



Office of Transport Safety Investigations

FERRY SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

**FIRE ONBOARD FERRY *JILLIAN*
SYDNEY HARBOUR**

28 APRIL 2010



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 *Rail Safety Act 2008* 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. In addition, a mechanism exists through which OTSI is provided with formal advice by the Independent Transport Safety and Reliability Regulator (ITSRR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

Incident Overview

At approximately 7:15pm on Wednesday 28 April 2010, Captain Cook Cruises' ferry *Jillian* was en route from Homebush Bay to Circular Quay with thirty-one passengers and two crew onboard. The ferry was in the vicinity of Millers Point when the crew detected a burning smell emanating from the rear deck area on the port side of the ferry. The ferry continued on to No 6 wharf Circular Quay where the passengers were disembarked and the port engine switched off. The Master then decided to take the ferry to the Company base at Neutral Bay on the starboard engine.

On the way from Circular Quay to Neutral Bay all hatches on the port side were opened but the smoke increased. The Master then called for assistance on Channel 13, Sydney Port Operations Radio. As a result, Water Police and another Captain Cook Cruises' ferry attended and fought the fire with Water Police hoses, hoses from the *Jillian* and fire hoses located on the Neutral Bay wharf. The NSW Fire Brigade also attended and the fire was brought under control.

Three employees from Captain Cook Cruises and one Water Police constable were conveyed to hospital suffering from smoke inhalation. The *Jillian* suffered extensive fire damage to the port side rear engine room bulkhead and the main deck from the engine room to the stern of the vessel.

OTSI's Duty Officer was advised of the incident by NSW Maritime at 10.30am the following day 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 incident 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:

- a. identify the factors, both primary and contributory, which caused the fire;
- b. assess the effectiveness and appropriateness of fire and safety precautions on the vessel;
- c. assess the adequacy and effectiveness of current maintenance and inspection procedures for the vessel;
- d. assess the effectiveness of the emergency actions taken in response to the incident; and
- e. 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. 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 Roads in accordance with Section 46BA (2) 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.