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OUTLINE OF INCIDENT

At or about 1625 E.S.T. 25 March 1987, the Panamanian registered vessel GREAT BRISBANE of 6020 gross tons, on passage from Sasebo, Japan, to Thevenard, South Australia, via Brisbane, and the Australian registered fishing vessel NAOMI MARU of 41 gross tons bound from local fishing grounds to Eden, New South Wales, were in collision.

The collision occurred off Green Cape, New South Wales, approximate position 37°25'S, 150°09'E.

GREAT BRISBANE suffered minor indentation to the hull, paintwork was scraped and there was minor damage to the accommodation ladder platform.

NAOMI MARU was holed in way of the stem, with damage extending into the deck about 1½ metres, the bulwark on the port side being damaged for about 2-3 metres with the capping on the starboard bulwark damaged for about 2 metres. Some ingress of water occurred due primarily to forcing weather when underway. Mast stays were broken which temporarily displaced the mast.

The Master of GREAT BRISBANE was unable to establish proper VHF contact with NAOMI MARU and resumed passage when believing NAOMI MARU was proceeding normally for port.

NAOMI MARU returned to Eden.

AUTHORITY TO CONDUCT INVESTIGATION

On 26 March 1987 Captain David Carlton, an officer of the Federal Department of Transport was appointed under section 377A of the Navigation Act 1912 to undertake a Preliminary Investigation into the circumstances of the collision between the ship GREAT BRISBANE and the fishing vessel NAOMI MARU in the vicinity of Lat. 37° 16'S, long 150° 20'E on 25 March 1987, and why the GREAT BRISBANE failed to stop and render assistance.

\* (See Note)

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N.B. The position of the collision given in the Authority to Conduct Investigation was, that received in early reports of the incident and consequently differs from that ultimately concluded

PERSONS INTERVIEWED

EXPERIENCE OF RELEVANT PERSONS

Hui-Chun Sun, Master, -      Holder of Certificate of Competency as Master  
GREAT BRISBANE                      (Ocean Going) over 1600 GRT - Panama

34 years sea-going experience

14 years as Master

Age 49

Yen-Pin Ling, Chief Officer  
GREAT BRISBANE

Holder of Certificate of Competency as Chief Mate  
over 1600 GRT - Panama (also Taiwan)

17 years sea-going experience

6 years as Chief Mate

Age 43

Stephen Warren, Skipper -  
NAOMI MARU

Holder of Master Class V, Maritime Service Board  
- N.S.W.

8 years fishing experience

2½ years as Skipper

Age 22

Also:-

Mr. Tian-Wow Shev	First Engineer	GREAT BRISBANE
Mr. Frank Vella	Deck Hand	NAOMI MARU
Mr. John McRory	Deck Hand	NAOMI MARU
Mr. Leslie Warren	Skipper	NAOMI B

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BASIS OF INVESTIGATION

GREAT BRISBANE was inspected on 28 March 1987 at Thevenard before and while loading gypsum. NAOMI MARU was inspected on 2 April 1987, at Eden, awaiting repairs.

The following report is based on information gained from formal interviews, statements, log book entries, other documentary records and telephone conversations.

A base time has been adopted for the purposes of the report and is, unless otherwise stated, the time as given for GREAT BRISBANE with times given in respect of NAOMI MARU adjusted accordingly. All times quoted are in Eastern Standard Time.

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DETAILS OF VESSELS

a) GREAT BRISBANE

Official Number	:	M3LS
Port of Registry/Home Port	:	Panama
Nationality	:	Panamanian
Owners	:	Orchid Shipping S.A.
Agents	:	R. Phin Shipping (Ceduna)
Builders	:	Hashihama Shipbuilding Co.
Date of Build	:	1977
Ship type	:	General Cargo
Engine	:	6 cyl. Kobe Hatsudoki
Power	:	4413 kw
Gross Tonnage	:	6020
Net Tonnage	:	4172
Summer Deadweight	:	10119 tonnes
Length	:	120.92 metres
Breadth	:	18.34 metres
Depth	:	10.05 metres
Summer Draught	:	7.761 metres

