

Response to the Office of the State Coroner of New South Wales

Report into two Boating Incidents Narooma, 12 March 2003 Narooma, 12 April 2003

Coroner	Coroner, D. Heilpern
Date of findings	11 April 2005
Inquest location	Batemans Bay
Recommendation(s)	The two incidents were examined together and reported on by the Office of the Coroner, although two sets of recommendations were made. The Coroner made five and eight recommendations respectively to NSW Maritime.
Status of recommendations	Closed.
Background	<p>Incident 1</p> <p>On the afternoon of 12 March 2003 four men approached the entrance to Narooma Bar in a small open runabout after an afternoon fishing. The vessel was broached by a large wave and all the occupants were thrown into the water. Three occupants were almost immediately rescued but the fourth person was found deceased floating in the water nearby.</p> <p>Incident 2</p> <p>During the afternoon of 12 April 2003 a charter boat was returning from a fishing trip when the master stopped to observe the conditions on the bar. The vessel was picked up by a wave, broached and then carried onto the south break wall. All but one person on-board the vessel was rescued.</p>

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No.	Coroner's recommendation	NSW Maritime's response ¹
1.	<p>Given the history of fatalities at this bar, and that it is the most dangerous in New South Wales, Narooma Bar ought to be give a special category by Maritime NSW for all operators. That special category may be titled "extreme navigation hazard" and ought require</p> <ul style="list-style-type: none"> ▪ log in and log out with the coastal patrol ▪ prior to entry to the bar, access wave-rider information, either directly or via coastal patrol (See below) 	<p>The proposal to elevate the requirements for crossing Narooma Bar above those for other NSW coastal bars is not supported. Depending on the conditions, each bar can be equally as dangerous and it is not appropriate to suggest any of these bars are any less dangerous than another. The provision of comprehensive education on the dangers associated with crossing coastal bars, the network of webcam live video feeds through NSW Maritime's website and the requirement for all persons to wear lifejackets when crossing coastal bars, except commercial fisherman, are considered appropriate ways to improve safety associated with crossing coastal bars.</p> <p>NSW Maritime strongly recommends all vessels log in with the volunteer marine rescue agencies when heading to sea. Recreational vessels not travelling more than 2 nautical miles from to sea are not required to carry a marine radio, and introducing a requirement for all vessels to log in is not supported.</p> <p>This recommendation is considered closed.</p>
2.	<p>A wave rider buoy and wind indicator be fixed by Maritime NSW as close as practical to the Bar entrance and the data received by the Narooma Coastal patrol so that they can give accurate readings to incoming and outgoing vessels as to wave height and wind speed.</p>	<p>Vessel operators can access information from a number of sources that can help them make informed decisions about whether or not to attempt a bar crossing. These include:</p> <ul style="list-style-type: none"> • webcam images available from NSW Maritime's website, • weather information from NSW Maritime, the Bureau of Meteorology and local radio, and • current bar condition reports from volunteer marine rescue organisations.

¹ The response should be considered in conjunction with the published regulations, policies and safety initiatives outlined on the NSW Maritime website and in published materials.

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3.	<p>A video camera (similar to surf-cam or snow-cam) be positioned at the bar by NSW Maritime so as to give real time internet access to vessels either returning or departing. Over a set lead in time (say three years) commercial vessels should have access to the internet from their vessels.</p>	<p>Most importantly, NSW Maritime strongly recommends all masters observe the bar condition for a prolonged period, at least 20 minutes, prior to attempting a crossing, with the ultimate advice "if in doubt, don't go out". The final decision to attempt a crossing, and the determination about the safest time to do so, can only be made by visual assessment of the bar by the boater at the time the crossing is attempted.</p> <p>Wave rider buoys are not suitable for locating in shallow water immediately adjacent to bars. Locating one or more buoys further way, in deeper water would not give an accurate indication of bar behaviour which is heavily influenced by a range of factors other than wave and swell height. Factors such as tide, sand drift, wind direction and speed, swell direction versus wave direction, reflected wave energy from breakwaters, and rogue waves formed from a combination of unpredictable factors, and can all contribute to the single destructive wave that can cause a disaster. Wind indicators would not provide data capable of accurately forecasting bar conditions.</p> <p>This recommendation is considered closed.</p> <p>NSW Maritime provides webcam vision of 15 coastal locations such as bar crossings. These cameras and the associated forecasts provide people with valuable information to consider when trip planning. Live vision is now available online for the following locations:</p> <ul style="list-style-type: none"> • North Coast <ul style="list-style-type: none"> - Ballina - Brunswick Heads - Coffs Harbour - Iluka/Yamba - Port Macquarie

