



**Office of Transport Safety Investigations**

## **RAIL SAFETY INVESTIGATION**

### **INTERIM FACTUAL STATEMENT**

#### **UNSECURED GATE STRIKES STATION INFRASTRUCTURE**

##### **WOY WOY**

11 APRIL 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 and Roads 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. 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 11:45am on 11 April 2010, an unsecured gate on Pacific National service 7MB4 detached from container BSCF215, striking Woy Woy Station infrastructure. The gate narrowly missed striking members of the public waiting on the platform but one person sustained some injuries from broken glass when the gate struck and shattered the lower part of one of the panels in a seating bay windbreak.



The Pacific National train 7MB4 was travelling from Melbourne to Brisbane and consisted of two engines and twenty nine wagons. The seventh wagon, RQSY 34458U, consisted of an open flat top container which had gates in place on either side. As the train travelled through Woy Woy station, one of the gates swung open, initially coming into contact with a barrier at the Sydney end of Platform 1, then striking a fence on the edge of Platform 2. The gate dislodged from the container and proceeded along the platform for approximately 20 metres before smashing the glass seating bay windbreak panel.



The train was stopped at Wyong Station after a roll-by inspection had been carried out at Gosford.

## Notification and Response

OTSI's Duty Officer was notified of the incident and an OTSI investigator was deployed from Sydney to conduct a preliminary investigation of the incident. After

reviewing the circumstances of the incident, the Chief Investigator determined that it 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 gate to detach from the container;
- b. assess the procedures involved in the loading of the container and securing of its gates;
- c. assess the effectiveness of the gate securing mechanisms;
- d. assess the effectiveness of the arrangements for checking the security of the gates en route;
- e. assess the effectiveness of actions taken in response to the incident;
- 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.

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