he believed. As a result, he ran the vessel on to the reef.

At the time of grounding, all three crew were in the forward section of the cockpit behind a Perspex windscreen. The Skipper was standing at the steering station on the starboard side with the crew to his left. One was seated and the other was standing, holding on to a handrail.

On impact, it is believed the vessel rolled to starboard and capsized trapping all three under the upturned hull. The two crewmen swam clear of the upturned hull and emerged on the surface. Both men were wearing partial wetsuits. Presuming the Skipper was still trapped under the hull they commenced diving and searching for him. In the pitch dark they were unable to find the Skipper. After approximately 1 to 2 minutes when they had not found him, they considered widening their search. On what was to be the final dive under the hull, one of the crew found the Skipper and they were able to haul him to the surface. He had stopped breathing. They dragged him on to a rock and successfully administered CPR.

One of the crew swam to the shore for assistance and was able to cross the jagged shoreline and request help. The Police were alerted and arrived on the scene. Members of the public with a jet ski were able to transport the other two men to shore where they received medical assistance. The Skipper was confined to hospital in critical care. He suffered seven broken ribs, a broken shoulder, lacerations to his face and damage to his lungs. One of his crew also sustained face lacerations requiring fourteen stitches.

## Crew

The Skipper was 37 years of age and had operated in the area at night on numerous occasions. All three persons on board were experienced recreational boaters. None of them held any maritime qualifications. The Skipper stated that complacency played a major factor in this accident.

## Vessel

- 5.5 m McLay fisherman cabin boat (*See Photograph 1*)
- Power – 67 kW Honda outboard
- Hull 5 mm alloy with 4 mm topsides
- GPS/Depth sounder
- Flare Pack
- VHF
- Six Lifejackets

**Rere** sustained substantial damage. The Perspex windscreen was smashed by impact with the vessel's crew, two of whom sustained severe cuts to their faces (*See Photograph 2*). The section directly in front of the steering station appears to have being subject to high impact, probably from the Skipper's body.

The collapsible canopy that was fixed to the top of the windscreen and supported by alloy poles also showed signs of a high force impact with many of the poles being bent.

A 500 mm section of bow was stove in with a 45mm hole (See *Photograph 3*). An indentation of 1.13 metres was observed on the port planning strake. On the starboard side an indentation 350 cm x 200 cm was observed just above the planning strake forward of amidships.

The outboard motor was extensively damaged. The skeg showed signs of impact.

The vessel was a constructive loss.

The canopy had a section above the top of the windscreen that could be rolled up to allow the helmsman to poke his head through for the purpose of providing better vision (See *Photograph 4*).



Photograph 2



Photograph 3



Photograph 4  
Canopy

# Geography

The north coast of the Whangaparaoa Peninsula is a jagged coastline characterised by rocks and reefs extending well out from the shoreline. There are no lights or marks identifying outlying dangers where the accident occurred (See Figure 1).

