



Office of Transport Safety Investigations

RAIL SAFETY INVESTIGATION

INTERIM FACTUAL STATEMENT

DERAILMENT OF EMPTY GRAIN TRAIN 2531

WHITTINGHAM

13 MARCH 2010



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 9:45am on 13 March 2010, empty Pacific National grain service 2531, enroute from Sulphide Junction (Newcastle) to Werris Creek, derailed as it traversed No. 203 points at Whittingham, on the Main North line approximately four kilometres south of Singleton in the Hunter Valley Region of NSW. No. 203 points provide access to the branch line leading to the Saxonvale coal mine.

2531 consisted of two locomotives and 30 wagons. At the time of the derailment, it was travelling in accordance with the instructions contained in a 'Condition Affecting Network' (CAN) warning issued by the ARTC Network Control Centre North (NCCN) at Broadmeadow in conjunction with commissioning works associated with the Minimbah Bank Third Rail Project. The CAN had been issued to the crew of 2531 only after assurances had been received that all points in the Minimbah to Singleton section were set and locked in the correct position for the intended movement of the train.

As a result of the derailment, the driver suffered a shoulder injury and was transported to a local hospital for treatment. The assistant driver was also transported to hospital for a precautionary examination.

The derailment severely damaged both locomotives and the eight leading wagons of 2531. It also damaged various items of signalling equipment and approximately 110m of track.

Notification and Response

OTSI's Duty Officer was notified of the incident at 10:08am. Two OTSI investigators were deployed from Sydney to conduct a preliminary investigation and arrived at the scene of the incident at 1:15pm. After reviewing the preliminary investigation, 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 derailment;
- b. identify the organisations involved in the derailment and ascertain their respective roles and responsibilities in the Minimbah Bank Third Rail Project;
- c. assess the competencies and training of staff members involved with the control and operation of No. 203 points prior to the derailment;
- d. assess the adequacy and effectiveness of the contractor management utilised by the various organisations involved in the derailment;
- e. assess the emergency actions taken in response to the derailment; and
- f. 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 and Roads 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.