



**Office of Transport Safety Investigations**

## **BUS SAFETY INVESTIGATION INTERIM FACTUAL STATEMENT**

**UNSECURED BUS FLOOR HATCH CAUSING INJURY TO  
PASSENGER**

**CASTLE HILL**

**19 MARCH 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.

## The Incident

At approximately 8:15am on 19 March 2010, a Hillsbus service operating from the Dural Depot commenced a school run picking up two primary school children at the corner of Highs Road and Kookaburra Place, Castle Hill. When the bus commenced to move, a young schoolgirl, while attempting to become seated, stepped on a floor hatch which gave way causing her to fall into the open space above the transmission. The young girl was able to grab hold of a rail on a seat preventing herself from falling onto the roadway.

The young girl received injuries to her leg and was treated by her local doctor.



Open floor hatch

## Notification and Response

OTSI's Duty Officer was notified of the incident and an OTSI investigator deployed to the bus depot to conduct a preliminary investigation. After reviewing the results of the preliminary investigation, the Chief Investigator determined that the incident warranted 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 Investigating Officer to:

- a. identify the factors, both primary and contributory, which caused the incident with particular consideration being given to, but not limited by, the following:
  - the method of securing the floor hatches;
  - procedures for routine and post maintenance inspections of buses; and
  - the design of securing devices used on the floor hatches.
- b. advise on any matters arising from the investigation that would enhance the safety of bus operations and prevent a recurrence of such incidents.

## 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 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.

---oooOOOooo---