

## Persons Interviewed

4 November 1982 (Brisbane)	M.L. Koina – Skipper - Bongaree M.J. Prange – Deckhand – Bongaree
2 December 1982 (Brisbane)	Albert Lawson – Bay Pilot
9 December 1982 (Mooloolaba)	Crew of the pilot Launch M. Flinders
23 February 1983 (Sydney)	Captain K Kitaytrev - Master KONSTANTIN PAUSTOVSKIY  Y Glukharev – 2 <sup>nd</sup> Officer KONSTANTIN PAUSTOVSKIY  A Melnikov – 3 <sup>rd</sup> Officer KONSTANTIN PAUSTOVSKIY  U Krukovskiy – Seaman KONSTANTIN PAUSTOVSKIY  Mr VN Shablin acted as interpreter
28 February 1983 (Mooloolaba)	M.L. Koina – Skipper - Bongaree (reinterviewed)

## PARTICULARS OF VESSELS AND CREW INVOLVED

### Particulars of 'Bongaree'

(a) Type of Vessel	Prawn Trawler
(b) Owners	Murray Lon Koina and Belinda Ann Koina of 44 Townsend Road, Buderim, Queensland
(c) Officials Nos	355012
(d) Nationality	Australian
(e) Port of Registry	Brisbane
(f) Gross	31.43
(g) Registered Tonnage	19.03
(h) Dimensions	42.45ft x 14.9ft x 5.2ft

- |     |                        |   |
|-----|------------------------|---|
| (i) | Means of Propulsion    | One Gardner Diesel Engine, 84BHP driving a single screw   |
| (j) | Builder                | Goebel and Fleming, 61 Gillan St., Norman Park, Brisbane  |
| (k) | Year of Build          | 1970  |
| (l) | Certificates held      | Marine Board of Queensland<br>Certificate of Survey for a Seagoing Class 3B Fishing Vessel.<br>Date of expiry 4.3.83  |
| (m) | Crew Owner/Skipper     | Mr Koina  |
|     | Deckhand               | Mr Pange  |
| (n) | Navigational Equipment | One 150mm Sawa Compass<br>Three Radios<br>Kestral SSB 131-24<br>Appollo CBX2<br>Weston 27 Megs<br>Echo Sounder SIM RAD ES2<br>Auto Pilot Wood Freedman<br>Radar Decca 914 |
| (o) | Crew Qualifications    | Nil. Fishing vessels under 15m in length are not required to hold Certificates under the Queensland Marine Act  |

Particulars of 'Konstantin Paustovskiy'

- |     |                  |                                     |
|-----|------------------|-------------------------------------|
| (a) | Type of Vessel   | Container Ship                      |
| (b) | Owners           | Far Eastern Shipping Co Vladivostok |
| (c) | Official No      | 3750                                |
| (d) | Nationality      | USSR                                |
| (e) | Port of Registry | Vladivostok                         |
| (f) | Gross            | 12880                               |
| (g) | Net              | 7062                                |
| (h) | Dimensions       | 176.23m x 21.32m x 12.65m           |

- (i) Means of Propulsion One Turnoica Diesel Engine  
12000BHP driving a single screw
- (j) Builder Brodocradiliste J. Tvornica Pula  
Yugoslavia
- (k) Year of Build 1970
- (l) Certificates Held
- (1) Cargo Ship Safety Equipment Certificate Date of Issue 26/3/82
  - (2) Classification Certificate Valid until 1/11/83
  - (3) Safety Radio Certificate Valid until 22/3/83
  - (4) Safety Construction Certificate Issued 26/3/82
  - (5) Load Line Certificate Valid until 1/11/84
- (m) Crew 38 Total complement none of whom were injured
- (n) Navigational Equipment Two Radars  
Gyro Compass  
Direction Finder  
Echo Sounder  
Satellite Navigator
- (o) Crew Qualifications
- (1) Master – Russian Foreign Going Masters Diploma No 510/74 issued Vladivostok 12/7/74
  - (2) 2<sup>nd</sup> Mate – Ocean Going Diploma No 128/74 issued Odessa 5/7/74
  - (3) 3<sup>rd</sup> Mate – Ocean Going Diploma No 81/79 issued Vladivostok 5/2/79

## NARRATIVE

- 1 All times are expressed in Local Mean Time, and relate to the 27 October 1982
- 2 Weather Conditions prevailing: light north easterly winds, calm sea,  
Excellent visibility, daylight
- 3 External factors which may have contributed to the collision: None known
  - (i) No other vessels in the immediate vicinity
  - (ii) Ample searoom to the east
  - (iii) The only hazard to navigation in the area is Gneering Shoal. There is no suggestion in the statements and written evidence submitted that the shoal contributed to the collision.