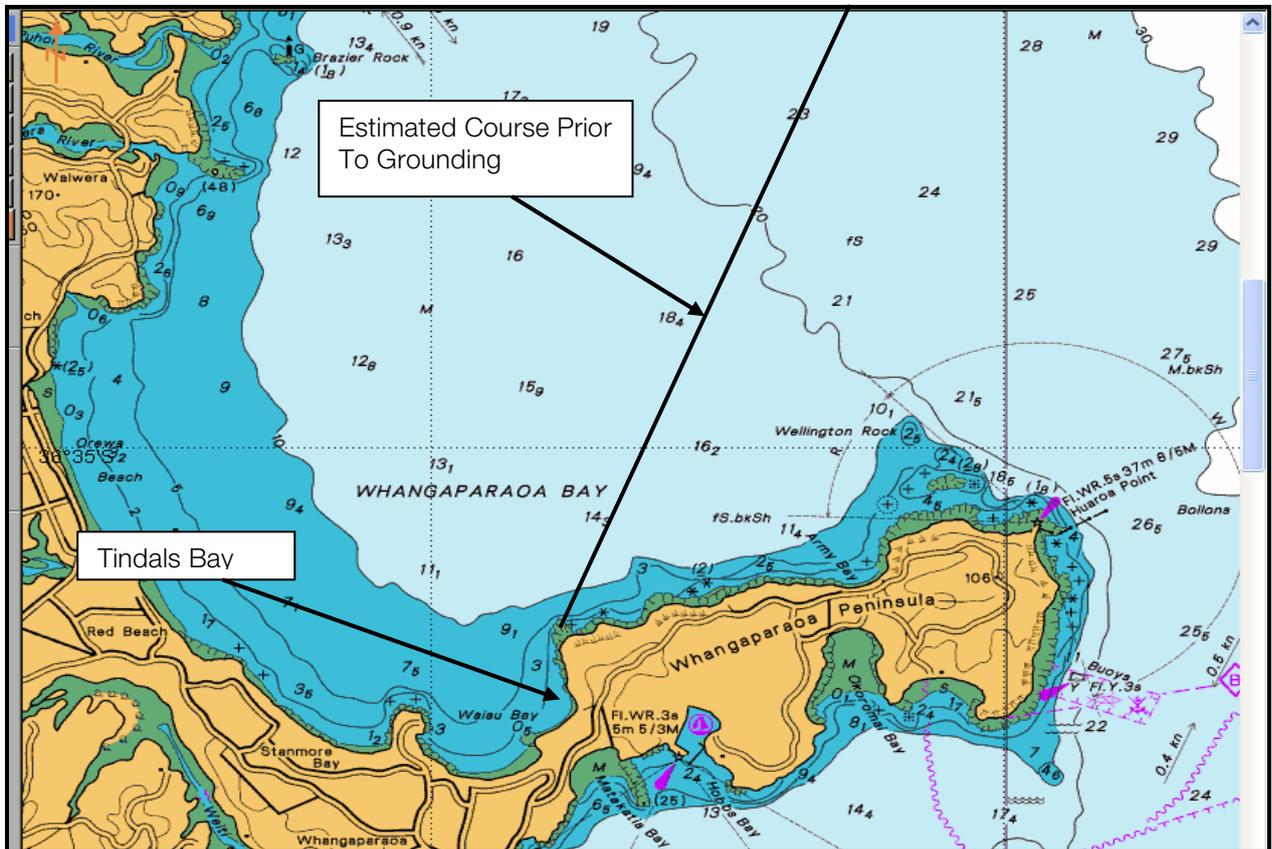


Figure 1

## Legislation

### Auckland Regional Council Navigation Safety Bylaws

#### 3.2 **Speed of Vessels**

1. No person may propel or navigate a vessel (including a vessel towing someone or some object) at a proper speed exceeding 5 knots:
  - (a) within 50 metres of any other vessel, raft or person in the water; or
  - (b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure.

#### 3.10 **Collision Prevention**

1. No person may operate any vessel in breach of **Maritime Rule 22 (Collision Prevention)**, made under the Maritime Transport Act 1994.

## Maritime Rules

### **22.5 Look-out**

*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.*

### **22.6 Safe speed**

*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 vessel 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.*

### **91.6 Speed of vessels**

- (1) *No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:*
  - (a) *within 50 metres of any other vessel, raft or person in the water; or*
  - (b) *within either 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)*

## Maritime Transport Act 1994

### **65 Dangerous activity involving ships or maritime products**

(1) *Every person commits an offence who—*

- (a) *Operates, maintains, or services; or*
- (b) *Does any other act in respect of—*

*any ship or maritime product in a manner which causes unnecessary danger or risk to any other person or to any property, irrespective of whether or not in fact any injury or damage occurs.*

(2) *Every person commits an offence who—*

- (a) *Causes or permits any ship or maritime product to be operated, maintained, or serviced; or*
- (b) *Causes or permits any other act to be done in respect of any ship or maritime product, —*

*in a manner which causes unnecessary danger or risk to any other person or to any property, irrespective of whether or not in fact any injury or damage occurs.*

(3) *Every person who commits an offence against subsection (1) or subsection (2) of this section is liable, —*

- (a) In the case of an individual, to imprisonment for a term not exceeding 12 months or a fine not exceeding \$10,000:*
- (b) In the case of a body corporate, to a fine not exceeding \$100,000:*
- (c) In any case, to an additional penalty under section 409 of this Act.*

## FINDINGS

Without the determination shown by his crew to rescue him, the Skipper of **Rere** would not have survived.

By operating at a speed in excess of 5 knots within 200 metres of shore the Skipper of **Rere** was in breach of Rule 91 of the Maritime Rules and the Auckland Regional Council Navigation Safety Bylaws. The Skipper should have slowed to 5 knots or less when **Rere** came within 200 metres of the shore or any outlying rocks or reefs. This would have allowed him more time to properly determine the vessel's position and avoid the rocks.

A proper lookout was not being kept in the prevailing conditions and circumstances. This was in breach of the Maritime Rules and the Auckland Regional Council Navigation Safety Bylaws. The vessel's Lowrance GPS (Global Positioning Satellite)/depth sounder was displaying a split screen at the time but was not being monitored in the minutes prior to impact. The Skipper was attempting to navigate by eye alone.

Operating at speed under the prevailing circumstances was both reckless and dangerous and almost cost the Skipper his life.

## RECOMMENDATIONS

1. In light of the serious injuries suffered by the Skipper and given his crew did not suffer serious injuries and do not wish enforcement action be taken it is recommended that the Skipper be severely censured.
2. It is recommended that the Skipper attend a Boatmasters course at a recognised institution.
3. It is recommended that a summarized version of this report be included in the Maritime New Zealand publication "Lookout!" to warn mariners of the danger of operating vessels close to the shore at speed without properly determining a position.

## VESSEL DETAILS

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<b>Ship Name:</b>	<b>Rere</b>
<b>Ship Type:</b>	Recreational cabin vessel
<b>Construction Material:</b>	Alloy
<b>Length Overall (m):</b>	5.5
<b>Accident Investigator:</b>	Ian Howden