CERTIFICATES

Loadline Certificate	:	Issued 15 May 1986 by NKK - expires 22 March 1991
Safety Construction Certificate	:	Issued 15 May 1986 by NKK - expires 22 March 1991
Safety Equipment Certificate	:	Issued 1 December 1986 by NKK - expires 22 March 1988
Safety Radiotelegraphy Certificate	:	Issued 11 March 1987 by NKK - expires 10 August 1987

DETAILS OF VESSELS (CONTINUED)

b) NAOMI MARU

Official Number	:	317266
Home Port	:	Melbourne
Nationality	:	Australian
Owners	:	Leslie and Denise Warren
Place of Construction	:	Birkenhead S. Australia
Date of Build	:	1948
Ship Type	:	Fishing Vessel
Engine	:	6 cyl. Gardner
Power	:	135 BHP
Gross Tonnage	:	41.87 tons
Net Tonnage	:	29.83 tons
Length	:	15.88 metres
Breadth	:	4.94 metres
Depth	:	2.74 metres
Certificate	:	Vessel surveyed 11 November 1986 as 'VALDA S' in Tasmania. Issue of Certificate of Survey pending rectification of deficiencies and notification of change of ownership (25 November 1986). As of 27 May 1987 no certificate had been issued. Previous survey certificate expired 4 November 1986.

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SEQUENCE OF EVENTS

GREAT BRISBANE was bound from Sasebo, Japan, to Thevenard, South Australia, for a part cargo of gypsum, calling at Brisbane for bunkers.

Bunkering was undertaken on 23 March 1987 and the vessel resumed the voyage to Thevenard having departed Brisbane with a maximum draught of 4.80 metres. Reports of the vessel's progress were routinely forwarded to Sea Safety Canberra under the AUSREP scheme.

NAOMI MARU, in the company of NAOMI B, sailed from Eden at approximately 0130 on the morning of 25 March bound for the fishing grounds east of the continental shelf off Eden. Lines were set and the vessels drifted to the south over the period of the morning and became separated. By about 1500 the lines were hauled and NAOMI MARU was set on a course of WNW by magnetic compass (C) for Green Cape at an estimated speed of 8 knots. The vessel was placed in automatic steering and the Skipper stated that, at that time, outriggers were brought into use for the rigging of trolling lines - one from each outrigger - one from aft - for the homeward run and that a fishing shape was left rigged.

At noon, 25 March, GREAT BRISBANE recorded and reported the ship's position as 36°27's 150°43 E, course 204°(T), speed 14 knots. Weather was good with a south-easterly breeze force 3, and a moderate swell. Visibility was good. The Second Officer, Kuang-Liang Ai, was in charge of the 12-4 navigation watch, and he maintained this course throughout while speed picked up due to the effects of a southerly set. The vessel was in hand steering, being the Master's stated practice on coastal passages, and the radar was operating.

At some stage shortly before 1600 a small fishing boat was observed off the port bow of GREAT BRISBANE crossing from port to starboard. The wind had shifted to northeast force 4 while swell had declined and visibility remained good. At 1600 the Second Officer handed over the navigating watch to Chief Officer, Yen-Ping Lin, and alerted him to the presence and apparent actions of the small vessel on the port bow. Course remained 204°T

The Skipper of NAOMI MARU stated that, at 1600, two hands were below in the fore-castle galley when he noticed an ocean-going vessel to the north of his position, at a distance he estimated as 5 - 6 miles, on what he felt to be a

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southerly course which would take the vessel clear astern of NAOMI MARU. No further observations of this vessel were made by him and NAOMI MARU remained in automatic steering on a course of WNW(C) until an estimated 10 seconds before the collision, speed continuing at the stated 8 knots up to this time. He stated that on no occasion did he hear any sound signal from any other vessel.

The Chief Officer of GREAT BRISBANE stated that, at 1600, he began observing the small vessel to port through binoculars. He estimated the relative position of the small vessel to be approximately 5° on the port bow at a distance of 2 miles. His estimated heading for the vessel was 325°(T). He further stated he observed no fishing shape. No compass bearings were taken of the vessel either at 1600, or later, to monitor risk of collision. He made no reference to any use of radar to determine collision risk. The Chief Officer stated that at, or about, 1611 he gave one short blast on the ship's whistle and ordered 20° starboard rudder to bring the vessel on to a more westerly course due to the perceived collision risk. The noise of the whistle alerted the Master of GREAT BRISBANE, Hui-Chun Sun, who proceeded directly to the bridge and took charge of the navigation. The new course was stated to be 250°(T) and the Master's estimate of the small vessel's distance about 1 mile. He continued to observe with binoculars but stated he failed to see anyone on board. As the vessel continued to close, the engine was ordered on Standby at about 1622.