### 4 Chronological Sequence of Events

#### (i) Konstantin Paustovskiy

The statements made by the crew of the vessel are supported by log extracts detailing times, positions, bearings and distances.

- |         |   |
|---------|---|
| 1200    | 2 <sup>nd</sup> officer watch commenced   |
| 1209    | Vessel rounds Caloundra Head outward bound from Brisbane Pilot on board   |
| 1232    | Pilot disembarks approx 1 mile NW of Charted Pilot Boarding area Vessel on a heading of 345T to provide A lee   |
| 1235    | Vessel working up to sea speed steadying on a course of 040T  |
| 1236/37 | Master left the bridge  |
| 1236    | Auto Pilot engaged. Small boat sighted (subsequently Identified as the FV Bongaree) on a parallel course. Bongaree 025T x 2.4m. Position put on chart. 2 <sup>nd</sup> officer Requested the 3 <sup>rd</sup> officer to maintain a lookout on the Bongaree.<br>(3 <sup>rd</sup> officer had returned to the chartroom at 1230 to write up the log book covering the previous watch) |
| 1243    | Bongaree 023T x 1.83m<br>Radar plot of Bongaree determined a course of 043T at 8 knots. Nearest point of approach 0.4 miles. Manual steering resumed  |
| 1246    | Position put on chart   |
| 1249    | Bongaree 0180T x 1.22 miles   |

- 1255 Bongaree 003° x 0.6 miles
- 1256 Bongaree 006°T x 0.5 miles  
Bongaree increases speed and alters course slowly to St'd to 090°/100°T. No sound signals heard from the Bongaree. Speed of Konstantin Paustovskiy 14 knots approx.
- 1257 Five short blasts. Masters alert bell pressed. Five short blasts
- 1258 Master on bridge and saw the Bongaree close to the Port Bow, ordered Dead Slow Ahead. Master proceeded to the port and observed the Bongaree disappear from view in front of the bow. While running to the Starboard wing, the helmsman was ordered to steer to port 15°, in an endeavour to allow the Konstantin Paustovskiy to pass astern of the Bongaree. As the master did not see the the Bongaree through the bridge window on the starboard side the helm was ordered to amidships. The time that was elapsed between the two helm commands was so short that the vessel had not responded to the wheel.
- 1259/1300 Collision
- The 2<sup>nd</sup> officer who was on the Port wing shouted to the Master that the vessels had collided and the Bongaree Was off the Port side and damaged.
- Helm placed 15° to port in an attempt to swing the Propellor clear of the Bongaree and anyone in the water.
- Master proceeded to the port wing and observed the Trawler passing clear, and that she had sustained Serious damage to the Starboard side.
- Engines stopped.
- The position where the collision occurred was obtained by The 3<sup>rd</sup> officer taking a visual bearing and radar distance Off Point Cartwright. Point Cartwright 249°T x 5.5m.

#### Events subsequent to the collision

The trawler began to sink and two crew members were observed clinging to the Bongaree's liferaft. Several crew members of the KP observed that the liferaft had been made ready for use extremely quickly following the collision.

The liferaft referred to above was in fact the Bongaree's sorting tray. The tray is considered to be part of the vessel's life saving appliances. A lookout was kept on the men in the water and a lifeboat was lowered.

Caloundra Signal Station was alerted via Channel 16/VHF and requested to send the

pilot boat to assist.

At approximately 1320 the pilot boat reached the scene and picked up the survivors.

The master invited the survivors to board his vessel to discuss the collision. This invitation was declined. The lifeboat from the KP assisted in clearing up the debris.

At 1530 the KP proceeded on passage to Hong Kong after obtaining permission from the regional office of the Department of Transport.

No damage was sustained beyond scratches to the paint work on the port bow.

(ii) Bongaree

The following sequence of events should be treated with caution, as no particular attention was paid to the times, no positions were plotted and no log kept by the fisherman.

