

CYCA 2015-2016 BLUE WATER POINTSCORE

Protest No: 1

Flinders Islet Race

Race No: 2

Race Committee v Black Sheep 33345

Hearing at the Cruising Yacht Club of Australia on the 24 September 2015.

Protest Committee: Steve Hatch, Lister Hughes and Karl Garavan

Abbreviations

Black Sheep (BS)

Grasmere Maersk (GM)

Port Botany Harbour Control (PBHC)

FACTS FOUND

1. The CYCA received a report from Peter Brennan, Duty Vessel Traffic Services Manager, Port Botany, Port Authority of NSW re an incident involving a yacht competing in the CYCA Flinders Island Race and a close quarter situation with a ship.
2. BS was sailing from Flinders Island to Sydney Harbour passing Botany Bay sailing on a course of Approx 30 degrees in the dark
3. The Grasmere Maersk (GM) a 293m LOA x 33m Beam 62,000 tonne and 12m draft Container Ship (Fig 1) was leaving Botany Bay in the Traffic Separation Zone (TSZ) steering a course of Approx 130 degrees



Fig 1

4. BS was identified on the AIS and called on the radio (VHF16) by Port Botany Harbour Control (PBHC) at approx. 19.15 and alerted to the GM leaving Port Botany which she was not able to see at that time. By 19.20 BS would have had clear sight of GM.

5. BS continued to sail a course between 22 & 34 degrees and was always on a collision course with GM for the next 5 minutes after having sight of GM.
6. Due to the failure of BS to alter course away from a close quarter situation, PBHC called BS on the Radio again and ordered them to alter course immediately which BS did. The GM had already taken action to alter course to port and on the last reading available to the PC, GM was heading 107 degrees and alteration of over 20 degrees to the North away from its scheduled course to the South.
7. Under Colregs 7 there was for at least five minutes before BS altered course to pass astern of GM a risk of a collision existed between BS and GM on the course BS maintained during this time. In fact the AIS for nearly 5 mins (for which the PC has data available) had the intersection points of the course of BS & GM side by side and even over the top of each other.
8. At 19.26.21 the distance between the AIS transponders on BS and GM was 165mtrs putting the distance between GM and BS at less than 150mtrs

RULES APPLICABLE CYCA SI 16.2, RRS Preamble to Part 2

International Regulations for Preventing Collisions at Sea, 1972 (Colregs) 7, 8, 10 (Below excerpts have been edited to remove non applicable section)

RULE 7 Risk of Collision

- (a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.
- (d) In determining if risk of collision exists the following considerations shall be among those taken into account:
 - (i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

RULE 8 Action to Avoid Collision

- (a) Any action taken to avoid collision shall be taken in accordance with the Rules of this Part and shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.
- (b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.
- (c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.
- (d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.
- (e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.
- (f)

- (i) A vessel which, by any of these rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.
- (ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the rules of this part.

RULE 10 Traffic Separation Schemes

- (a) This Rule applies to traffic separation schemes adopted by the Organization and does not relieve any vessel of her obligation under any other rule.
- (c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of traffic flow.
- (f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.
- (h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.
- (j) A vessel of less than 20 meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

CONCLUSIONS

1. BS failed under Colreg 8 to alter course or speed or both at such a time and to such a degree and with due regard to the observance of good seamanship as to make it readily apparent to the GM and PBHC that BS was going to avoid a collision.
2. BS impeded the safe passage of power driven vessel (GM) that was following the TSZ and forced GM to alter course to Port by over 20 degrees
3. BS had a number of options available to it to avoid a close quarter situation with GM but took none of them. BS could have complied with the first part of Colreg 10 (c) by avoiding a crossing of the TSZ.

DECISION Black Sheep is DSQ from the Flinders Island Race

The PC in the interest of compliance with the CYCA's obligations under its Aquatic Licence, Maritime Regulations and the International Regulations for Preventing Collisions at Sea, 1972, requests the CYCA Sailing Office to distribute these findings to at least all participants in the BWPS.

THE PROTEST COMMITTEE

Steven Hatch ISAF IJ & IU, Lister Hughes ISAF IJ, Karl Garavan