



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

DERAILMENT OF EL ZORRO GRAIN SERVICE 8996

NARROMINE TO PARKES RAIL SECTION

8 FEBRUARY 2009



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.

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

On the afternoon of Sunday 8 February 2009, El Zorro's grain service 8996, consisting of four locomotives and 38 trailing wagons, was en route from Nyngan to Inner Harbour, Wollongong, with a full load of grain. At about 5:53pm, when the train was some 7km North of Peak Hill on a straight section of track between Narromine and Parkes, nine of the last fifteen wagons derailed.

The derailment caused extensive damage to some 330 metres of track infrastructure and the nine wagons were damaged to varying degrees. Neither of the two crew members were injured and they acted quickly to advise the Network Controller of the accident and to protect their train.



Derailed wagons of El Zorro Grain Service 8996

OTSI's Duty Officer was notified of the derailment at 6:30pm on 8 February 2009. An OTSI investigator deployed to the scene of the derailment shortly thereafter. 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 2008 (NSW)*.

Terms of Reference

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

- a. determine what caused the derailment and what factors may have contributed either directly or indirectly to the accident's causation;
- b. identify what strategies were in place to mitigate the risk of derailment within the Narromine to Parkes rail section and why they failed on this occasion;
- c. identify whether there are any organisational, operational or logistic safety management matters which had a bearing on the circumstances of the accident;
- d. assess the effectiveness of the emergency actions in response to the derailment;
- e. make safety recommendations, the implementation of which would prevent, or at the very least, minimise the potential for recurrence of this type of accident, and
- f. identify and provide advice in relation to any other 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 provide information and commentary which will contribute to ensuring that the investigation and its report are inclusive, rigorous, comprehensive and reflective of the broadest range of evidential sources.

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.