



Office of Transport Safety Investigations

MARINE SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

**COLLISION OF MV KATIKA IN PYRMONT BAY
4 DECEMBER 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 Regulator (ITSR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

Incident Overview

At approximately 11:50pm on Saturday 4 December 2010, the 19.47 metre timber commercial vessel *MV Katika* with 40 passengers onboard was navigating to the Casino Wharf, Pyrmont to disembark passengers. The vessel had entered Pyrmont Bay and commenced a turn to starboard which continued to a point where the vessel's bows collided with the western sea wall to the north of Casino Wharf. The *MV Katika* then continued turning to starboard across Pyrmont Bay and the bows again collided with a boardwalk wharf structure on the eastern side of the bay. It continued the length of the boardwalk structure before coming to a stop with its engine running against a steel ladder and bracket with the stern against a finger pontoon of a marina pen.

The Master of a passing Charter vessel stopped and berthed at the marina and went onboard the *MV Katika* and stopped its engine. He also secured the vessel with lines to the boardwalk and the finger pontoon. The *MV Katika* suffered extensive damage to the bows, foredeck and hull planking as well as minor damage to interior fittings.

As a result of the collision seventeen passengers from the *MV Katika* sustained injuries which required medical attention. Eight of these injured passengers were transported to hospital. Four other vessels moored in pen berths at the marina were damaged by the stern of the *MV Katika*.

Water Police, Police, Ambulance and Ambulance paramedics attended to treat the injured and secure the scene. NSW Marine Authority officers also attended. OTSI's Investigators were deployed on 6 December 2010 to conduct a preliminary inspection of the *MV Katika*.

As a result of information obtained by the investigators, the Chief Investigator determined that the incident warranted formal investigation in accordance with

Section 45A of the *Transport Administration Act 1988* and 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 resulted in the collision;
- b. assess the adequacy and effectiveness of the maintenance procedures in place for the MV Katika prior to and at the time of the collision;
- 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 crew competencies on the two vessels operated by your company; and
- e. advise on any other matters arising during the course of the investigation that may impact on the safe conduct of commercial vessel 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 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.