The Master stated that, at 1622, the wheel of GREAT BRISBANE was placed hard to port in an attempt to throw the stern clear of the small vessel.

NAOMI MARU collided with GREAT BRISBANE under the port quarter of the latter. GREAT BRISBANE recorded the time of collision as 1625. NAOMI MARU estimated the time as 'about' 1620. GREAT BRISBANE suffered minor indentation to shell plating and scratched paintwork. NAOMI MARU had bow damage allowing ingress of water and mast stays were broken, displacing the mast.

The Master of GREAT BRISBANE stated that he stopped the engine at 1625 and continued to turn to port observing the small vessel where three figures were seen to emerge onto the deck. Direct V.H.F. contact on Channel 16 was attempted but was unsuccessful. Although bow damage to the small vessel was observed it did not seem to stop its engine and appeared to be heading for the shore.

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On NAOMI MARU, deck hands Frank Vella and John McRory had come up from below and, over the ensuing few minutes, a large degree of confusion existed. The engine was not stopped but stated by the Skipper to have been brought back to idle. No V.H.F. was fitted to NAOMI MARU and other fishing vessels were raised using marine CB radio. The crew stated no-one was observable on the bridge of the ocean-going vessel. No-one used the whistle, or pyrotechnics, nor were any other means used to attract the attention of the ocean-going vessel. Damage was assessed and the mast re-secured. Attempts to establish firm and continuing contact with the ocean-going vessel through a third party, Leslie Warren, Skipper of NAOMI B, on VHF were unsuccessful. It was felt that the vessel was not intending to stop or communicate properly and in consultation with NAOMI B, between 1630 and 1640, it was decided to attempt a return to Eden unassisted. The Skipper maintained that the ocean going vessel must have altered course after his observation at 1600.

The Master and Chief Officer of GREAT BRISBANE stated they continued observing the small vessel which they thought was still proceeding unhindered for the shore at full speed and, since no clear contact by VHF had been established and no other signal given, they considered the small vessel was experiencing no serious difficulties. The engine was rung Full Away at 1635 and the passage was resumed.

The fishing vessel LOCHIEL, which was known to be operating some miles further to the south, was contacted by the Skipper of NAOMI MARU on marine CB radio and requested to intercept the ocean-going vessel for purposes of identification. No attempt was made to contact the vessel by LOCHIEL on V.H.F. and identification was visual, when the scrape towards the stern of GREAT BRISBANE was noted.

NAOMI MARU proceeded back to Eden using pumps to remove the ingress of water through the holed bow section and was securely berthed by the evening of 25 March.

## OBSERVATIONS

NB            In these observations, as with the subsequent conclusions, the Rules referred to are the International Regulations for Preventing Collisions at Sea, 1972.

## GENERAL

The collision occurred between two power-driven vessels underway in a crossing situation. If, as was stated, NAOMI MARU, was displaying a fishing shape, it was improper to do so and in direct contravention of Rule 26(e) as trolling is specifically excluded from being termed 'fishing' within the meaning of the Rules. This fact did not seem to be understood by the skipper of NAOMI MARU and demonstrated a lack of understanding of the Rules.

NAOMI MARU did not have log books, movement books, charts nor other records of the progress of the vessel or how its navigation was conducted. GREAT BRISBANE did have such records. It would appear, however, that times after 1600 until Full Away were recorded after the collision and were based on recollections of events.

## BEFORE THE COLLISION

Inconsistencies are apparent in the estimates of the Chief Officer of GREAT BRISBANE with regard to the course, distance and relative bearing of NAOMI MARU at 1600 when such estimates should have placed NAOMI MARU across the bow, past and clear, by 1611. He conceded that judgement was 'by eye' and no compass bearings were taken in spite of the fact bridge wing gyro repeaters were convenient. Radar was also available for use.