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		<ul style="list-style-type: none"> - South West Rocks - Tweed Heads • Hunter <ul style="list-style-type: none"> - Shoal Bay, Port Stephens - Swansea - Nobbys Beach, Newcastle • South Coast <ul style="list-style-type: none"> - Narooma - Bermagui - Merimbula Bay - Moruya River - Sussex Inlet.
		<p>This recommendation is considered closed.</p>
4.	<p>Regulations be amended so that Maritime NSW and the New South Wales police have the power to direct that vessels are not to proceed to sea. Such regulations will need to be covered by liability limitations. "Bar Closed" signs will need to be created.</p>	<p>The Marine Safety Act provides NSW Maritime's Boating Safety Officers with safety direction giving powers should it be necessary to direct a vessel not to proceed to sea.</p> <p>The closing of ocean bars is not practical on a 24 hour, 365 day basis. The resources necessary to regularly monitor ocean bars to determine when it is appropriate to close, and then re-open them would not support boating safety. Most accidents occur when the bar could be safely crossed, and an open/closed regime would lead boaters to believe it is safe to cross open bars – when that is not always the case.</p>
		<p>Therefore, this recommendation was not implemented</p>
5.	<p>That the warning signage on the approach to the bar and at the boat ramps be upgraded in terms of size and information to ensure that recreational users are aware of the dangers of the bar, the numbers of</p>	<p>Depending on the conditions, each bar can be equally as dangerous and NSW Maritime does believe it is appropriate to suggest any bar is any less or more dangerous than another.</p>

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	fatalities, and that the bar is the most dangerous in New South Wales.	NSW Maritime supports a consistent approach to bar crossing warning signs across the State. The signage used indicates bars are dangerous, that operators need to navigate with care, and that the wearing of lifejackets whilst crossing the bar is compulsory. This recommendation is considered closed.

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1.	<p>Given the history of fatalities at this bar, and that it is the most dangerous in New South Wales, Narooma Bar ought to be given a special category by Maritime NSW for commercial operators. That special category may (for example) be titled "extreme navigation hazard" and ought require:</p>	<p>The proposal to elevate the requirements for crossing Narooma Bar above those for other NSW coastal bars is not supported. Depending on the conditions, each bar can be equally as dangerous and it is not appropriate to suggest any of these bars are any less dangerous than another. The provision of comprehensive education on the dangers associated with crossing coastal bars, the network of webcam live video feeds through NSW Maritime's website and the requirement for all persons to wear lifejackets when crossing coastal bars, except commercial fisherman, are considered appropriate ways to improve safety associated with crossing coastal bars.</p>
	<ul style="list-style-type: none"> ▪ a boat speed of at least 20 knots 	<p>NSW Maritime strongly recommends all vessels log in with the volunteer marine rescue agencies when heading to sea. Recreational vessels not travelling more than 2 nautical miles from to sea are not required to carry a marine radio, and introducing a requirement for all vessels to log in is not supported.</p>
	<ul style="list-style-type: none"> ▪ additional training for commercial skippers who seek to operate in the Narooma Bar, including emergency plans, weather and wave assessment, "on shore" and "off shore" definitions, survey limitations and bar crossing 	<p>The introduction of a minimum boat speed of at least 20 knots for commercial vessels crossing Narooma Bar is not supported. Boat speed is only one factor in safely crossing ocean bars. It is the responsibility of commercial skippers to know the limits of their vessels and to only proceed when it is safe to do so within those vessel limits.</p>
		<p>A consistent scheme for bar endorsements applies for all NSW coastal bars. Only commercial skippers who have a Bar Crossing Endorsement on their Certificate of Competency are entitled to operate commercial passenger carrying vessels across gazetted bars in NSW. The endorsement is only issued once the</p>

