



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

**DERAILMENT OF PACIFIC NATIONAL ORE SERVICE
4835**

NEVERTIRE – NYNGAN RAIL SECTION

1 OCTOBER 2006



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.

Established on 1 January 2004 by the *Transport Administration Act 1988*, the Office 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.

OTSI investigations are conducted under powers conferred by the *Rail Safety Act 2002* 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. Where OTSI investigators exercise their powers of compulsion, information so obtained cannot be used by other agencies in any subsequent civil or criminal action against those persons providing information.

OTSI investigation reports are submitted to the Minister for Transport for tabling in both Houses of Parliament. Following tabling, OTSI reports are published on its website www.otsi.nsw.gov.au.

OTSI's investigative responsibilities do not extend to overseeing the implementation of recommendations it makes in its investigation reports. OTSI monitors the extent to which its recommendations have been accepted and acted upon through consultation with the relevant Transport Safety Regulator.

Information about OTSI is available on its website or from its offices at:

Level 17, 201 Elizabeth Street
Sydney NSW 2000
Tel: (02) 9322 9200

PO Box A2616
Sydney South NSW 1235

The Office of Transport Safety Investigations also provides a Confidential Safety Information Reporting facility for rail, bus and ferry industry employees. The CSIRS reporting telephone number is 1800 180 828.

Incident Overview

At 5:50am on Sunday 1 October 2006, Pacific National's ore service 4835 derailed at kilometrage 604.10, four kilometres East of Miowera in Western NSW. 4835, consisting of two 48 Class locomotives and 27 empty container wagons, was enroute from Port Waratah to Cobar at the time of the incident. Its two locomotives and crew were provided by Southern and Silverton under contract to Pacific National.

The crew stated that, whilst traversing the single line Class 3 track, they felt a bump. Through his rear view mirrors, the driver then observed dust emanating from underneath the train. Almost immediately, however, his view was obscured by a large dust cloud and he then applied the train's emergency brakes.

The leading locomotive remained on the track. The trailing locomotive and 14 wagons immediately behind it derailed, but the remaining 13 wagons did not. 300 metres of track was extensively damaged and there was significant damage to rolling stock as depicted in the photo below and on the cover page. There were no injuries as a result of the derailment.



OTSI's Duty Officer was notified of the derailment and an OTSI investigator was deployed to the site on the day of the incident to commence preliminary investigations. As a result of the preliminary investigation, the Chief Investigator determined that the accident warranted formal investigation in accordance with Section 67 of the *Rail Safety Act 2002 (NSW)*.

Terms of Reference

The terms of reference established by the Chief Investigator require OTSI's Investigator in Charge to:

- identify the factors, both primary and contributory, which caused the incident;
- identify what strategies were in place to mitigate the risk of derailment within the section and comment on the effectiveness of those strategies;
- assess the effectiveness of emergency actions in response to the incident, and
- 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. Once completed, OTSI's investigation report will be tabled in Parliament by the Minister for Transport in accordance with Section 68 of the *Rail Safety Act 2002 (NSW)*. When the Report has been tabled, it will be published on OTSI's website.