



Office of Transport Safety Investigations

**FERRY SAFETY INVESTIGATION
INTERIM FACTUAL STATEMENT**

ROCKS RHYTHM BOAT DISABLED

**WHITE BAY, SYDNEY HARBOUR
10 January 2016**

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 *Transport Administration Act 1988* 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, 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 and Infrastructure 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.

Incident Overview

At 16:23 on 10 January 2016 the Cruise Sydney Harbour ferry *Rocks Rhythm Boat* on a charter in White Bay, radioed the Sydney Vessel Traffic Service (VTS) they required assistance as both motors had failed, the anchor was not holding, and the ferry was drifting towards rocks in White Bay. .

NSW Port Authority vessel *Mann's Point*, in company with water taxi H20, assisted The *Rocks Rhythm Boat* alongside the Exhibition wharf in Johnstons Bay where passengers were disembarked. There were no injuries to the 159 passengers or crew on board.

The Harbour Master, Ports Authority NSW notified OTSI of the incident. From a review of available information, the Chief Investigator determined that a formal investigation was warranted in accordance with section 46BA of the *Passenger Transport Act 1990*.

Terms of Reference

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

- a. identify the factors, both primary and contributory, which resulted in the disablement of the ferry
- b. assess the adequacy and effectiveness of the maintenance procedures in place for the *Rocks Rhythm Boat* prior to and at the time of the incident
- 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 competencies of the crew on the vessel; and
- e. advise on any matters arising during the course of the investigation that would enhance the safety of ferry operations on 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 Infrastructure 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.