

The principal purpose of the Transport Accident Investigation Commission shall be to determine the circumstances and causes of accidents and incidents, with a view to avoiding similar occurrences in the future, rather than to ascribe blame to any person.



## CELLPHONE AND SPEED BLAMED FOR FATAL ACCIDENT

**D**istracted by cellphone and excessive speed were found to be the major factors contributing to the fatal collision of the six metre workboat, *Shikari*, with the stern of the moored 27 metre private vessel, *Flightless*.

The accident happened in Waikawa Bay, Queen Charlotte Sound, on Friday, June 20, 2008 when *Shikari*, with six aboard, was returning home for the day. The *Shikari* was licensed as a non passenger vessel and used as a general purpose workboat servicing NZ King Salmon farms in the Picton and Havelock enclosed water's.

*Shikari's* skipper and one passenger died at the scene, three passengers received serious injuries and the remaining passenger received minor injury.

At the time of the accident, according to the subsequent Transport Accident Investigation Commission report, the *Shikari* was estimated to be doing 29 knots when, under Marlborough District Council navigation bylaws, it should have been doing 5 knots.

"Seconds before the collision the skipper finished using a cellphone, immediately after which he spotted the *Flightless* but too late to avoid collision successfully," the report states.

*Flightless* had been anchored at the same location for about 15 months and the route travelled was a common one for the skipper. The report rules out mechanical, weather and visibility factors as contributing causes of the accident.

It also notes that "the skipper's employer (NZ King Salmon) did not have safety policies relating to cellphone use, which would have provided a further passive defence to the accident, nor did it have a written policy on adherence to speed limits imposed by local harbour bylaws."

The skipper's local launch operator's certificate had recently



The stern of the *Flightless*

PHOTO CREDIT: TAIC

expired and did not name *Shikari*, his most regular command. The skipper's longstanding command of the boat was outside the employer's crewing policy. The *Shikari's* certification had also recently expired but these factors did not contribute to the accident, the report said.

From cellphone records it was established that, at about 1555, the skipper made a voice call on his cellphone that lasted about two minutes, finishing at about 1557.

The TAIC report does not mention any passenger personally but rather gives each a Pax number. Much of the onboard observation in the final moments comes from passenger number five (Pax5) who was standing outside the cabin entrance in the final seconds before impact.

Pax5 said that as the *Shikari* was crossing Waikawa Bay the skipper was glancing at his cellphone and then slipped it into his pocket. Pax5 then turned and was about to continue a conversation with Pax3 "when the skipper was heard to exclaim an expletive. Pax5 then turned back and noticed the skipper turning the steering wheel quickly to the left."

At about 1558, Pax4 looked up from his seated position at the rear of the cabin and saw a grey shape very close to the front of the boat.

"Seconds later the *Shikari* impacted with the stern of the *Flightless*. From data downloaded from the engine management system, it was established that at the time of the accident the engine (a 225hp outboard) of the *Shikari* was operating at about 4700 revolutions per minute, the normal operating revolutions, which gave a speed through the water of about 55 kilometres per hour (29 knots) depending on the trim of the motor."

The resulting impact was so strong that the bow of *Shikari* was shortened by around 300mm to 400mm. Dive bottles stored in the back of the boat broke free of their restraints and some were hurled into the water. The helm station, associated hydraulic steering equipment and electronic instrumentation attached to the helm station were also significantly damaged.

*Flightless* was originally built for the Royal New Zealand Navy and was first commissioned in 1983. She was decommissioned in January 2007 and sold to a private owner. The vessel is of solid steel construction, has an overall length of 26.8m and a beam of 6.1m.

When the accident happened, *Shikari's* impact was sufficient to force the *Flightless* forward on its mooring and to rotate it about its mooring, under power of the outboard motor that was still operating at the time.

In regards the speed that *Shikari* was travelling at, the report noted that the vessel's route toward the community wharf in Waikawa Bay would have taken *Shikari* inside the 200m five knot zone before it reached the *Flightless* which was moored inside the zone.

"The course also took the *Shikari* within 50m of several other moored craft, all of which required *Shikari* to reduce speed to no more than five knots," the report stated. It also noted that "it was clear from the evidence that *Shikari* was exceeding the five knot speed limit by some 20 to 24 knots.



PHOTO CREDIT: NZ POLICE

The bow of the *Shikari* was significantly impacted



PHOTO CREDIT: NZ POLICE

“New Zealand King Salmon, in its submission, contended that the excessive speed was due to normalisation through the repetitive nature of the daily trip.”

However the commission said that it could not be established why the *Shikari* was exceeding the speed limit for the area. “It could not be established whether this was a routine violation, or peculiar to this trip only.”

The report noted that the skipper appeared to be in a hurry.

“The skipper departed the sea farm early and arranged an early retrieval of the boat by the maintenance crew and possibly wished to facilitate a rendezvous with family arriving on a Cook Strait ferry.”

Some of the passengers had also asked to be dropped off at the community wharf where their cars were parked and this required a deviation from the skipper’s usual route. According to the report this “may have placed some pressure on him to achieve his plan on time, which could have motivated him to maintain his cruise speed longer than usual, or he could simply have been distracted by using the cellphone and not appreciated that he should have reduced speed earlier”.

The possibility of a blind spot is also covered in the report. The vessel’s wheelhouse had five mullions between the windows, one of which was almost directly ahead of the driving position. However “the *Flightless* had a beam of 6.1m, so when viewed from end on, as it would have presented to the skipper as the *Shikari* entered Waikawa Bay, it would become visible at about 1.75 kilometres, or a little under one nautical mile.

“Although getting progressively bigger, the lack of relative

movement of a closing vessel can fail to attract a skipper’s attention sufficiently early for the skipper to initiate a response, particularly when approaching it at high speed.”


Once an object has been detected, a person needs to identify the object, determine if it is a threat and initiate avoiding action if required. “Research has determined that the time required for a human to recognise a threat and take evasive action is 10.5 seconds.”

The commission found:

- That the *Shikari* collided with the moored vessel *Flightless* “when the skipper became distracted while using a cellphone”.
- That the *Shikari* was travelling at about 29 knots when it entered the five knot speed zone where the *Flightless* was moored.
- That there were five non-compliances with maritime rules within New Zealand King Salmon’s operation, although none of these was considered to have directly contributed to the collision.
- That regulatory oversight did not detect deficiencies in the operation of the applicable safe ship management system.

It recommended a range of safety actions as a result of its findings which included issuing a safety bulletin to the maritime community on the risk of using mobile phones while a vessel is underway.

After the incident New Zealand King Salmon reviewed its internal procedures to reinforce the need to comply with all maritime rules and limited the use of cellphones by skippers operating its vessels.

Maritime NZ have also responded by issuing Maritime Bulletin No. 20 in respect of the use of cellphones at sea. 




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