



Report 00-209

fishing charter vessel

La Nina

grounding and foundering

Rakitu Island

17 November 2000

Abstract

On Friday 17 November 2000 at about 1840, the fishing charter vessel *La Nina*, with 9 passengers and 2 crew on board, was on passage to an anchorage in a bay on Rakitu Island when it grounded on rocks to the north-east of the island. The passengers and crew boarded a liferaft shortly before the vessel foundered. They were later rescued by other vessels, which had answered the Mayday call sent by the skipper. The deckhand was seriously injured during the grounding.

Safety issues identified included:

- inadequate safety briefing before commencing charter
- the standard of navigation when operating close to hazards
- shortcomings in the administration of the safe ship management system.

A safety recommendation was made to the owner of Fighting Fish Charters to address the safety issues should it undertake another commercial maritime venture in the future.

The Transport Accident Investigation Commission is an independent Crown entity established to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future. Accordingly it is inappropriate that reports should be used to assign fault or blame or determine liability, since neither the investigation nor the reporting process has been undertaken for that purpose.

The Commission may make recommendations to improve transport safety. The cost of implementing any recommendation must always be balanced against its benefits. Such analysis is a matter for the regulator and the industry.

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Photograph courtesy of Fighting Fish Charters

La Nina

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Abbreviations

EPIRB	emergency position indicating radio beacon
GPS	global positioning system
GRP	glass reinforced plastic
kW	kilowatt(s)
m	metre(s)
MSA	Maritime Safety Authority
nm	nautical mile(s)
UTC	universal time (co-ordinated)
VHF	very high frequency

Glossary

aft	rear of the vessel
aweight	when an anchor is broken out of the ground and the cable is vertical
bulkhead by the stern	nautical term for wall said of a ship when its draught aft is greater than its draught forward
knot	one nautical mile per hour
lee	area sheltered from the wind
list	angle of tilt caused by internal distribution of weights
Mayday	radiotelephone distress signal requesting immediate assistance
restricted limits	operating limits as defined in Maritime Rule Part 20
starboard	right-hand side when facing forward

Data Summary

Boat particulars:

Name:	<i>La Nina</i>
Type:	fishing charter vessel
Port of registry:	Auckland
Operating limits:	Northland, Auckland, Barrier and Bay of Plenty Inshore Limits including the Enclosed Water Limits inside those limits plus Restricted Coastal Limits between Cape Runaway and North Cape
Allowable passengers:	23 in Enclosed Limits 20 in Inshore Limits or 10 in Restricted Coastal Limits
Length (overall):	12.35 m
Construction:	Glass reinforced plastic (GRP) catamaran
Propulsion:	two 284 kW Volvo diesel engines each driving, through a reduction gearbox, a fixed-blade propeller
Normal operating speed:	15 knots (maximum 25 knots)
Operator:	Fighting Fish Charters

Location: Rakitu Island, off north-east coast of Great Barrier Island.
Position by GPS 36° 06.947' S 175° 30.678' E

Date and time: Friday 17 November 2000 at about 1840¹

Persons on board:
Crew: 2
Passengers: 9

Injuries:
Crew: 1 (serious)
passengers: nil

Nature of damage: vessel lost

Investigator-in-charge: Captain John Mockett

¹ All times in this report refer to New Zealand Daylight Time (UTC+13) and are expressed in the 24-hour mode.

