



Office of Transport Safety Investigations

## FERRY SAFETY INVESTIGATION

## INTERIM FACTUAL STATEMENT

PASSENGER FATALITY – *MV LADY ROSE*

SYDNEY HARBOUR

NSW

2 FEBRUARY 2019



Source: [www.abc.net.au](http://www.abc.net.au)

# THE OFFICE OF TRANSPORT SAFETY INVESTIGATIONS

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The Office of Transport Safety Investigations (OTSI) is an independent NSW agency whose purpose is to improve transport safety through the investigation of incidents and accidents 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 (NSW)*, and confirmed by amending legislation as an independent statutory office on 1 July 2005, OTSI is responsible for determining the 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 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 (NSW)* and *Passenger Transport Act 2014 (NSW)*. Additionally, all OTSI publications that are considered investigation reports are also conferred by these Acts. OTSI also conducts rail investigations on behalf of the Australian Transport Safety Bureau under the *Transport Safety Investigation Act 2003 (Cwlth)*. 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 our balanced approach to the investigation, 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 and Infrastructure 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](http://www.otsi.nsw.gov.au).

## **Incident Overview**

On 2 February 2019, emergency services were called to the charter ferry *MV Lady Rose* operated by All Occasions Cruisers. The request was in response to a passenger found unconscious in a bathroom on board the vessel. The passenger was unable to be revived and was pronounced deceased at the scene.

OTSI was notified of the incident on 2 February 2019. Based on findings from OTSI's preliminary investigation, the Chief Investigator determined that the incident warranted formal investigation in accordance with Section 133 of the *Passenger Transport Act 2014 (NSW)*.

## **Terms of Reference**

The terms of reference established by the Chief Investigator require OTSI's Investigating Officer to:

- a. identify the factors, both primary and contributory, which led to the incident;
- b. advise whether the incident might have been anticipated and the effectiveness of any strategies that were in place to manage the related risks; and
- c. advise on any matters arising from the investigation that would enhance the safety of ferry operations.

## **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 and Infrastructure in accordance with *Section 149* of the *NSW Passenger Transport Act 2014*. When the Report has been tabled, it will be published on OTSI's website and will replace this Interim Factual Statement.