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	techniques	<p>skipper has demonstrated they have completed a minimum of 10 bar crossings in a varying weather and tide conditions.</p> <p>All commercial operators undertake competency based training as part of the certification process. This training encompasses all necessary aspects of good seamanship, and includes the need to regularly review weather conditions, how to plan a voyage and radio communications.</p>
	<ul style="list-style-type: none"> ▪ keeping of weather log for skippers to record forecasts at two hourly intervals, to ensure that skippers are kept abreast of weather developments 	<p>All skippers are required to take the steps necessary to ensure safe navigation. This includes keeping abreast of weather forecasts and sea conditions.</p>
	<ul style="list-style-type: none"> ▪ that there must be at least one crew of coxswain level in addition to the skipper to assist as lookout at bar crossing 	<p>The specific recommendation is not supported, however, the National Standard for Commercial Vessels places obligations on all commercial vessels in relation to Safety Management Systems and the identification and mitigation of risk. One component of risk mitigation is the identification by the vessel's owner and operator of the adequate crew numbers required for the operation of the vessel, including when crossing ocean bars. In order to assist vessel owners and operators to meet their obligations NSW Maritime has developed guidelines for each type of commercial vessels.</p>
	<ul style="list-style-type: none"> ▪ a log in and log out with the coastal patrol 	<p>NSW Maritime strongly recommends all vessels log in with the volunteer marine rescue agencies when heading to sea. Introducing a mandatory requirement to log in is not supported.</p>
	<ul style="list-style-type: none"> ▪ prior to entry to the bar, access wave-rider information, either directly or via coastal patrol (See below) 	<p>This recommendation is not supported (see below).</p>
		<p>This recommendation is considered closed.</p>

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2.	<p>Maritime NSW review its “self regulation” approach with respect to commercial operators on the Narooma Bar and increase resources to ensure that all conditions are strictly complied with.</p>	<p>NSW Maritime supports a consistent scheme for commercial bar crossing endorsements for all gazetted coastal bars in NSW. Each bar can be equally dangerous at different times and conditions. The current scheme requires bar endorsements to cross coastal bars. Webcam service and education on the danger associated with crossing coastal bars are provided. Compliance campaigns have not identified evidence there is non-compliance with bar crossing requirements.</p> <p>NSW Maritime does not support an increase in resources specifically in respect of bar crossings, but is supporting the establishment of a single volunteer marine rescue organisation, Marine Rescue NSW, to significantly improve volunteer services along the coast.</p> <p>This recommendation is considered closed.</p>
3.	<p>Any ambiguity as to whether “fit for purpose” includes “fit for crossing bars” in accordance with other conditions should be cleared up in the regulations. In particular, for a commercial vessel seeking to cross an “extreme navigation hazard” it must comply with the conditions above.</p>	<p>The NSW survey system is administered in line with the National Standard for Commercial Vessels. The system covers vessel construction, which includes ensuring the vessel complies with intact stability and damage stability standards, and vessel operational practices. All certificates of survey state operational requirements, including the conditions under which the vessel should not operate, such as excessive wind speed or swell height.</p> <p>The safety of commercial vessels crossing coastal bars with passengers on board is addressed in the Commercial Vessels (Permits) Regulation 1986 which places restrictions on operations over coastal bars in certain ports including the Narooma Bar. For example, vessels must operate in daylight hours and the master of the vessel must have experience in crossing the bar in question. A Bar</p>