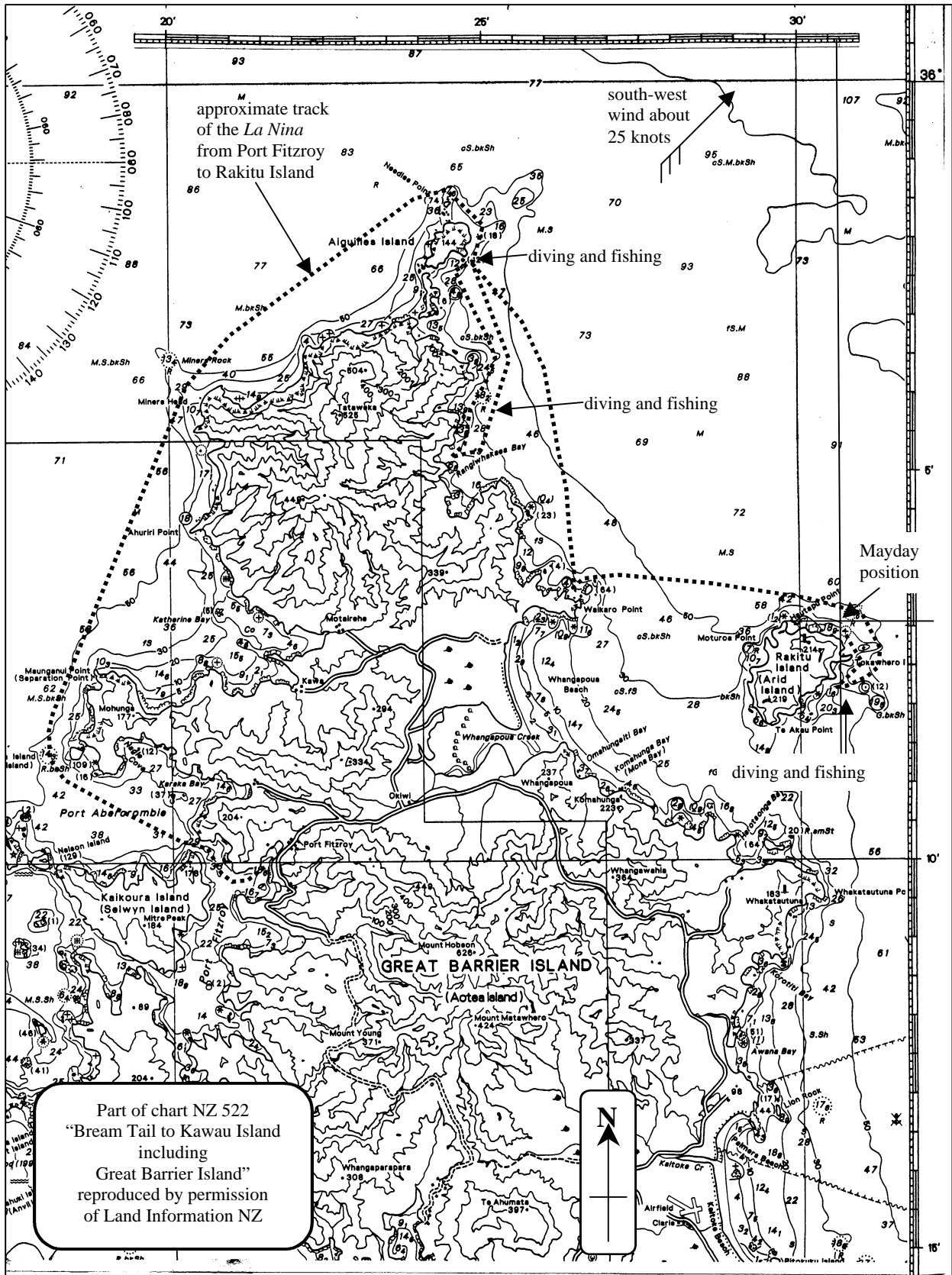


Figure 1
 Part of chart NZ 522 showing key locations

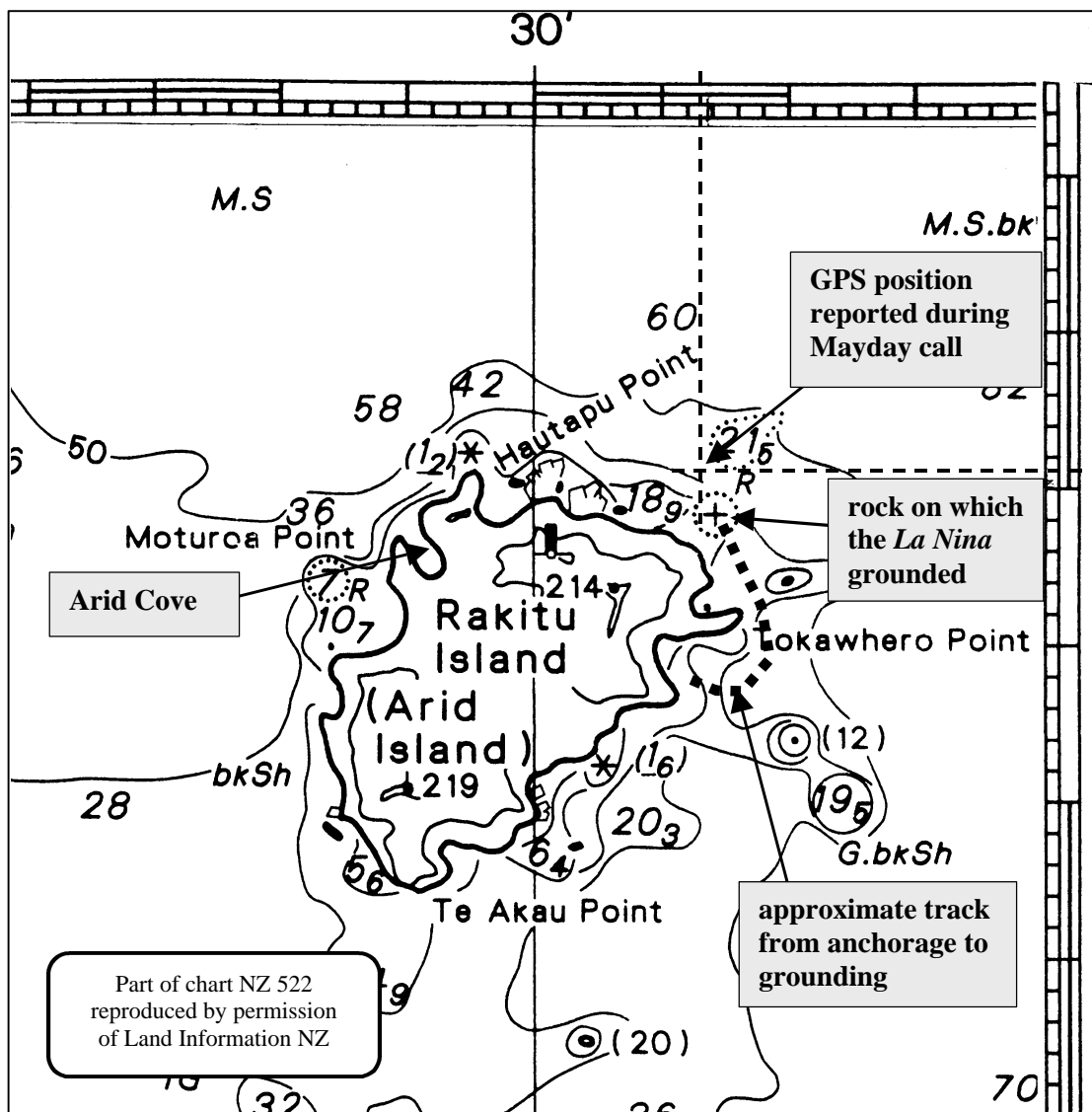
1. Factual Information

1.1 History of the trip

- 1.1.1 On Thursday 16 November 2000, the charter fishing vessel *La Nina* was moored in the Westpark Marina in Auckland. The vessel had been chartered for a fishing and diving trip to depart that evening and return on the Sunday afternoon.
- 1.1.2 By 1730 the group of 9 passengers had assembled on the vessel. They stowed their equipment while the skipper and deckhand readied the vessel for departure. Before leaving, the skipper greeted his passengers and gave them a brief description of the boat.
- 1.1.3 In his welcome and briefing, the skipper told the passengers where the lifejackets were stowed but told them little of any other life-saving equipment. The skipper ended the welcome by telling his passengers that “there are no rules, you own the boat for the weekend so only get concerned when I’m launching the liferaft”.
- 1.1.4 At about 1800 the skipper shifted the *La Nina* from Westpark Marina to Westhaven where he filled up with fuel and water and departed for the trip at about 1840.
- 1.1.5 The charter was for a trip involving both fishing and diving around Great Barrier Island. When the *La Nina* departed Auckland there was a gale warning in force, forecasting south-west winds of 20 knots, gusting to 30 knots. The skipper discussed the forecast with his passengers and suggested that they would assess the conditions outside and proceed no further than Kawau Island if it were not possible to make for Great Barrier Island.
- 1.1.6 Once the *La Nina* had cleared the Auckland Harbour channels, the skipper called Great Barrier Radio on very high frequency (VHF) radio and asked for the local weather. The operator told him that the wind was about 20 knots from the south-west and that the *Stella*, a scheduled ferry operating to Great Barrier Island, had made the passage from Auckland that evening and that one other vessel was on passage; neither had reported any problems in the sea conditions.
- 1.1.7 The *La Nina* was by then about 6 nm from Tiri Tiri Matangi and was riding the conditions well. The skipper considered that he could safely continue and his passengers were in favour of getting to Great Barrier Island, so he altered course to head for Port Fitzroy and confirmed his intention to Great Barrier Radio. The autopilot was not functioning, so the skipper remained in the wheelhouse steering the vessel.
- 1.1.8 The *La Nina* arrived off Great Barrier Island at about 2230 and the skipper navigated the narrow channel into Port Fitzroy. He was using radar on the 3 and 1.5 mile ranges and the GPS plotter. The *La Nina* arrived alongside at about 2300 (see Figure 1).
- 1.1.9 The *La Nina* tied up alongside the *Stella* and the passengers went aboard that vessel to see some of the crew that they knew. The skipper joined them for a drink before retiring for the night.
- 1.1.10 The *Stella* left Port Fitzroy at 0600 the next morning. The *La Nina* was let go from the *Stella* and rather than tie up again, the skipper proceeded to sea.
- 1.1.11 The weather conditions were about the same as the day before, a south-west wind of 20 to 25 knots with gusts up to 35 knots. The western side of Great Barrier Island was too rough for fishing and diving, so the skipper took the *La Nina* around the northern end to the sheltered eastern side of the island. The passage to Needles Point, the northernmost point, took about 45 minutes. The skipper called Great Barrier Radio on VHF radio at about 0700 and told the operator that the *La Nina* would be working the eastern side of the island until Sunday (see Figure 1).

1.1.12 Once on the lee side of the island, the sea conditions calmed sufficiently to allow the passengers to start fishing and diving. Through the morning, the skipper tried various fishing and diving locations for his passengers. They laid long lines and were diving and fishing off Aiguilles Island, around Rangiwahakaea Bay and as far south as Waikero Point. The catch was very small in these locations and at about midday, the skipper decided to go out to Rakitu Island where he had planned to spend the night in Arid Cove (see Figures 1 and 2).

1.1.13 The skipper took the *La Nina* to the eastern side of Rakitu Island to the bay north of Tokawhero Point. The passengers fished and dived along the shore but again without much success.




