



Office of Transport Safety Investigations

**BUS SAFETY INVESTIGATION**  
**INTERIM FACTUAL STATEMENT**  
**FATAL COACH ACCIDENT**  
**BARRENGARRY NATURE RESERVE**  
**14 MAY 2010**



# 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 Reliability Regulator (ITSRR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

## **Incident Overview**

At approximately 7:15pm on Friday 14 May 2010, a coach on charter from G & S Mini Bus Pty Ltd crashed through the guardrail barrier on a corner section of Moss Vale Road in the Barrengarry Nature Reserve, approximately 10km on the Eastern side of the township of Fitzroy Falls. It then crashed through dense bush down a steep embankment, finally coming to rest in an upright position some 40 metres from the road surface.

The driver of the coach suffered fatal injuries as a result of the accident and 27 of the passengers were injured, three of whom were initially classified as critical.

The coach had been chartered by the Polish Australian Welfare Association, Ashfield, on behalf of a group of 29 volunteer carers for the sick and disabled to attend an activity in the Kangaroo Valley.

## **Notification and Response**

OTSI's Duty Officer was notified of the accident and an OTSI investigator deployed to the site to conduct a preliminary investigation. 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. determine why the coach was unable to negotiate the bend, including the extent to which;
  - (i) the mechanical condition of the coach contributed to the cause of the accident, and
  - (ii) human error contributed to the cause of the accident.

- b. determine whether the standards of vehicle inspection, maintenance and quality control employed by G & S Mini Bus Pty Ltd are consistent with good operating practices in the coach industry and compliant with NSW regulatory requirements; and
- c. 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.