



Office of Transport Safety Investigations

FERRY SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

SINKING OF THE MV PORT VENTURE

CABARITA, PORT JACKSON

1 March 2015



THE OFFICE OF TRANSPORT SAFETY INVESTIGATIONS

The Office of Transport Safety Investigations (OTSI) is an independent NSW agency whose purpose is to improve transport safety through the investigation of accidents and incidents in the rail, bus and ferry industries. OTSI investigations are independent of regulatory, operator or other external entities.

Established on 1 January 2004 by the Transport Administration Act 1988, and confirmed by amending legislation as an independent statutory office on 1 July 2005, OTSI is responsible for determining the causes and contributing factors of accidents and to make recommendations for the implementation of remedial safety action to prevent recurrence. Importantly, however, OTSI does not confine itself to the consideration of just those matters that caused or contributed to a particular accident; it also seeks to identify any transport safety matters which, if left unaddressed, might contribute to other accidents.

OTSI's investigations are conducted under powers conferred by the *Transport Administration Act 1988* and the *Passenger Transport Act 1990*. OTSI investigators normally seek to obtain information cooperatively when conducting an accident investigation. However, where it is necessary to do so, OTSI investigators may exercise statutory powers to interview persons, enter premises and examine and retain physical and documentary evidence.

It is not within OTSI's jurisdiction, nor an object of its investigations, to apportion blame or determine liability. At all times, OTSI's investigation reports strive to reflect a "Just Culture" approach to the investigative process by balancing the presentation of potentially judgemental material in a manner that properly explains what happened, and why, in a fair and unbiased manner.

Once OTSI has completed an investigation, its report is provided to the NSW Minister for Transport for tabling in Parliament. The Minister is required to table the report in both Houses of the NSW Parliament within seven days of receiving it. Following tabling, the report is published on OTSI's website at www.otsi.nsw.gov.au.

OTSI cannot compel any party to implement its recommendations and its investigative responsibilities do not extend to overseeing the implementation of recommendations it makes in its investigation reports. However, OTSI takes a close interest in the extent to which its recommendations have been accepted and acted upon.

Incident Overview

At approximately 0050 on 1 March 2015 the charter ferry *MV Port Venture* when manoeuvring into its berth at Cabarita Marina collided with the end of a pontoon resulting in a hole in the transom. The ingress of water was greater than could be managed by the on board pump and the *Port Venture* sank in six metres of water.

Having completed a charter and disembarked all passengers, *Port Venture* had been refuelled at Baileys Marina in White Bay, taking on 3,000 litres of diesel fuel, before being driven up the Parramatta River to its berth at Cabarita Marina.

At the time of the incident there were three crew members on board. No person was injured as a result of the sinking. The sinking resulted in a large discharge of fuel which was boomed by Sydney Ports vessels which attended on advice from the NSW Water Police.

Information on the incident was received by OTSI from the Roads and Maritime Services (RMS). OTSI Investigators attended Cabarita Marina and conducted a preliminary investigation. From a review of information obtained, the Acting Chief Investigator determined that a formal investigation was warranted in accordance with section 46BA of the *Passenger Transport Act 1990*.

Terms of Reference

The terms of reference established by the Acting Chief Investigator require OTSI's Investigator in Charge to:

- a. identify the factors, both primary and contributory, which resulted in the sinking;
- b. assess the adequacy and effectiveness of the maintenance procedures in place for the *MV Port Venture* prior to and at the time of the collision and subsequent sinking;
- c. assess the effectiveness of the emergency actions taken in response to the incident;

- d. assess the effectiveness and appropriateness of the safety management systems and competencies of the crew on the vessel; and
- e. advise on any matters arising during the course of the investigation that would enhance the safety of ferry operations on Sydney Harbour.

Status of the Investigation

OTSI's investigation has commenced. During the course of the investigation, all Directly Involved Parties (DIPs) will be consulted and will be afforded the opportunity to comment on the draft report before it is finalised.

Once completed, OTSI's investigation report will be tabled in both Houses of the NSW Parliament by the Minister for Transport in accordance with section 46D of the *Passenger Transport Act 1990*. When the Report has been tabled, it will be published on OTSI's website and will replace this Interim Factual Statement.