Key:
 underwater rock over which the depth is unknown, but which is considered dangerous to surface navigation

Figure 2
Part of chart NZ 522 showing approximate track to grounding

1.1.14 The skipper took the *La Nina* back around the north of Rakitu Island with the intention of trying to fish on the western side. However when the boat reached Hautapu Point the sea conditions were too rough so he returned to Tokawhero Point, anchoring this time in the bay to the south.

- 1.1.15 Once at the anchorage, the passengers resumed fishing and diving. The catch was again poor and after a meal, at about 1830, it was decided to move to Arid Cove for the night and try again early the next morning.
- 1.1.16 The anchor was weighed and the skipper proceeded to the north. Just after setting off, the skipper had to turn the *La Nina* back to retrieve a burley basket that had not been pulled up and was being dragged behind the boat.
- 1.1.17 The skipper set off again but a wetsuit that had been lying on the foredeck blew over the side and the boat was turned again to retrieve that also.
- 1.1.18 The skipper set off again and built up speed to about 15 knots. He was alone in the wheelhouse; the deckhand was in the cabin clearing away the dinner and the passengers were either in the cabin or the aft deck cockpit.
- 1.1.19 The skipper was navigating, mostly by eye but with the aid of the global positioning system (GPS) and radar. The radar was set on the 3-mile range and the GPS on large scale. He later stated that he remembered at some stage the shore line of Rakitu Island showing as 750 m distant but was not sure which part of the coast it was. He was not using the navigational chart of the area. The distance between the anchorages at Tokawhero Point and Arid Cove was about 2 nm, which the skipper expected would take a total of about 15 minutes cover.
- 1.1.20 The skipper was aware that his passengers were less than satisfied with their fishing that day and were looking forward to better results the next day. He was also concerned that, because of the frequent movements during the day, he might have to return to Port Fitzroy for fuel, thus reducing the time available for fishing.
- 1.1.21 He decided that he would complete a fuel calculation before arriving in Arid Cove so that he could discuss the next day's plan with the passengers. He set up a pad of paper on the console to do his calculations but did not have a pen or pencil, so he left the wheel to get one from his briefcase, which was on the bunk behind him.
- 1.1.22 About 2 minutes later, just as he had found his pen, the *La Nina* hit an underwater rock. The boat slowed almost to a stop and began to settle by the stern. The skipper immediately took the engines out of gear. He called Great Barrier Radio on VHF radio and advised them of the grounding. His call was timed at 1843. He told the radio operator his approximate position and that the boat was taking on water. He said that he would call back in about 5 minutes to give an update.
- 1.1.23 As a result of the impact, the deckhand was thrown forward against the refrigerator on the forward bulkhead of the cabin. He was in considerable pain and having difficulty breathing. Nevertheless, he told the passengers that were in the cabin to take out lifejackets and don them.
- 1.1.24 Meanwhile one of the passengers who had been standing in the aft cockpit opened the starboard engine hatch cover. He saw that the space already had a substantial amount of water inside and was continuing to fill. He looked up to the wheelhouse and indicated to the skipper that the situation was serious. When he looked back into the engine space, the water was about halfway up the engine side. He donned a lifejacket, checked that the other passengers and deckhand had lifejackets and together they all made their way to the foredeck. On his way he asked the skipper if a Mayday had been sent.
- 1.1.25 It was apparent that the *La Nina* was not stuck fast, but had passed over the rock and was drifting to the north-east. The skipper had tried to get the engines back into gear without success. The boat was settling rapidly by the stern although not listing. He sent a Mayday to Great Barrier Radio on VHF radio, timed at 1844, and confirmed that they were abandoning the *La Nina*. When asked for a position he gave the latitude and longitude showing on the GPS plotter, which was 36° 06.947' S 175° 30.678' E.

