



**Office of Transport Safety Investigations**

**RAIL SAFETY INVESTIGATION**

**INTERIM FACTUAL STATEMENT**

**SAFEWORKING INCIDENT**

**UNANDERRA**

**12 DECEMBER 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 Regulator (ITSR) in relation to the status of actions taken by those parties to whom its recommendations are directed.

## **Incident Overview**

At approximately 12:47am on 12 December 2011, the crew of Pacific National train 3930, travelling from Narrandera to Nowra, was requested by the Area Controller at Wollongong Signalling Complex to inspect a wagon on the train. The crew requested that the Area Controller provide protection so that the Driver could enter the danger zone. The Area Controller agreed to do so.

The driver then climbed down from the locomotive and inspected the train which was standing on the Up Illawarra line at Unanderra. While he was walking back to the train on the adjacent Down Illawarra line, between the stationary train and the station platform, the Area Controller called the other crew member still in the locomotive and instructed that crew member that there was no protection on the adjacent line. This was immediately relayed to the Driver on track. At the same time the Driver was confronted by a train passing through the area, albeit not on the track he was walking along, causing him seek safety between two wagons of his train.

## **Terms of Reference**

The Chief Investigator has directed that the investigation:

- a. assesses the appropriateness and effectiveness of protection arrangements implemented to allow for the inspection of the train; and
- b. advises on any matters arising from the investigation that would enhance the safety of rail 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 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 in accordance with Section 74 of the *Rail Safety Act 2008*. When the Report has been tabled, it will be published on OTSI's website and will replace this Interim Factual Statement.