The Chief Officer gave no clear reasons for his actions which he timed as 1611. Action taken under Rule 18(a)(iii), to avoid a fishing vessel engaged in fishing, would be incompatible with his assertion that no fishing shape was seen by him. Alternatively, there is an inconsistency in respect of the stated 14 minute time lapse up to collision if action was being taken under Rule 17(a)(ii) and NAOMI MARU, as a fishing vessel not engaged in fishing, was perceived to represent a collision risk and did not appear to be taking appropriate action under the Rules. If doubt existed concerning NAOMI MARU's intentions, in the latter instance, an obligation existed under Rule 34(d) for

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GREAT BRISBANE to indicate such doubt by giving five or more short and rapid blasts on the whistle. This was not done.

The Chief Officer's recollections of events and actions aboard GREAT BRISBANE are not consistent. He maintained that NAOMI MARU was on his port side at the time he altered course and that he altered to 250°(T). The relative courses and speeds of the two vessels preclude these stated conditions both being met yet the vessels still collide. Reconstructions can be examined using both the given courses and speeds and more general approximations. These indicate that, if it is accepted NAOMI MARU was on the port side of GREAT BRISBANE before the alteration of course then, whatever time the alteration took place, the collision would not have occurred had there been a positive alteration to 250°(T) on GREAT BRISBANE. The collision can then best be explained by there being a series of smaller alterations on GREAT BRISBANE culminating in 250'(T) or by a lesser alteration taking place.

It is conceded by the Skipper of NAOMI MARU that no observations of GREAT BRISBANE were made after 1600 and the ship remained unseen until about 10 seconds before impact. He assessed, at 1600, that GREAT BRISBANE would pass astern of him and it appears there was failure to monitor whether circumstances had changed for any reason and thus no proper lookout was kept, as required by Rule 5. He remained unaware of the developing collision risk and his obligations under Rules 15 and 16 to keep clear. The fact that his assessment had been correct at 1600, were GREAT BRISBANE to maintain its course and speed, is largely fortuitous due to it being based on scanty information, in contravention of Rule 7, and totally ignoring the possibility of changing circumstances. His course and speed were maintained throughout. The Master and Chief Officer of GREAT BRISBANE contend no-one could be seen on NAOMI MARU before collision.

It is stated that no whistle signal was heard on NAOMI MARU. If the Chief Officer of GREAT BRISBANE did, as claimed, signal at 1611 - since collision did not occur for a further 14 minutes - then the vessels would have been 3 or more nautical miles apart at the time. Typical audibility range of ships whistles does not normally exceed 2 miles and the slight north-east breeze would have only a marginal effect.

#### THE COLLISION

NAOMI MARU, in comparative terms, a small manoeuvrable vessel, struck the GREAT BRISBANE under the latter's port quarter after about three-quarters of that vessel's length had crossed the bow. GREAT BRISBANE would have occupied the entire forward view from NAOMI MARU at this time.

The name and port of registry of GREAT BRISBANE was prominently displayed on a 4 x 1½ metre section of the port quarter within 15 metres of the point of impact yet the skipper of NAOMI MARU failed to identify GREAT BRISBANE at this time, identification not being made until the interception undertaken by LOCHIEL.

Both vessels position the collision differently. GREAT BRISBANE indicated, by chart, that the incident occurred 152<sup>3</sup> (T) x 10.5' from Green Cape, this generally concurring with the evidence of the vessel's progress as shown by that chart, before and after the event, and is taken as being more accurate than that given by NAOMI MARU. The Skipper of NAOMI MARU positioned his vessel as ESE(C) of Green Cape in 71 fathoms (126<sup>3</sup>(T), 71 fathoms) but offers no supportive information. His positioning was based on his assertion that he was steering WNW(C) directly for Green Cape and that his echo sounder indicated 71 fathoms. This appears to be the course set after long-lines were hauled an hour or so earlier, indicating no account being taken of any southerly set. There is no indication course was adjusted prior to collision and, effectively, set would lend itself to explaining the disparity.

#### AFTER THE COLLISION

The skipper of NAOMI MARU stated that the engine was cut back to idle, while the other two crew members were uncertain about the status of the engine.

The Skipper and crew of NAOMI MARU claimed they could see no-one on the bridge of GREAT BRISBANE after the collision and inferred that the bridge may have been unattended for some time prior to the collision. This inference is inconsistent with the Skipper's other claim that GREAT BRISBANE must have altered course after 1600 - a fact not in dispute. In addition, both the Master and Chief Officer of GREAT BRISBANE described the act of three men appearing on the deck of NAOMI MARU. This is consistent with the number of crew aboard the vessel.