- 1.1.26 The operator at Great Barrier Radio contacted Great Barrier Police and asked that they monitor the VHF channel, and also contacted Great Barrier Maritime Radio to confirm that its operators were aware of the Mayday situation.
- 1.1.27 There were several vessels in the area as there was a fishing competition in progress. Two vessels responded to the Mayday. The *Rockhopper II*, a 7 m open cockpit fishing boat, and the *Siver Fox*, a 14 m fishing boat, both reported that they had the *La Nina* in sight and were proceeding to assist.
- 1.1.28 Meanwhile on the *La Nina*, the passengers and deckhand had all assembled on the foredeck. One of them tried to let go the anchor but it would not run freely. He paid it out by hand but the chain jammed in the lead before the anchor reached the sea bed.
- 1.1.29 Some other passengers launched the small inflatable boat that was stowed forward and tied it to the rails. The skipper and one of the passengers launched the inflatable liferaft. The liferaft did not inflate properly at the first attempt and had to be righted before it could be boarded.
- 1.1.30 The passenger who had assisted the skipper jumped into the liferaft before the deckhand was helped to the side and he jumped into the raft. The other passengers followed and finally the skipper jumped. By this time the stern of *La Nina* had settled into the water and about 2 m of the bow was sticking out of the water.
- 1.1.31 By this time the 2 rescue boats had arrived at the scene and were standing off the *La Nina*. The *Siver Fox* was unable to come in close and remained standing off while the *Rockhopper II* approached as close as possible. The skipper of the *La Nina* let go the line holding the liferaft to his boat and threw it across to *Rockhopper II*. The liferaft was hauled over to *Rockhopper II*.
- 1.1.32 The 11 occupants of the liferaft transferred to the *Rockhopper II* and once this was completed, its skipper reported to Great Barrier Radio at 1855 that all were accounted for, and that the deckhand appeared to have rib injuries requiring medical assistance.
- 1.1.33 The police were monitoring the VHF radio transmissions and requested the Police North Communications unit to dispatch the Westpac rescue helicopter. The *Rockhopper II* was directed to take the survivors to Arid Cove to transfer the injured deckhand to the helicopter.
- 1.1.34 The *Rockhopper II*, now with 13 persons on board, proceeded slowly to Arid Cove in the difficult conditions, accompanied by the *Siver Fox*.
- 1.1.35 The boats arrived at Arid Cove at 1940 and the *Rockhopper II* went directly to the beach and disembarked the injured deckhand, who was assisted by 2 local residents and taken immediately to the helicopter that had just landed on the beach. The helicopter took the deckhand to Auckland Hospital, where he was admitted with broken ribs.
- 1.1.36 The skipper of the *Rockhopper II* took his boat back out into the cove and in the sheltered conditions transferred the passengers to the *Siver Fox*. The skipper of the *La Nina* remained on the *Rockhopper II*. The boats then proceeded to Harataonga Beach on Great Barrier Island where they arrived at 2005 and were met by the local police.
- 1.1.37 The survivors arrived at the Great Barrier police station at 2030. The passengers were transported to Tryphena, where they boarded the ferry for Auckland. The skipper remained on Great Barrier Island overnight to give statements to the police and to make his reports to the owner and the Maritime Safety Authority (MSA).
- 1.1.38 The police took statements from the passengers by telephone after they had arrived at their homes. Those statements have been considered when compiling this report.
- 1.1.39 The wreck of the *La Nina* had not been located at the time of publishing this report.

1.2 Boat information

- 1.2.1 The *La Nina* was a 12.35 m Cougar catamaran constructed in GRP and powered by two 284 kW Volvo diesel engines. The boat was capable of a top speed of 25 knots but was normally operated at about 15 knots.
- 1.2.2 The navigation equipment on the *La Nina* included a radar, a GPS with chart plotter, an echo sounder, a magnetic compass, a VHF radio and navigational charts for the areas of operation to which it was limited. The *La Nina* was fitted with an autopilot but it had not been functional since the present owner acquired the boat.
- 1.2.3 The life-saving equipment on the *La Nina* included 2 parachute rockets, 2 pinpoint flares, 2 smoke floats, an electronic position indicating radio beacon (EPIRB), 2 lifebuoys, 26 lifejackets, a 12-person inflatable liferaft and various fire-fighting equipment.
- 1.2.4 The *La Nina* was approved to carry 23 passengers in enclosed limits, 20 in inshore limits and 10 in restricted coastal limits. There was accommodation for between 8 and 10 passengers in the cabin area, and for 2 crew in the wheelhouse.
- 1.2.5 The *La Nina* was equipped for either game or bottom fishing and had a large dive platform at the aft end.
- 1.2.6 The *La Nina* was licensed to sell alcohol and carried a small stock. Passengers were allowed to carry their own stock for consumption during a charter.
- 1.2.7 There was no policy written in the boat's manual to cover alcohol consumption. The skipper and operator stated that if passengers got too intoxicated then the option was available to put them ashore. With regard to crew consumption, the operator stated that he expected his crew to refrain from drinking during the working day and, if they desired, to only have a small amount once the boat was secured for the night. The skipper said that he usually joined the passengers in a beer with their meals, as he had done during this charter.
- 1.2.8 The boat had recently undergone a 5-week out-of-water refit which was completed on Wednesday 15 November 2000. The maintenance of the *La Nina* was carried out or organised by the operator. The skipper was involved only in such things as pre-trip checks and any work required while on a charter.

1.3 Crew information

- 1.3.1 The skipper of the *La Nina* had been at sea since about 1982. He had worked as deckhand on a variety of fishing vessels including long liners, surface liners and trawlers. In 1996 he gained his Commercial Launch Master certificate and had been skipper of several charter fishing boats since that time.
- 1.3.2 He had worked for Fighting Fish Charters as skipper of the *La Nina* since the company acquired the boat about 2 years before the accident. The position of skipper did not afford him full-time employment so he also worked as a builder.
- 1.3.3 He had worked the greater Auckland area for many years and tended to use his own recorded positions of previous fishing locations rather than the navigational charts. If a charter called for the *La Nina* to work in an area where he had not been for a while then he would scan the charts to refresh his memory before setting out for the trip. He had not been to Great Barrier and Rakitu Islands for some time but later stated that he knew the area "reasonably well".

