



Office of Transport Safety Investigations

FERRY SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

COLLISION BETWEEN SYDNEY FERRIES'
HARBOURCAT MV *PAM BURRIDGE* and
MOTOR LAUNCH *MERINDA* ZP412N

SYDNEY HARBOUR

28 MARCH 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:

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Sydney NSW 2000
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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 10:50pm on Wednesday 28 March 2007, Sydney Ferries' MV *Pam Burridge* and a privately-owned motor launch, the *Merinda* ZP412N, collided in Sydney Harbour at a point approximately 100 metres East of the Sydney Harbour Bridge.

Pam Burridge is one of two HarbourCat Class vessels operated by Sydney Ferries and was travelling in a Westerly direction from Circular Quay to Balmain, having completed its last passenger service of the day. The *Merinda* was a 10 metre "Island Gypsy" timber motor cruiser built by Kong and Halvorsen in the 1970's. It is believed to have been travelling in an Easterly direction at the time of the collision and to have had 12 persons on board.

As a result of the collision, three passengers on board the *Merinda* were fatally injured. Of the other eight passengers on the launch who required hospitalisation, two were seriously injured. At the time this Interim Factual Statement was prepared, some 36 hours after the collision, the twelfth passenger remained unaccounted for. There were no passengers on board *Pam Burridge* at the time of the accident and its crew was not injured.

Damage to the *Merinda* was extensive but, while the *Pam Burridge* was able to proceed unaided from the scene of the collision, the extent of damage to it has yet to be ascertained.

Emergency Response

Another Sydney Ferries' vessel, *Fishburn*, which had departed Circular Quay at approximately the same time as *Pam Burridge*, was enroute to Mosman Bay when the Master heard of the collision over his vessel's radio. *Fishburn's* Master changed course and moved his vessel to a position where his crew was able to commence recovery of the *Merinda's* passengers from the water. *Fishburn's* Engineer, the General Purpose Hand and a passenger left the ferry and entered the water to assist those who had been thrown from the *Merinda* into the water as a result of the collision. The Master of *Golden Grove*, another vessel operated by Sydney Ferries Corporation, also altered his course so that his crew could assist those in distress.

Personnel from a range of organisations, including OTSI, the Police, the NSW Maritime Authority, the Ambulance Service and Sydney Ferries Corporation responded to the emergency. A search for the missing person was commenced and was continuing at the time this Interim Factual Statement was prepared, some 36 hours after the collision.

OTSI's Duty Officer was advised of the incident by Sydney Ferries at 11.00pm and OTSI investigators were deployed to begin a preliminary investigation. As a result of information obtained by the investigators, the Chief Investigator determined that the accident warranted formal investigation in accordance with Section 46BA of the *Passenger Transport Act 1990*.

Terms of Reference

The Instrument of Appointment and Terms of Reference prescribed by the Chief Investigator require OTSI's Investigator in Charge to:

- establish what caused the *Pam Burridge* and *Merinda* to come into collision and identify any matters, in addition to those described below, which may constitute contributory causative factors of this accident;
- determine whether the ferry and the launch 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. If and when it is deemed appropriate by the Chief Investigator, reports on the progress of the investigation will be released. When it is 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*. When the Report has been tabled, it will be published on OTSI's website.