



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION
INTERIM FACTUAL STATEMENT
SAFEWORKING BREACH
GLENLEE
28 OCTOBER 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

At approximately 1:35pm on 28 October 2009, a Pacific National freight service, 2XW4, was proceeding North on the 'Up Main' line at Menangle when it set off a hot axle alert from a trackside detector. The Driver of 2XW4 was contacted by a Signaller from Junee Train Control and was asked to bring the train to a stand and inspect the axle. The train was then at Glenlee.

Communication between the Signaller at Junee Train Control and the Driver of 2WX4 established that protection arrangements were in place for the Driver to leave the crew compartment and conduct an inspection of the axle. However, while the Driver was on the track conducting the inspection, a Southbound Pacific National freight service, 3BM4, was approaching on the adjacent 'Down Main' line. The Co-driver observed 3BM4 and warned the Driver on the track of the approaching train. The Driver was able to move clear of the track to avoid being struck by 3BM4.

Notification and Response

OTSI's Duty Officer was notified of the incident at 7:30am on 29 October 2009. Information was requested from ARTC and RailCorp. After reviewing the information supplied, the Chief Investigator determined that the accident warranted formal investigation pursuant to Section 45A of the *Transport Administration Act 1988* and Section 67 of the *Rail Safety Act 2008*.

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 where a train crew member, conducting an axle inspection, was almost struck by another train.
- b. Assess the adequacy and effectiveness of any measures that were put in place to protect train crew when entering the danger zone.
- c. Examine the risk management strategies used by the train crew before entering, and whilst in, the danger zone.
- d. Identify and analyse the issues surrounding the operational interface between ARTC and RailCorp on the 'Main South' line.
- e. 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 provide information and commentary which will contribute to ensuring that the investigation and its report are inclusive and reflective of the broadest range of evidentiary 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.