



Office of Transport Safety Investigations

BUS SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

**UNMANNED/UNCONTROLLED MOVEMENT RESULTING IN
DRIVER FATALITY**

HURSTVILLE

3 FEBRUARY 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 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.

Incident Overview

At approximately 1620 on Wednesday 3 February 2016, the driver of a Punchbowl Bus Company bus parked his vehicle on Park Road at Hurstville behind another Punchbowl Bus Company bus at distance of approximately 11 metres.

After stopping the bus the driver opened the forward door which engages a brake interlock mechanism to stop buses moving while the door is open. The driver left the bus running at the time. The driver then walked around to the driver's window and reached in and operated the door lever to close the forward door. The driver then walked towards the other bus whose driver was standing outside the vehicle having a meal break.

As the driver of the rearward bus walked across the pathway of the parked bus, the vehicle began to move as the doors had closed and released the interlock mechanism. Park Road has a descending gradient and the bus quickly gained momentum. The driver then tried physically to stop the bus rolling but became caught between to the two buses and was crushed. As a result the driver sustained fatal injuries and died at the scene.

On reviewing the preliminary incident information the Chief Investigator determined that the incident warranted formal investigation pursuant to *Section 46BA* of the *NSW Passenger Transport Act 1990*.

Terms of Reference

The terms of reference established by the Chief Investigator require OTSI's Investigating Officer to:

- a. identify the factors, both primary and contributory, which led to the incident;
- b. advise whether the incident might have been anticipated and the effectiveness of any strategies that were in place to manage the related risks;
and
- c. advise on any matters arising from the investigation that would enhance the safety of bus 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 46D* of the *NSW 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.