



Office of Transport Safety Investigations

FERRY SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

**FATALITY ARISING FROM A COLLISION INVOLVING
SYDNEY FERRIES CORPORATION'S RIVERCAT
DAWN FRASER AND A DINGHY
WALSH BAY, SYDNEY**

5 JANUARY 2007



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.

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.

OTSI investigations are conducted under powers conferred by the *Rail Safety Act 2002* 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. Where OTSI investigators exercise their powers of compulsion, information so obtained cannot be used by other agencies in any subsequent civil or criminal action against those persons providing information.

OTSI investigation reports are submitted to the Minister for Transport for tabling in both Houses of Parliament. Following tabling, OTSI reports are published on its website www.otsi.nsw.gov.au.

OTSI's investigative responsibilities do not extend to overseeing the implementation of recommendations it makes in its investigation reports. However OTSI is kept informed of the extent to which its recommendations have been accepted and acted upon through advice provided in the Quarterly Report on the status of recommendations arising from OTSI investigations which is submitted to the Minister for Transport by the Independent Transport Safety and Reliability Regulator (ITSRR) which monitors the implementation of OTSI recommendations by those organisations to whom they are directed.

Information about OTSI is available on its website or from its offices at:

Level 17, 201 Elizabeth Street
Sydney NSW 2000
Tel: (02) 9322 9200

PO Box A2616
Sydney South NSW 1235

The Office of Transport Safety Investigations also provides a Confidential Safety Information Reporting facility for rail, bus and ferry industry employees. The CSIRS reporting telephone number is 1800 180 828

Incident Overview

At approximately 06.56am on Friday 5 January 2007, Sydney Ferries Corporation's Rivercat *Dawn Fraser* was in transit from the Balmain Shipyard to Circular Quay to begin its daily scheduled service when it was involved in a collision with a small aluminium dinghy approximately 300m West of Sydney Harbour Bridge and 150m North West of Dawes Point.

Immediately prior to the collision, the dinghy had been occupied by two adult males. One of the men jumped clear into the water before the impact, but the other is believed to have been in the dinghy when it was struck by the *Dawn Fraser*. Another Sydney Ferries' vessel, the *Charlotte*, which was passing the area provided assistance and recovered both men from the water.

The man who was struck during the collision sustained serious injuries and was admitted to St Vincent's Hospital. He subsequently died on 13 January 2007.

The *Dawn Fraser* was not carrying passengers at the time of the accident and remained in the general area of the collision whilst the two men were being recovered from the water. It was subsequently directed to proceed to Circular Quay, under the command of a relieving master deployed by Sydney Ferries, where its crew underwent drug and alcohol testing. A preliminary inspection of *Dawn Fraser* was conducted at Circular Quay before the vessel was subsequently moved to the Balmain Shipyard for a more detailed inspection. The dinghy was recovered by Sydney Ports Authority and taken to the NSW Marine Police Command facility at Balmain for examination.

OTSI's Duty Officer was advised of the incident by Sydney Ferries at 07:07am and an OTSI investigator was deployed to Circular Quay to begin a preliminary investigation. As a result of information obtained by the investigator, the Chief Investigator determined that the accident warranted formal investigation in accordance with Section 46BA of the *Passenger Transport Act 1990 (NSW)*.

Terms of Reference

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

- establish why the incident happened, and what caused and contributed to it;
- determine whether the ferry and the dinghy were being operated appropriately at the time of the accident;
- determine whether mechanical functions and/or design features contributed to cause the accident;
- identify whether there are any policy, organisational and/or administrative matters which relate to safety management which have a bearing on the circumstances of the accident;
- ascertain whether this type of accident had been, or should have been, anticipated and the effectiveness of any strategies that were in place to manage the related risks;
- assess the effectiveness of the emergency actions in response to the accident;
- make safety recommendations, the implementation of which would prevent, or at the very least, minimise the potential for recurrence of this type of accident, and
- propose any course of action in relation to other matters arising from the investigation that would enhance the safety of ferry and boating operations more generally within Sydney Harbour.

Status of the Investigation

OTSI's investigation has commenced. Once completed, OTSI's investigation report will be tabled in Parliament by the Minister for Transport in accordance with Section 46D of the *Passenger Transport Act 1990 (NSW)*. When the Report has been tabled, it will be published on OTSI's website.