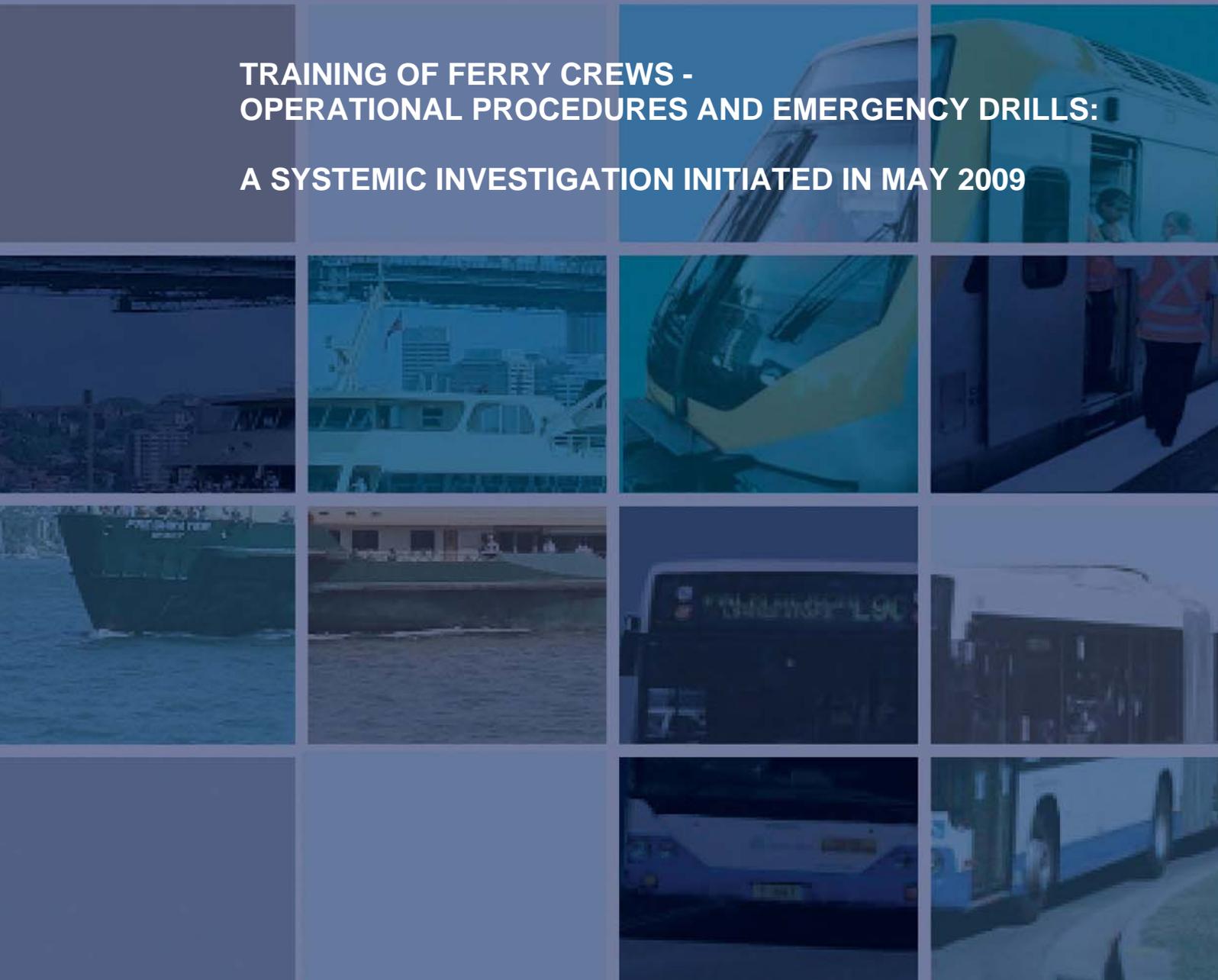




Office of Transport Safety Investigations

FERRY SAFETY INVESTIGATION INTERIM FACTUAL STATEMENT

**TRAINING OF FERRY CREWS -
OPERATIONAL PROCEDURES AND EMERGENCY DRILLS:
A SYSTEMIC INVESTIGATION INITIATED IN MAY 2009**



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.

Background

Section 46E of the *Passenger Transport Act 1990* makes provision for the Chief Investigator to establish a system for the voluntary reporting by transport safety employees of matters that may affect the safe carrying out of a public passenger service by means of a bus or ferry.

The Chief Investigator has received confidential reports from employees of Sydney Ferries Corporation which relate to the training of Sydney Ferries' vessel crews and has determined that the safety concerns which have been brought to his attention warrant independent investigation. Accordingly, an OTSI investigation has been initiated in accordance with the provisions and requirements of Section 46BA of the *Passenger Transport Act 1990*.

Based on the concerns and allegations contained in the employee confidential reports submitted to OTSI, the Chief Investigator has directed that this investigation is to examine the following aspects of ferry crew training conducted by Sydney Ferries Corporation:

- a. training curricula for each vessel class and crew category, including the frequency and methods of training;
- b. delivery of training in accordance with the Uniform Shipping Laws Section 15 Emergency Procedures and Safety of Navigation;
- c. qualifications of trainers appointed by SFC to deliver operational procedure and emergency drill training;
- d. recording of training undertaken by ferry crews in both vessels' logbooks and staff records, and
- e. other safety matters that emerge during the course of the investigation that impact the safe conduct of ferry operations.

Status of the Investigation

OTSI's investigation has commenced. During the course of the investigation, Directly Involved and Interested Parties (DIPs) will be consulted and, in the interests of ensuring that the investigation and its report are inclusive and comprehensive, will be afforded the opportunity to make submissions before the investigation report is finalised.

When the investigation report is completed, it will be submitted to the Minister for Transport for tabling in Parliament 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 and will replace this Interim Factual Statement.