



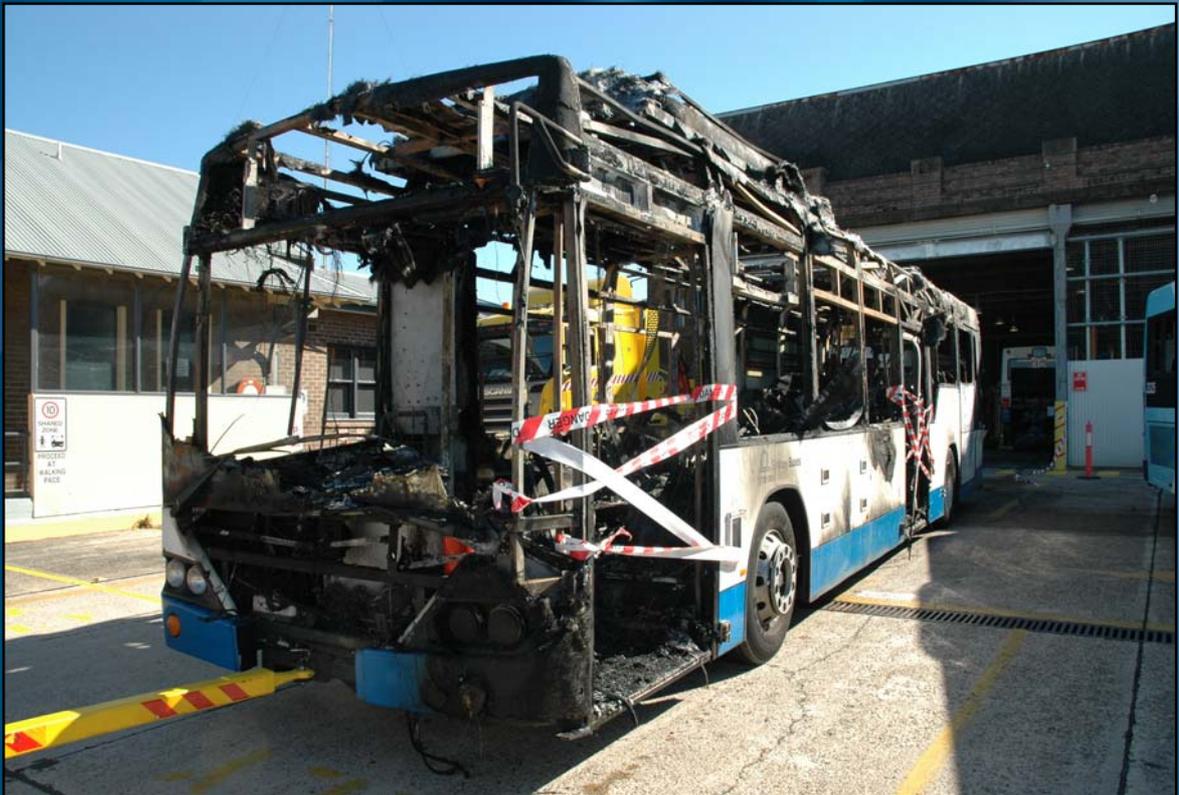
**Office of Transport Safety Investigations**

# **BUS SAFETY INVESTIGATION INTERIM FACTUAL STATEMENT**

**BUS FIRE**

**HILLSDALE, SYDNEY**

**29 JULY 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.

## Overview

At approximately 7:38 pm on Friday 29 July 2011 a Mercedes-Benz model 0500 LE CNG bus operated by the State Transit Authority (STA) caught fire on Beecham Street, Hillsdale, while returning without passengers onboard to the Port Botany Depot.

The bus operator was alerted to a fire in the rear of his bus by a passing motorist. He stopped and attempted to extinguish the fire in the engine compartment with a portable fire extinguisher but without success.

NSW Fire and Rescue from three stations attended, along with NSW Police. However, they were unable to extinguish the fire which had spread to the interior resulting in the bus being totally destroyed.

## Notification and Response

OTSI's Duty Officer was advised of the incident by the STA Radio Room operator on duty and the following day an OTSI Investigator was deployed to begin a preliminary investigation.

As a result of information obtained by the Investigator, the Chief Investigator determined that the incident warranted formal investigation 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 to:

- determine the cause of the fire;
- determine whether the STA standards of vehicle inspection and maintenance on this model of bus are consistent with good operating practices and compliant with NSW regulatory requirements;
- examine the extent to which materials used in the construction and fit-out of the bus may have contributed to the spread of the fire;

- determine whether the vehicle's onboard fire suppression systems are compliant with prevailing Australian Design Rules, fit for purpose and consistent with contemporary good practice in the bus and coach industry;
- review safety remediation action undertaken by the bus and coach industry in response to bus fire incidents in Australia and abroad since 2005;
- make safety recommendations, the implementation of which would prevent, or at the very least, minimise the risk to passenger safety from onboard bus fires; and
- advise on any matters arising from the investigation that would enhance the safety of public passenger 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 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 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.