- |         |  |
|---------|--|
| 1215    | Cleared Mooloolaba Breakwater and headed out on a Course that would take him 24 miles North of Cape Moreton at about 8 knots. His intention was to go prawn Trawling in an area 25 miles from Mooloolaba on or near The 100fm bank. No fishing signals were displayed. The course set was "approximately" 080° Compass. As the compass had not been adjusted the course of 080° could in fact have been anywhere with 30° of the course. A course line reproduced back from the collision position to Mooloolaba breakwater gives a course of 075° True. |
| 1215/30 | Skipper in wheelhouse. Auto helm set. Deckhand tidying up on deck and cleaning in wheelhouse   |
| 1230/40 | Skipper asks deckhand to take over in the wheelhouse and goes below for a rest. Both Skipper and deckhand saw the Russian to the South heading on a course west of north with its starboard side open. Both fishermen considered that the other vessel would pass astern of them and dismissed it from their minds   |
| 1240/53 | The deckhand is now alone in the wheelhouse. The TV is switched on but he cannot select the desired channel so calls the skipper up from down below to watch the TV whilst the deckhand climbs onto wheelhouse top, he did not notice the Russian vessel which was now only 1-2 miles away.  |
| 1255    | Deckhand returns to the wheelhouse. Skipper goes below. The deckhand states that at no time did he alter course.   |
| 1300    | Collisions occurs.   |

### Events subsequent to the Collision

The lid of the ice box was unhooked. Both men jumped off the port side into the sea and boarded the ice box lid.

The KP was observed slowing down and then altering course towards them. Sailors were seen standing by with a lifeboat and rafts. The two fishermen were taken aboard the Matthew Flinders (Pilot vessels) and following an exchange of information with the KP were taken back to Mooloolaba.

## SUBSEQUENT INVESTIGATIONS

### Seaworthines & Stability:

Both Vessels were in survey and in this particular incident there is no evidence to suggest that the vessels were unseaworthy or unstable.

### Damage to Both Vessels

#### (a) BONGAREE

Substantial. More than half of the sheel planking on the starboard side had been breached. The vessel sank immediately after the collision.

#### (b) KONSTANTIN PAUSTOVSKIY

Slight. Paint scratched on vessels stem and down the port side.

### Lifesaving Appliances

#### (a) BONGAREE

As per her Certificate of Survey and Valuation report with the addition of 3 Lifejacks, one Queensland Approved floating device and one extra life buoy. The only item used was the float off sorting tray.

#### (b) KONSTANTIN PAUSTOVSKIY

The vessel had a Cargo Ship Safety Equipment Certificate in force. The only item used was one of the lifeboats which picked up debris from the water.

### Television on the BONGAREE

A new Phillips 240/12V, 12" Colour television was located on the Starbaord side forward in the wheelhouse. There had been no new wiring fitted to accommodate the television which had replaced a similar television.

The skipper advised that the previous television had not affected the compass.

### Auto Pilot on the BONGAREE

The auto pilot compass was situated directly below the vessel in the engine room on the port side.

The skipper considered that it would be highly unlikely, if not impossible for the auto pilot to be switched off inadvertently due to the location of the switch panel.

The skipper had been quite satisfied with the auto pilot's performance in the past.

## Overtaking Vessel

The KONSTANTIN PAUSTOVSKIY admits to being the overtaking vessel.

## OPINION

### KONSTANTIN PAUSTOVSKIY

- 1 The bridge procedures instigated on this vessel would appear to be superior to those as laid down in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1973.
- 2 The 2<sup>nd</sup> officer was of the opinion that a NIA of 0.4m was adequate, based on past experience with fishing vessels and pleasure craft in Japan and Australia.

It follows from the above that the collision was inevitable if the BONGAREE altered course at 1256.

An inevitable accident is one which could not possibly have been prevented by the exercise of ordinary care, caution and maritime skill.

The actions of the 2<sup>nd</sup> officer have to be judged against this definition.

It is accepted that the watch composition and procedures were adequate for the circumstances prevailing. Having regard to the searoom available, earlier action by the 2<sup>nd</sup> officer could have prevented the collision by increasing the passing distances. The circumstances prevailing at the time were not accurately assessed early enough, reliance being placed on past experience, and the assumption that the BONGAREE would keep her course and speed.

### BONGAREE

It is hard to believe that anyone would make up the sequence of events as detailed by the crew of this fishing vessel.

It seems improbable that the fishermen did anything other than leave Mooloolaba and set an easterly course to reach their fishing grounds.

The fishermen admit to not keeping a proper lookout. The deckhand's attention was directed to the obtainign a good television picture and not to the safe navigation of the vessel.

One cannot dismiss the possibility that the television as well as diverting the deckhand's attention from his duty may have affected the compass.

In addition the auto pilot may have been off course unknown to the deckhand.