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The crew of NAOMI MARU claim that GREAT BRISBANE made no attempt to stop. The Master and Chief Officer of GREAT BRISBANE state that the engine was stopped at 1625 and Full Away rung at 1635, while no other engine movement is indicated. The engine room log of GREAT BRISBANE shows a lower revolution count for the P.M. 4-8 watch of 25 March which is consistent with the engine having been slowed or stopped for some period. It does not appear consistent with a stop of 10 minutes as revolutions were only 500 less than the mean revolutions of the two adjacent watches and typical revolutions per minute would be 160-165.

No agreement exists on how VHF communication was conducted. Considerable confusion, apparently heightened by feelings of crisis, seems to have dictated events. Leslie Warren, Skipper of NAOMI B, felt he had received an abusive response upon his making contact with GREAT BRISBANE whilst relaying messages on behalf of his son on NAOMI MARU. The Master of GREAT BRISBANE confessed to a personal state of anxiety following the incident and, not realising NAOMI MARU had no V.H.F. he was mistaken in his belief he was talking to someone aboard NAOMI MARU. The Master of GREAT BRISBANE cited broken reception as the reason for ceasing active use of the V.H.F. and just maintaining a listening watch.

There was no consensus on NAOMI MARU as to the time scale of events after collision, up to attempting the return to Eden. Variation of estimate by the three crew was from no delay to 15 minutes delay. This would place the time of proceeding for Eden between 1625 and 1640. The Chief Officer and Master of GREAT BRISBANE stated that NAOMI MARU continued to proceed for the shore and, at 1635, Full Away was given on the engine and passage resumed.

CONCLUSIONS

I find that:

1. If both vessels had maintained course and speed collision could not have occurred.
2. The Chief Officer of GREAT BRISBANE contributed to the collision in that:
  - a) He did not comply with Rule 7 as he:
    - (i) failed to use all available means to determine risk of collision:
    - (ii) failed to make proper use of radar equipment; and
    - (iii) made assumptions on the basis on scanty information.
  - b) He failed to maintain course and speed, in contravention of Rule 17(a)(i).
  - c1 Having elected to take action , he failed to comply with Rule 8 as the action taken:
    - (i) was not positive;
    - (ii) was not large and readily apparent, or was a series of small alterations; and
    - (iii) did not result in passing at a safe distance.

The Chief Officer stated he saw no fishing shape on NAOMI MARU so had no reason to consider it was engaged in fishing, or to act as if it was. When course and speed should have been maintained an unnecessary and inappropriate alteration was made which created a collision risk where none had previously existed.

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3. The Master of GREAT BRISBANE, after action had been initiated by the Chief Officer, also contributed to the collision in that:

- a) He made assumptions on the basis of scanty information, in contravention of Rule 7 (c).
- b) He failed to comply with Rule 8 as he:
  - (i) did not take positive action;
  - (ii) did not slacken speed or take the way off the vessel, to avoid collision or allow more time to assess the situation.

4. The Skipper of NAOMI MARU contributed to the collision in that:

- a) He failed to maintain a proper lookout, in contravention of Rule 5.
- b) He also made assumptions on the basis of scanty information, in contravention of Rule 7(c).
- c) When GREAT BRISBANE became a crossing vessel he did not comply with Rule 15 and failed to keep out of the way for a vessel on his own starboard side.
- d) He did not comply with Rule 16 through failing to take early and substantial action to keep well clear.

Although his 1600 assessment, that GREAT BRISBANE would pass clear, appears correct, there was failure to monitor the situation and act appropriately when it changed.

