

## SKIPPERS SHARE BLAME FOR ANTARCTIC COLLISION

Japanese whalers and New Zealand protesters are both to blame for a dangerous collision in Antarctic waters, says Maritime New Zealand.

Maritime NZ director Catherine Taylor said the masters of both the *Shonan Maru No 2* and the trimaran *Ady Gil* were responsible for contributing to and failing to respond appropriately to the ‘close quarters’ situation.

The former Earthrace boat and the larger Japanese whaling ship collided near Commonwealth Bay, off the Adelie Coast of Antarctica, in January.

The *Ady Gil* had 3.5m of her bow sheared off in the collision and Aucklander Simeon Houtman suffered broken ribs. Both sides blamed each other for the incident and Maritime NZ launched an enquiry.

The captain of the *Ady Gil*, activist Pete Bethune, later boarded the *Shonan Maru No 2* in an attempt to make a citizen’s arrest on the captain for damaging his boat.

The Japanese crew held him on board and he was taken to Japan, where he spent five months in prison before being given a two-year suspended sentence and returning to New Zealand.

Maritime NZ says the master of the *Shonan Maru* initially had responsibility for keeping his vessel clear of the *Ady Gil*, as it was the overtaking vessel. He had ample opportunity to avoid the situation but failed to do so.

However, Bethune failed to respond by taking evasive action once the situation became apparent and chose to maintain his course and speed.

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Taylor said previous encounters between the two ships had contributed to a tense operating environment and uncertainty over the other’s intentions, but no evidence was found that either ship deliberately caused the collision.

“This accident is a wake-up call to all vessel masters, no matter whether they’re operating in the Southern Ocean or the Hauraki Gulf, that they are ultimately responsible for the safety of their vessels and all on board.

“This means consistently following internationally recognised safe seafaring practice, which includes maintaining a proper lookout at all times and following established anti-collision regulations.”

Maritime NZ conducted eyewitness interviews and reviewed GPS data, video footage and photographs taken from both vessels during its investigation.

The report says Maritime NZ investigators expected to receive two chartplotters from the *Ady Gil* crew when they arrived in Australia but they could not be found and the crew could not explain their disappearance.

A member of the public found one of the plotters washed up on a beach in Tasmania in May. It could not have drifted from the collision site and was probably thrown overboard before the crew reached Australia. Attempts to identify the crewmember

responsible were unsuccessful.

When examined, it did not hold any track history and it was not possible to determine if it had not been switched on at the time of the collision or the track history had been deleted.

The second chartplotter was sent to Maritime NZ in August after the crew had “misplaced” it.

Maritime NZ sought interviews with the captain and crew of the *Shonan Maru* but could not compel the Japanese authorities to conduct or facilitate them.

Taking legal action against Bethune was not supported by the information available and would have limited value in raising awareness or improving public safety, the report says.

Maritime NZ has no legal jurisdiction over foreign vessels operating in international waters.

## ON-LINE SYSTEM SPEEDS ACCIDENT REPORTS

Maritime New Zealand is making reporting accidents, incidents and serious harm injuries quick, simple and easy for commercial operators and recreational boaties with an electronic form they can send straight back.

Maritime NZ says it tested the online accident reporting system with jet boat, rafting and fishing companies and their customers in Queenstown, Christchurch, Auckland and Wellington, as well as with some recreational boaties. The system, which is due to go on-line in January, will be an alternative to the current paper-based system.

### What happens to the information collected?

Maritime NZ uses the information to track trends in accidents, incidents, serious harm and fatalities statistics and to get a clearer picture of where we need to focus our efforts, develop resources or amend rules.

### Why should I report an accident?

You are legally obliged to report accidents. Under section 31 of the Maritime Transport Act, masters and skippers have an obligation to report all accidents, incidents or serious harm injuries to Maritime NZ as soon as practicable.

In the case of a serious harm injury, contractors and employers must also report to Maritime NZ under section 25 of the Health and Safety in Employment Act. Individuals can be fined up to \$5000 and companies up to \$30,000 if they fail to file a report. Failing to report serious injuries within seven days can incur a fine of up to \$250,000.

### Why is online reporting better?

It’s quicker and easier than the paper-based system and you’ll get confirmation that Maritime NZ has received your form straight away. It’s also tailored, rather than one-size-fits-all, so you’ll only have to fill out the sections that are relevant to you.

### What about paper forms?

Maritime NZ has updated the paper forms and these will also be available on the website when the online forms are rolled out. You can download the forms, print them out, fill them in and fax, scan or email them to Maritime NZ. But it will be quicker and easier to complete a form online.

### When can I use the online system?

Maritime NZ hopes to roll out the system by the end of January. Once it’s up and running, you’ll be able to report an accident by clicking the link on the home page or by visiting [www.maritimenz.govt.nz/report-online](http://www.maritimenz.govt.nz/report-online).

In the meantime, phone the New Zealand Rescue Coordination Centre RCCNZ on 0508 222 433 to report a serious accident. For all accidents, incidents and serious harm injuries, download and submit the paper forms from the website at [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz) as soon as possible. 