- 1.3.4 On the day before the accident trip he had worked for about 9 hours at his building job and stated that he had a good night's sleep. On the first day of the accident trip he worked about 3 hours in the morning at his building job and did some personal errands in the afternoon before going to the *La Nina* to prepare it for the charter.
- 1.3.5 On the evening before the accident, when the *La Nina* was tied up in Port Fitzroy, he had seen the skipper of *Stella* to find out his sailing time, before going to bed at about midnight. He slept till about 0550 when the *Stella's* generator set started, but his sleep had been disturbed by the noise of the boats moving against each other and the noise of the wind in the rigging.
- 1.3.6 The deckhand had been at sea in various fishing vessels for about 20 years, mainly purse-seining in the Pacific. He had also worked as deckhand or cook in deep-sea factory trawlers. He held a New Zealand Qualified Deckhand certificate.
- 1.3.7 He had worked for Fighting Fish Charters for about one year as deckhand on the *La Nina*. His duties on board included catering for the passengers and running the bar if it was required.

1.4 Passenger information

- 1.4.1 The 9 passengers that chartered the *La Nina* were part of a group of friends who regularly chartered boats for fishing and diving weekends. The accident trip was the first time that they had used Fighting Fish Charters.
- 1.4.2 They were all used to being around boats, but one in particular held certificates as Master of a Small Home Trade Ship and Engineer of Restricted Limit Ship, which he gained in about 1978. He worked as a marine contractor.
- 1.4.3 With his marine background, this passenger looked around the boat and watched the way it was operated with interest. He later voiced some of his concerns to both the police and to the Commission's investigator.
- 1.4.4 His concerns were first raised when he noted that the Safe Ship Management Certificate showed an expiry date 2 months earlier. He pointed out the certificate to one of the other passengers but not to the skipper.
- 1.4.5 He stated that he was not happy with the briefing that the skipper gave them when they joined the boat, saying that he felt that although they were there to enjoy a weekend, there should have been some rules in place and they should have been shown more equipment than just the lifejackets.
- 1.4.6 He voiced concern over the skipper's style of navigation, particularly in relation to entering Port Fitzroy at night.
- 1.4.7 He said that he was concerned that when the boat was close to shore and some of the group diving, the skipper turned off the engines and that the starboard one was then hard to start. This concern was also voiced by some of the other passengers.
- 1.4.8 He stated that he was disappointed that "the skipper was drinking with us most of the day".
- 1.4.9 It was this passenger who had been standing in the aft cockpit when the boat grounded and had looked into the starboard engine space. He had seen kelp in the sea astern of the boat immediately after the impact. He indicated to the skipper that the water ingress was serious, and when he looked into the engine space a second time and saw the rise in water level and the rate at which the boat was settling in the water he told the skipper that he thought a Mayday call was required.
- 1.4.10 After the impact he rallied his friends and got them to assist the deckhand and got them all forward wearing lifejackets.

1.5 Operator information

- 1.5.1 Fighting Fish Charters owned and operated only the *La Nina* and was a partnership between a husband and wife. The operation was not their full-time employment.
- 1.5.2 The operator offered charters for fishing or diving around the Hauraki Gulf and the outer islands and also sightseeing or barbecue cruises around Auckland Harbour.
- 1.5.3 The operator had other boats before the *La Nina* but those were run as private pleasure craft. It had acquired the *La Nina* about 2 years before the accident and Fighting Fish Charters was its first commercial operation.
- 1.5.4 The operator occasionally used the boat privately when it was not chartered. The husband held a Coastguard Boatmasters certificate and a Restricted Radio Operator license. He had also completed a Coastguard Diesel Operators course. These qualifications did not allow him to operate the boat commercially as skipper, but he did sometimes act as deckhand if required.
- 1.5.5 Charters were arranged as a result of advertisements placed in various fishing publications and pamphlets and circulars that were distributed. Much of the business was obtained through word-of-mouth advertising.

1.6 Safe Ship Management information

- 1.6.1 Before the introduction of the safe ship management system in February 1998, if a vessel met survey requirements it was issued with a Certificate of Survey. The certificate was valid for 4 years, subject to intermediate annual surveys, that could be carried out in a 3-month window around the anniversary date. The survey for recertification had to be carried out on or before the certificate expiry date.
- 1.6.2 Under the safe ship management system, as detailed in Maritime Rule Part 21, both the vessel and its operating procedures were scrutinised. The validity of a Safe Ship Management Certificate was linked to the requirement under Maritime Rule Part 46 to inspect the propeller shaft and rudder stock and could therefore be up to 4 years but was subject to periodic inspection of the vessel and audit of the operating procedures as laid out in the ship safety manual. There was no fixed timetable of inspection and audit so the vessel had to be maintained and operated safely at all times instead of just on its annual survey date. Under Maritime Rule Part 46, the hull and external fittings below the waterline had to be inspected at intervals not exceeding 2 years.
- 1.6.3 The safe ship management system was administered by the Maritime Safety Authority and monitored by approved safe ship management companies through the inspection and audit regime. The system covered all aspects of the vessel and its operation and included construction, stability, equipment, operating limits, operating parameters and emergency procedures. When the ownership of a vessel changed, the certificate and manual reflecting the new operation had to be renewed.
- 1.6.4 When the operator acquired the *La Nina*, it entered the boat into a safe ship management system with Survey Auckland Limited (Survey Auckland). The boat was authorised to operate in the Northland, Auckland, Barrier and Bay of Plenty inshore limits including the enclosed water limits within those areas. It was also authorised to operate in the restricted coastal limit between Cape Runaway and North Cape.
- 1.6.5 The Safe Ship Management Certificate was issued on 10 September 1998 and was valid, subject to periodic audit and inspection, until 27 September 2000. The certificate was displayed in the cabin of the boat.

- 1.6.6 The periodic inspection was last carried out on 9 June 2000 and the last audit on 24 November 1999. When the *La Nina* was slipped in the weeks before the accident, a Survey Auckland surveyor inspected the boat and completed those surveys that could only be done out of the water. The in-water survey for certificate renewal was not carried out.
- 1.6.7 The operator was under the impression that the survey to recertificate the boat could be completed during a 3-month window from one month before to 2 months after the expiry date. It therefore thought that time was available until 27 November 2000 to complete the in-water survey and be issued with a new certificate.
- 1.6.8 This mistaken impression stemmed from various correspondence and a newsletter from Survey Auckland.
- 1.6.9 On 10 September 1998, the day on which the new Safe Ship Management Certificate was issued, Survey Auckland wrote to the operator reminding it that the *La Nina* was due its “2nd year” survey on 27 September 1998. The final paragraph stated:

Surveys can be carried out during a three month period, from one month before and two months after the date of completion of the survey leading to the issue of the Certificate. Should The *La Nina* not be presented for survey during this three month period, then the Certificate of Survey will lapse, and is considered cancelled. In the Certificate expiry year, the fourth year, the *La Nina* must be presented for survey on or before the expiry date, and may not be operated after that date until after successful completion of the survey for the issue of a new Certificate.