No allowance was made for Variation or Deviation (Variation 11oB).

The Skipper of the Bongaree acted with the casualness of a person in familiar waters. He failed however to realise that Konstantin Paustovskiy on his last sighting of her was manoeuvring to disembark her pilot and would be setting a northeasterly or easterly course on completion of the manoeuvre.

It is difficult to reconstruct the track of BONGAREE after leaving Mooloolaba.

Both Prange and Koina stated that a course of 080 was set on the auto pilot when 1½ to 2 miles clear of the harbour. Allowing for variation, this should have given a course of 091°T which would have taken the BONGAREE to the 65 fathoms contour about 21 miles northward of Cape Moreton and 23 miles from Point Cartwright.

On the other hand, a course of 075 (true) would have taken BONGAREE to the 65 fathom contour 25 miles distance from Point Cartwright and 29 miles northwards of Cape Moreton.

The evidence does not establish clearly what true course BONGAREE intended but in fact she made good a mean course of 075°T between the harbour entrance and the collision position.

If BONGAREE did not have Cape Moreton on radar on leaving harbour, a course of 075° would have kept her out of radar range of Cape Moreton. As both Koina and Prange stated that they wished to raise Cape Moreton on radar, it is possible that the intended course was to the southward of 075°.

Prange said that at 1240 (the time was probably about 1235), he saw two ships to the southward. One was under way on a northerly course and he saw its starboard side. He described the ship as “abaft the beam”. From this statement it appears that BONGAREE was probably on an easterly course at this time. Had she been on a more northerly heading, say 075°T, KONSTANTIN PAUSTOVSKIY would have been well on BONGAREE’s starboard quarter.

BONGAREE may have maintained a true course of about 075°T from the harbour entrance to the collision position. On the other hand, she may have initially set a course on the auto pilot of about 090°T but, due to deviation, caused by the TV and/or a malfunction of the auto pilot, wandered to a 043° course at about 1237. If this occurred, and if the interference/malfunction stopped at 1255, the BONGAREE could have resumed her course of about 090°T. The evidence of KONSTANTIN PAUSTOVSKIY supports this contention, and the evidence of BONGAREE does not disprove it.

## CONCLUSION

- 1 The evidence given by both parties does not agree in many aspects.
  - (i) The evidence of the KONSTANTIN PAUSTOVSKIY indicates that the BONGAREE rounded Point Cartwright, headed on a course of about 100°T, altered course to 043°T at approximately 1236 and altered course again at 1256 to 090-100° and speeded up.
  - (ii) The evidence of the BONGAREE indicates that the vessel left Mooloolaba headed in an easterly direction, did not alter course, did not alter speed did not keep a lookout astern and was unaware of anything until the collision occurred.
- 2 The BONGAREE did nothing to try to avert the collision due to the crew not knowing anything was amiss
- 3 The KONSTANTIN PAUSTOVSKIY did nothing to avoid the collision until the alleged alteration of course by the BONGAREE across the bows.
- 4 Following the collision the actions of the KONSTANTIN PAUSTOVSKIY are consistent with good seamanlike practice.
- 5 Applicability of Collision Regulations
  - (a) Mr Prange, the deckhand on the BONGAREE, failed to maintain a proper lookout. Rule 5
  - (b) Mr Yergeny Glukharey, the 2<sup>nd</sup> mate on the KONSTANTIN PAUSTOVSKIY failed to keep out of the way of the vessel being overtaken. Rule 13
  - (c) Mr Glukharev did not take early and substantial action to keep well clear. Rule 16
  - (d) Both vessels failed to take account of Rule 2(a).
  - (e) BONGAREE may have failed to keep her course and speed. Rule 17
- 6 The alleged increase in speed when the BONGAREE is said by the KONSTANTIN PAUSTOVSKIY to have altered to starboard is considered of no consequence and the appearance of an increase in speed may have been due to the close proximity of the vessels and a course alteration.
- 7 It is considered that the events as described by the KONSTANTIN PAUSTOVSKIY up until the alleged alteration of course of the BONGAREE at 1256 did not require the presence of the Master on the Bridge. When the Master was called there was nothing he could do at that stage to avert the collision.

- 8 The Masters instructions to the OOW were, whenever in doubt he is to be called immediately. The 2<sup>nd</sup> officer clearly did not have any doubt until minutes before the collision when it was impossible for the Master to rectify the situation.
- 9 The failure of the deckhand of the BONGAREE were due to a man performing a task for which he did not have sufficient personal skill.