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		<p>Crossing Endorsement is issued to masters for a specific ocean bar. The endorsement is only issued to those masters who have demonstrated a sufficient level of experience crossing the ocean bar in question.</p> <p>This recommendation is considered closed.</p>
<p>4. A wave rider buoy and wind indicator be fixed by Maritime NSW as close as practical to the Bar entrance and the data received by the Narooma Coastal Patrol so that they can give accurate readings to incoming and outgoing vessels as to wave height and wind speed.</p>		<p>Vessel operators can access information from a number of sources that can help them make informed decisions about whether or not to attempt a bar crossing. These include:</p> <ul style="list-style-type: none"> • webcam images available from NSW Maritime website, • weather information from NSW Maritime, the Bureau of Meteorology and local radio • current bar conditions as indicated by marine rescue organisations. <p>Wave rider buoys are not suitable for locating in shallow water immediately adjacent to bars. Locating one or more buoys further way, in deeper water would not give an accurate indication of bar behaviour which is heavily influenced by a range of factors other than wave and swell height. Factors such as tide, sand drift, wind direction and speed, swell direction versus wave direction, reflected wave energy from breakwaters, and rogue waves formed from a combination of unpredictable factors, and can all contribute to the single destructive wave that can cause a disaster. Wind indicators would not provide data capable of accurately forecasting bar conditions.</p> <p>This recommendation is considered closed.</p>
<p>5. The wave rider data and wind speed date can be correlated and cross-checked with coastal patrol records</p>		<p>This recommendation is not supported, wave rider data and wind speed would not substitute for careful monitoring and</p>

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	and vessel logs by Marine NSW on a regular basis to ensure that wind and wave conditions are not being breached.	<p>observation of bar conditions. The additional data could not provide accurate stop or go advice.</p> <p>This recommendation is considered closed.</p>
6.	A video camera (similar to surf-cam or snow-cam) be positioned at the bar by NSW Maritime so as to give real time internet access to vessels either returning or departing. Over a set lead in time (say three years) commercial vessels should have access to the internet form their vessels.	<p>NSW Maritime provides webcam vision of 15 coastal locations such as bar crossings. These cameras and the associated forecasts provide people with valuable information to consider when trip planning. Live vision is now available online for the following locations:</p> <ul style="list-style-type: none"> • North Coast <ul style="list-style-type: none"> ○ Ballina ○ Brunswick Heads ○ Coffs Harbour ○ Iluka/Yamba ○ Port Macquarie ○ South West Rocks ○ Tweed Heads • Hunter <ul style="list-style-type: none"> ○ Shoal Bay, Port Stephens ○ Swansea ○ Nobbys Beach, Newcastle • South Coast <ul style="list-style-type: none"> ○ Narooma ○ Bermagui ○ Merimbula Bay ○ Moruya River ○ Sussex Inlet. <p>This recommendation is considered closed.</p>
7.	Regulations be amended so that Maritime NSW and the New South Wales police have the power to direct	The Marine Safety Act provides NSW Maritime's Boating Safety Officers with safety direction giving powers should it be

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	<p>that vessels are not to proceed to sea. Such regulations will need to be covered by liability limitations. "Bar Closed" signs will need to be created.</p>	<p>necessary to direct a vessel not to proceed to sea.</p> <p>The closing of ocean bars is not practical on a 24 hour, 365 day basis. The resources necessary to regularly monitor ocean bars to determine when it is appropriate to close, and then re-open them would not support boating safety. Most accidents occur when the bar could be safely crossed, and an open/closed regime would lead boaters to believe it is safe to cross open bars – when that is not always the case.</p> <p>This recommendation is considered closed.</p>
8.	<p>Installation of emergency mooring buoys at Montague Island for when conditions make bar crossing dangerous."</p>	<p>NSW Maritime understands that the National Parks and Wildlife Service has installed two mooring buoys at Montague Island.</p> <p>This recommendation is considered closed.</p>