- 1.6.10 On 9 June 2000, Survey Auckland again wrote to the operator, and the final paragraphs stated:

The *La Nina*'s next annual survey is a third year survey, due on the 27th of September 2000, and will be carried out in the water. Subsequent surveys will be on the anniversary of this date. The fourth year survey will require the *La Nina* to be slipped.

To help with your planning, remember that surveys can be carried out during a three month period from one month before and two months after the anniversary of the date of completion of the survey leading to the issue of the Certificate. Should the *La Nina* not be presented for survey during this three month period, then the Certificate of Survey will lapse, and is considered cancelled. In the Certificate expiry year, the *La Nina* must be presented for survey on or before the expiry date, and may not be operated after that date until after successful completion of the survey for the issue of a new Certificate.

- 1.6.11 On 28 August 2000, Survey Auckland again wrote to the operator to remind it that the *La Nina* was due for its “year 3” survey on 27 September 2000. One paragraph stated:

Surveys can be carried out during a three month period, from one month before and two months after the anniversary of the date of completion of the survey leading to the issue of the Certificate. Should the *La Nina* not be presented for survey during this three month period, then the Certificate of Survey will lapse, and is considered cancelled.

This letter did not specify that the survey for certificate renewal must be completed on or before the expiry date, nor that the *La Nina* could not be operated if it were not presented for survey by that date.

- 1.6.12 Accompanying the letter of 28 August 2000 was a copy of the Survey Auckland newsletter. In a page of notes, the following paragraph appeared:

A note on surveys. Year 1 and 3 Surveys can be carried out during a three month period, from one month before and two months after the anniversary of the date of completion of the survey leading to the issue of the Certificate.

Should the vessel not be presented for survey during this three month period, then the Certificate of Survey will lapse, and is considered cancelled. And remember, in the Certificate expiry year, the vessel must be presented for survey on or before the expiry date, and may not be operated after that date until after successful completion of the survey for the issue of a new certificate.

1.6.13 When the Safe Ship Management certificate for the *La Nina* expired on 27 September 2000, Survey Auckland did not advise the operator that it had expired nor that the boat could no longer be operated commercially. When the surveyor visited the boat when it was slipped in November 2000, he did not tell the operator that the certificate was no longer valid.

1.6.14 The following responsibilities were laid out in the Safety Management Policy Manual:

Land Based Management

The land based safety management system is contracted to Survey Auckland Ltd.

Survey Auckland undertake to monitor and ensure the following:

Safety inspections of the ship;

Audit of the Ship's Safety System;

Training where necessary;

Compliance to the Ship Safety Management Code.

Shipboard Operation

Compliance to this manual and the Code on board the ship is the responsibility of the ships Master.

2. Analysis

The accident trip

- 2.1 A fishing and diving charter is expected to be an enjoyable experience for all concerned. However, on any vessel there must be a clear line of authority and a set of rules that everyone clearly understands and abides by. In order for that situation to exist, a full safety briefing should be given to all persons on board before any trip begins. Addressing the need for safety awareness in a potentially dangerous environment need not detract from the enjoyment of those taking part.
- 2.2 The briefing given by the skipper of the *La Nina* to his passengers was perfunctory and did not give them a full understanding of either the range of equipment available on board, or any rules by which to gauge their behaviour. In fact they were told that "there are no rules".
- 2.3 The weather and sea conditions at the start of the charter were moderate to rough. The skipper obtained appropriate forecasts and advice of actual conditions before proceeding outside Auckland Harbour. Had conditions outside the harbour been too bad to continue on to Great Barrier Island, his contingency plan to make for Kawau Island was appropriate.
- 2.4 Once outside, the skipper gauged the conditions and after weather advice from Great Barrier Radio considered the passage to Port Fitzroy could be undertaken safely. His passengers were comfortable and keen to proceed. Given the skipper's familiarity with the boat and its sea-keeping qualities, his decision to proceed was reasonable.
- 2.5 The *La Nina* arrived off Great Barrier Island late at night in dark and windy conditions. The passage into Port Fitzroy was complex and narrow in places. The skipper navigated into Port Fitzroy using the radar and the GPS plotter. He had not consulted his navigational chart before arrival and did not use it to navigate into port.

- 2.6 The GPS plotter showed the navigational features of the area of operation, the position of the boat, and an indication of the course being steered. The instrument is an excellent aid that should complement a navigational chart rather than substitute for it.
- 2.7 One of the passengers stated later that the skipper became disoriented during the passage into Port Fitzroy. It is difficult for a bystander, even a qualified mariner, to watch another person navigate without thinking it could or should be done differently. The passenger was not party to the skipper's intended plan and was unlikely to have been watching as intently as the skipper, who was of the opinion that all had gone to plan. The skipper did successfully navigate the *La Nina* into Port Fitzroy without incident.
- 2.8 The skipper and deckhand had retired at about midnight and berthing against the *Stella* meant that a short night's rest was inevitable. The *Stella* was on a scheduled service and had to depart at 0600 the next day and so the *La Nina* was forced to move off. There is always a certain amount of noise with any vessel riding at its mooring. Securing against another vessel will increase the noise and so decrease the opportunity to sleep.
- 2.9 Having been woken early to make way for the departure of the *Stella*, the skipper departed Port Fitzroy at that time. The weather was still from the south-west and the skipper's decision to travel to the eastern side of Great Barrier Island to fish and dive in the lee of the island was appropriate.
- 2.10 The skipper tried various locations for long line fishing, rod fishing and diving for his passengers. The results were not good and he moved frequently, aware that the passengers were becoming disgruntled at the lack of fish.
- 2.11 Some of the passengers voiced concerns that the skipper stopped both engines and drifted while they were fishing and diving close to shore. They were also concerned that the starboard engine was hard to restart when the time came to move. It would have been prudent to have had them instantly available, particularly as one was apparently difficult to start. The skipper's action were an indication of his concern about fuel consumption.
- 2.12 Throughout the day, the skipper had been navigating mainly by eye but with the GPS plotter and the radar operating. He was relying on his own notations of positions of known fishing sites and the fact that he knew the area "reasonably well".
- 2.13 With so much movement around the area, it would have been prudent for the skipper to have been consulting the navigational charts that he had on board to give himself a better overview of the operation in addition to the specific location displayed on the GPS plotter. When navigating around Rakitu Island he used the radar on the 3-mile range, a range larger than the island itself. The necessary detail required to navigate close to the shore would be lost on the 3-mile range.
- 2.14 On reaching Rakitu Island, the skipper first tried a site in the bay to the north of Tokawhero Point and then went to the north end of the island before returning to the bay to the south of Tokawhero Point. He had therefore transited the area where he subsequently grounded 3 times earlier that day.
- 2.15 The skipper had lunch and dinner with the passengers that day and reportedly had joined them in a beer at each meal. The recollections of the crew and passengers differ regarding the quantity of beer consumed by the skipper. However, it was both inappropriate and against the expectation of the operator that he consume any alcohol at all during a working day.