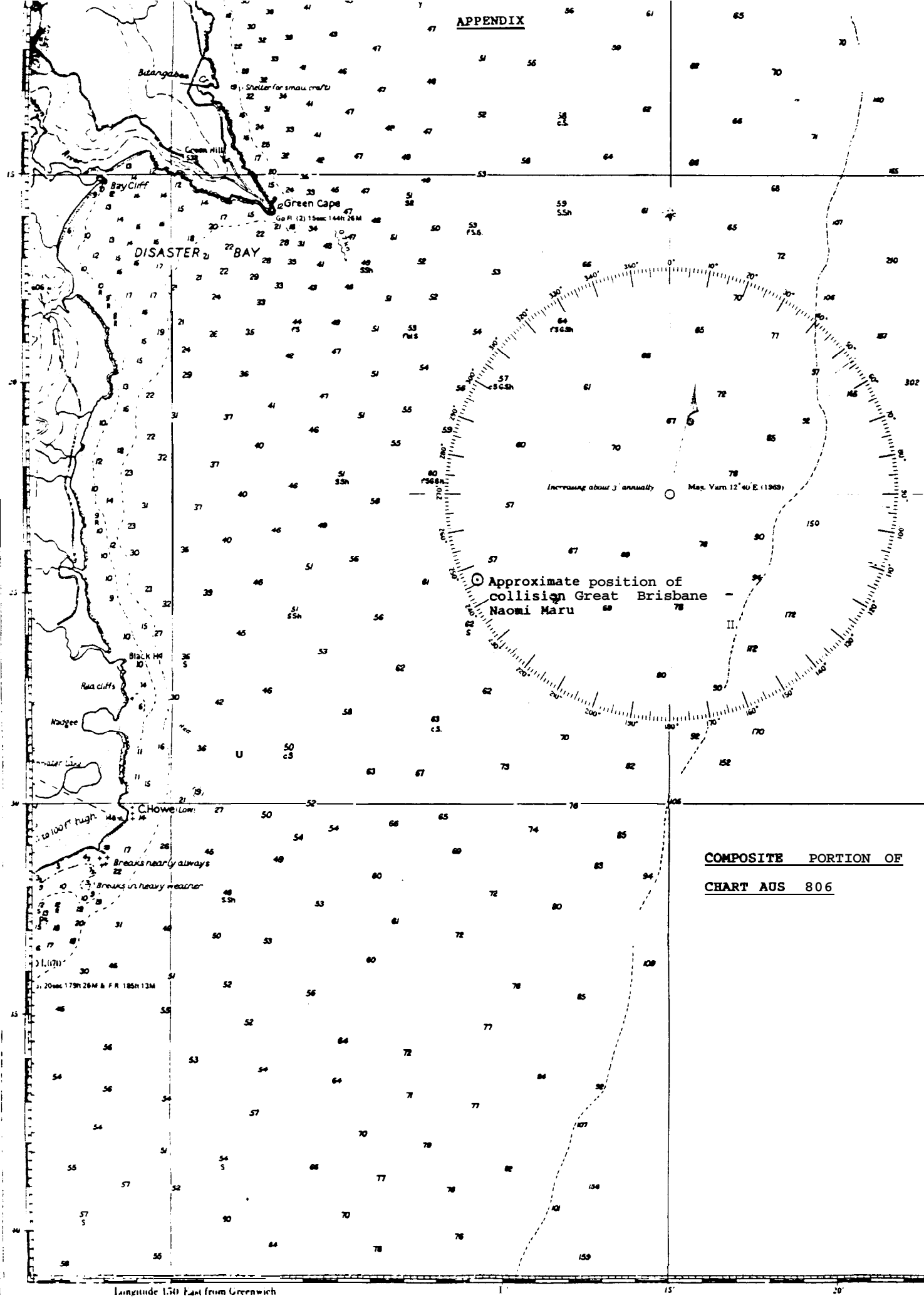
5. The stated display of a fishing shape by the Skipper of NAOMI MARU when not engaged in fishing concedes a contravention of Rule 26(e) but, whether it was displayed or not, as it was not seen by the Chief Officer of GREAT BRISBANE, it was unable to influence his actions and did not contribute directly to the collision.



6. By virtue of the 1958 Geneva Convention on the Law of the Sea, the Master of GREAT BRISBANE and Skipper of NAOMI MARU had equal obligations to render assistance to the other vessel, after a collision and, where possible, to inform the other ship of the name of his own ship, her port of registry, and the nearest port at which she would call.

Neither the Master of GREAT BRISBANE nor the Skipper of NAOMI MARU fully stopped their vessels in order to communicate effectively when contact by radio was unsuccessful. They subsequently failed to exchange names or other relevant information. No attempt was made by either party to assist the other although subsequent events suggest that no assistance was required.

# APPENDIX



COMPOSITE PORTION OF  
CHART AUS 806