



Office of Transport Safety Investigations

# BUS SAFETY INVESTIGATION INTERIM FACTUAL STATEMENT

COACH ACCIDENT

JINDABYNE

11 JUNE 2011



# 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](http://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 Regulator (ITSR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

## **Incident Overview**

At approximately 6:10pm on Saturday 11 June 2011, a coach chartered by Oz Snow Adventures Pty Ltd as part of a three day ski tour overturned into a four metre deep drainage ditch after the vehicle failed to negotiate a right hand turn at the “T” intersection of Alpine Way and Kosciuszko Road approximately 3.5 kilometres West of Jindabyne in the Snowy Mountains Region of NSW. The driver claims that, prior to his attempting to negotiate the T intersection, the bus had suffered brake failure during a 1.8 kilometre descent to the intersection. The bus, which was on hire from a Sydney based company, Buses + 4WD Hire Pty Ltd, was returning from the ski fields at Thredbo to a motel at East Jindabyne.

Of the 44 persons on the bus, 21 were transported to Cooma Base Hospital; four with serious injuries.

## **Notification and Response**

OTSI’s Duty Officer first became aware of the incident following a report on the NSW Police Media web site before confirming details of the incident with NSW Police from Jindabyne.

Two OTSI investigators were deployed to the site on Tuesday 14 June 2011 to conduct preliminary investigations. Although required to provide notification to OTSI as soon as they become aware, neither the operator of the tour nor the owner of the bus notified OTSI until the morning the investigators deployed.

After reviewing the results of the preliminary investigation, the Chief Investigator initiated a formal investigation pursuant to 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 to:

- a. identify the factors, both primary and contributory, which caused the bus to overturn, including the extent to which the mechanical condition of the coach and human error may have contributed to the accident;

- b. determine whether the tour operator and the coach driver were compliant with NSW regulatory requirements for the operation of the bus;
- c. determine whether the standards of vehicle inspection, maintenance and quality control employed on the bus are consistent with good operating practices in the coach industry and compliant with NSW regulatory requirements; and
- d. advise on any matters arising from the investigation that would enhance the safety of coach operations and prevent a recurrence of such an incident.

### **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 provide information and commentary which will contribute to ensuring that the investigation and its report are inclusive and comprehensive.

Once completed, OTSI's investigation report will be tabled in both Houses of the NSW Parliament by the Minister for Transport and Roads 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.