- 2.16 After dinner, the decision was taken to move to Arid Cove and anchor for the night, have a social evening and get an early start the following morning. The skipper weighed anchor and started the passage immediately. He had to turn back twice, once to retrieve a burley basket that was still on the seabed and once to retrieve a wetsuit that blew over the side. These delays indicate that the boat was not properly secured before setting off and that there was a degree of haste in the departure.
- 2.17 The passengers had been commenting about the lack of fish and there was a pressure on the skipper to find more productive sites. With most of the charter trade coming from word-of-mouth advertising in a relatively small industry, it was vital that the boat and its skipper maintain a good reputation. The skipper probably wanted to get to the sheltered anchorage of Arid Cove where the passengers could relax on board or on the beach and relieve the disappointment that the unsuccessful day had produced.
- 2.18 The skipper was alone in the wheelhouse navigating to Arid Cove and was again navigating by eye with the aid of the GPS plotter. The need for him to turn back twice could have confused him with regard to his eventual starting position.
- 2.19 The skipper wanted to discuss the next day's activities with the passengers once the *La Nina* was anchored in Arid Cove. He did not want to have to tell them that he needed to return to Port Fitzroy for more fuel, which might aggravate the tension on board. Although there was a need for him to calculate the fuel remaining, it was inappropriate to have undertaken the task while navigating close to shore on such a short passage.
- 2.20 The skipper had a short and broken sleep the previous night and had been working for 12.5 hours that day. He had also consumed some beers with his meals during the day. The poor sleep, the long day or the alcohol each in isolation probably would not significantly affect his judgement but in combination might have done so.
- 2.21 The skipper had been satisfied with the position, speed and course of the *La Nina* when he left the wheel to find his pen. It was not appropriate to have turned his attention away from the steering when navigating close to shore, but it is conceivable that even had he not left the wheel, that he might have continued on that same course and grounded on the underwater rock anyway.
- 2.22 The *La Nina* struck the rock while travelling at full normal operating speed, probably about 15 knots. The boat did not become fast on the rock but passed over and beyond it. The boat settled quickly by the stern without taking a list, indicating that both hulls had hit the rock and been substantially holed.
- 2.23 After the accident there was some confusion and differing opinion among the crew, passengers and rescue crews as to which rock the *La Nina* had struck. The boat had been travelling in a north-easterly direction and the GPS position given by the skipper in the Mayday call was about 250 m to the north-east of the only charted underwater rock in the area. The boat would have travelled some distance beyond the rock in that direction and it is assumed that it was that charted rock that was struck.
- 2.24 The skipper made his initial call to Great Barrier Radio in timely fashion but had not immediately realised the severity of the situation until one of the passengers told him the extent of the ingress into the engine space and suggested that a Mayday situation existed. The situation was deteriorating rapidly and the skipper probably had already realised that there was no way to save the boat.
- 2.25 With the deckhand injured, it was fortuitous that there was a professional mariner among the passengers to assist organising the other passengers in readiness to abandon the boat and to assist the skipper to launch the liferaft.

- 2.26 The attempt to anchor the boat was appropriate but the chain jammed in the lead because of the stern trim before it reached the seabed.
- 2.27 The crew and passengers abandoned the *La Nina* in an orderly manner apparently without any panic. They could see the rescue boats already moving towards them as they got into the liferaft. The skipper did not activate the EPIRB or fire any distress flares, but with rescue in sight it was appropriate that he did not do so.
- 2.28 Once in the shelter of Arid Cove and after the injured deckhand had been landed ashore, the transfer of the passengers to the larger *Siver Fox* could be carried out safely.
- 2.29 The response and coordination of the Great Barrier Radio operator and the Great Barrier Police was instrumental in the timely rescue of the survivors.

Safe ship management

- 2.30 Under Maritime Rules Part 21 it was the responsibility of the owner of any vessel to ensure that the vessel was entered into a safety management system and that the required documentation was kept up to date for it to remain in that system.
- 2.31 Under Rule Part 21 Section 2, the *La Nina* had to be entered into a safe ship management system approved by the Director of Maritime Safety.
- 2.32 Survey Auckland operated an approved safe ship management system under the New Zealand Safe Ship Management Code (the Code). The owner of the *La Nina* had entered the boat into its system.
- 2.33 Survey Auckland had surveyed the *La Nina* and a safety management system conforming to the Code had been established. A Safe Ship Management Certificate was issued for the *La Nina* on 10 September 1998 and was valid until 27 September 2000. The validity of the certificate was subject to periodical audit of the safety system and inspection of the boat and its equipment.
- 2.34 The ultimate responsibility to maintain the *La Nina* and its safety system lay with the owner, although the land-based safety management system was contracted to Survey Auckland. The Designated Person² was its Safety Manager.
- 2.35 Survey Auckland wrote reminders to the owner when surveys were due. Parts of those letters contained advice that various surveys need not necessarily be completed by a specific date but that those in the certificate expiry year must be completed on or before the expiry date. The owner was under the impression from this correspondence that the next survey could be left for 2 months after its due date.
- 2.36 Safe Ship Management Certificates could be valid for a 4-year period and were subject to periodic audit and inspection. Such inspections could be carried out at any time. Vessels and their safety systems were required to be maintained up to standard throughout the validity of the certificate. However, when the certificate was due for renewal, an inspection and audit must have been completed on or before the due date otherwise the certificate was no longer valid.
- 2.37 The owner of The *La Nina* was a first-time operator and relied on Survey Auckland for advice to keep the boat properly certificated. The advice contained in the letters from Survey Auckland was confusing and in places contradictory.

