



Office of Transport Safety Investigations

BUS SAFETY INVESTIGATION INTERIM FACTUAL STATEMENT

COLLISION BETWEEN A BUS AND A YOUNG CYCLIST
OCCASIONING SERIOUS INJURIES
SUNNYHOLT ROAD, PARKLEA
12 NOVEMBER 2007



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.

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.

OTSI investigations are conducted under powers conferred by the *Rail Safety Act 2002* 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. Where OTSI investigators exercise their powers of compulsion, information so obtained cannot be used by other agencies in any subsequent civil or criminal action against those persons providing information.

OTSI investigation reports are submitted to the Minister for Transport for tabling in both Houses of Parliament. Following tabling, OTSI reports are published on its website www.otsi.nsw.gov.au .

OTSI's investigative responsibilities do not extend to overseeing the implementation of recommendations it makes in its investigation reports. However, OTSI is kept informed of the extent to which its recommendations have been accepted and acted upon through advice provided by the Independent Transport Safety and Reliability Regulator (ITSRR). In late 2006, ITSRR instigated a formal process with relevant regulators to monitor the implementation of OTSI recommendations by those organisations to which they are directed. OTSI understands that ITSRR intends to publicly report on progress through its Annual Industry Safety Report.

Information about OTSI is available on its website or from its offices at:

Level 17, 201 Elizabeth Street
Sydney NSW 2000
Tel: (02) 9322 9200

PO Box A2616
Sydney South NSW 1235

The Office of Transport Safety Investigations also provides a Confidential Safety Information Reporting facility for rail, bus and ferry industry employees. The CSIRS reporting telephone number is 1800 180 828

The Incident

At about 9:00am on 12 November 2007, a bus operated by Busways Pty Ltd collided with an 8 year old cyclist at a pedestrian crossing near the entrance to the Parklea Markets. The collision occurred as the bus was travelling North East on the T-Way on Sunnyholt Road and the cyclist was riding on a pedestrian crossing in a South Easterly direction.

The cyclist received serious injuries and was conveyed to Westmead Children's Hospital by a Careflight helicopter.



Photo 1: Location of the Accident

Immediate Safety Actions

Police attended the scene of the accident, tested the bus driver for the presence of drugs and alcohol, interviewed a number of witnesses to the accident and, in conjunction with the RTA, conducted a preliminary examination of the bus.

Investigation

Two OTSI investigators also attended the scene of the accident and based on their preliminary report, the Chief Investigator determined that the circumstances and nature of this accident warranted formal investigation by OTSI in accordance with Section 46BA of the *Passenger Transport Act 1990* (NSW).

On 14 November 2007, the Chief Investigator notified Directly Involved Parties that he had initiated this investigation.

OTSI's investigations are conducted in accordance with 'Just Culture' principles and focus on safety outcomes rather than the attribution of blame or liability. The purpose of this investigation is to:

- Identify the circumstances surrounding the accident;
- Identify those factors that caused or contributed to the accident with consideration being given to, but not limited by, the following factors:
 - the actions of the bus driver and the cyclist
 - the environmental conditions at the time of the accident
 - the road and traffic conditions at the time of the accident
 - the design and mechanical condition of the bus
 - the existence and effectiveness of vehicular and pedestrian control devices;
- Assess the adequacy of the emergency response;
- Identify any other matters arising from the investigation that would enhance the safety of bus operations in NSW, and
- Make recommendations that might prevent a recurrence of such accidents.

Report

Once completed, OTSI's investigation report will be tabled in Parliament by the Minister for Transport, as required by Section 46D of the *Passenger Transport Act 1990*. When the Report has been tabled, copies will be made available to all directly involved parties and the report will be published on the OTSI website.