



**Office of Transport Safety Investigations**

**RAIL SAFETY INVESTIGATION**

**INTERIM FACTUAL STATEMENT**

**SAFeworking INCIDENT**

**EAST MAITLAND**

27 November 2013

# THE OFFICE OF TRANSPORT SAFETY INVESTIGATIONS

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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 investigations are conducted under powers conferred by the Transport Administration Act 1988 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.

## Incident Overview

On Wednesday 27 November 2013, an empty Pacific National coal train was proceeding through East Maitland towards Maitland, passing a loaded Aurizon coal train going in the opposite direction. At about 1440, while still passing the other train, the crew received an 'all-clear' hand signal from a Lookout at an Australian Rail Track Corporation (ARTC) worksite. However, on proceeding passed the Lookout, the driver noticed workers on the track ahead of the train at a distance estimated as being no more than 150 metres. The driver applied emergency braking, bringing his train to a halt some 250 metres beyond the worksite. There were no reported injuries as a result of the incident.

The workgroup comprised a Protection Officer (PO) who was also undertaking the duty of Lookout and a number of workers engaged in picking up loose material, left behind after recent work, from the railway line. The PO and all workers were contractors working for ARTC. The worksite had been using either the Controlled Signal Blocking (CSB) or Lookout Working methods to allow them to access the railway line. Under CSB, the setting of line side signals at Stop prevents rail traffic from entering a worksite while under Lookout Working rail traffic runs normally with a Lookout provided to warn workers of approaching rail traffic. Lookout Working was being utilised at the time of the incident.

After reviewing the preliminary incident information, the Chief Investigator determined that the incident warranted formal investigation pursuant to *Section 46BA* of the *NSW 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 led to the incident;
- b. advise whether the incident might have been anticipated and the effectiveness of any strategies that were in place to manage the related risks; and
- c. advise 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 46D* of the *NSW 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.