² To ensure the safe operation of each ship and to provide a link between the owner and those on board, every owner should designate a person ashore having direct access to the highest level of management. The responsibility and authority of the Designated Person should include monitoring the safety and pollution protection aspects of the operation of each ship and to ensure that adequate resources and shore-based support are applied as required.

- 2.38 The paragraphs relating to surveys appeared to be a standard format and probably were carried over from the survey system that prevailed before safe ship management came into force in February 1998. Under the old survey system, a vessel was surveyed and issued with a Certificate of Survey valid for 4 years subject to intermediate annual surveys. The intermediate surveys could be carried out in a 3-month window around the anniversary date, whereas the renewal survey in the fourth year had to be on or before the expiry date.
- 2.39 The letters from Survey Auckland to the owner of the *La Nina* made references to Certificates of Survey rather than Safe Ship Management Certificates, and an array of descriptions of surveys as first, second, third or fourth year surveys.
- 2.40 As required at the change of ownership, a new Safe Ship Management Certificate was issued for the *La Nina* on 10 September 1998 and valid for 2 years until 27 September 2000. However, in a letter dated the same day as the issue of the new certificate, Survey Auckland reminded the owner that the *La Nina* was due its second year survey on 27 September 1998. The letter said that surveys could be carried out within a 3-month period except in the certificate expiry year, which was described as the fourth year.
- 2.41 In June 2000 Survey Auckland wrote to the owner and included a reminder that the third year survey of the *La Nina* was due on 27 September 2000 yet the boat had been recertificated 2 years before. The letter again spoke of an allowable 3-month survey period except in certificate expiry year.
- 2.42 In August 2000 Survey Auckland again reminded the owner that the *La Nina* was due its third year survey. This letter again said that the survey could be carried out between one month before and 2 months after the expiry date. The letter did not remind the owner that the *La Nina*'s certificate was expiring and no leeway was allowed.
- 2.43 Accompanying the August 2000 letter reminding the owner of the year 3 survey was a Survey Auckland newsletter, which specifically stated that year 1 and 3 surveys could be carried out during a 3-month period.
- 2.44 The information given by Survey Auckland described a survey system no longer operating and the owner was misled into believing that the periodic audit and survey could be carried out between 27 August and 27 November 2000 even though 27 September was the expiry date of the certificate. In reality the certificate did expire on 27 September and the *La Nina* no longer held a valid maritime document and should not have been operating.
- 2.45 When the *La Nina* was not presented for survey by 27 September 2000, Survey Auckland, as the land-based management with the responsibility to ensure compliance with the Ship Safety Management Code, should have advised the owner that the boat no longer had a valid maritime document and that it should not be operated commercially.
- 2.46 Survey Auckland Limited's safety management system was approved by the Director of Maritime Safety. The inconsistencies in the advice it gave to vessel owners should have been identified and eliminated during the initial approval process or subsequent audits by the MSA.

3. Findings

Findings and safety recommendations are listed in order of development and not in order of priority.

- 3.1 The skipper and deckhand of the *La Nina* were appropriately qualified to carry out their respective duties.
- 3.2 Although *La Nina* did not have a valid maritime document at the time of the accident, it and the equipment that it carried were fit for purpose and adequate for the trip undertaken.
- 3.3 The *La Nina* had been entered into a safe ship management system which was approved by the Director of Maritime Safety, but the owner of the *La Nina* had received conflicting advice from Survey Auckland Limited and had not realised that the maritime document had lapsed.
- 3.4 The *La Nina* struck a charted underwater rock while the skipper was not attending the steering, not keeping a lookout and not adequately monitoring the progress of the vessel.
- 3.5 The skipper's navigation methods were not appropriate for the area being transited.
- 3.6 The skipper did not know the precise location of the *La Nina* just before it grounded and the grounding probably would have occurred even if he had not left the wheel unattended.
- 3.7 The skipper had a short and broken night's sleep and a long day's work before the accident. Although he would have felt tired, he was not fatigued to such an extent that his performance was significantly affected.
- 3.8 The skipper had consumed an unconfirmed amount of alcohol during the day and some at the meal immediately before the accident. In combination with his tiredness, the effects of the alcohol might have impaired his performance and contributed to the accident.
- 3.9 The grounding was not attributable to the failure of any machinery or equipment that would have been subject to survey during the course of renewing the boat's maritime document.

4. Safety Actions

- 4.1 In the course of its investigation into this accident, the MSA noted the incorrect advice given to the owner by Survey Auckland. The MSA instructed Survey Auckland to rectify the advice that it gave to participants of its safety management system to properly reflect the safe ship management requirements.
- 4.2 Survey Auckland Limited established a system where its computer client database prompted the Safety Manager 6 weeks prior to the date when each vessel was due for recertification. He then sent a "survey due letter" to the owner as a reminder of the upcoming survey requirement. The letter included the following paragraph:

Should the vessel not be presented for survey, then the Safe Ship Management Certificate will lapse, and is considered cancelled. In the Certificate expiry year, the vessel must be presented for survey on or before the expiry date, and may not be operated after that date until after successful completion of the survey for the issue of a new Certificate.
- 4.3 On 21 June 2001, after the reminder system was modified, the MSA audited Survey Auckland and no non-conformities were found.

5. Safety Recommendation

5.1 On 31 August 2001 the Commission recommended to the owners of Fighting Fish Charters that he:

5.1.1 ensure that for any future commercial maritime venture that he may undertake, safe ship management manuals contain appropriate policies and guidelines to address:

- safety briefings for passengers and crew
- navigation standards
- the management of fatigue, and
- the consumption of alcohol on board. (034/01)

5.2 On 2 September 2001 the owners of Fighting Fish Charters replied:

5.2.1 Fighting Fish Charters fully concurs with all aspects of the final safety recommendation 034/01.

Unfortunately with the loss of “La Nina”, we no longer have a charter vessel to operate. However, please be assured that if we undertake any future commercial maritime operations, that our safe ship management policy manual will contain the appropriate policies and we will implement the guidelines necessary, to address all four safety issues identified in this safety recommendation.

Together with our survey company, we will establish the required policy content and we will ensure implementation of those amended safety policies. We will supply evidence of safe ship management policy manual amendment and policy implementation guidelines, to the Transport Accident Investigation Commission, prior to any future commercial maritime venture commencing.

Approved for publication 5 September 2001

Hon. W P Jeffries
Chief Commissioner