



Office of
Transport Safety
Investigations

BUS SAFETY INVESTIGATION

Interim Factual Statement

Bus rollaways in NSW
Systemic investigation

Initiated January 2022



About the Office of Transport Safety Investigations (OTSI)

OTSI is an independent NSW authority which contributes to the safe operation of bus, ferry and rail passenger and rail freight services in NSW by investigating safety incidents and accidents and transport safety risks, identifying system-wide safety issues and sharing lessons with transport operators, regulators and other stakeholders.

OTSI is empowered under the *Transport Administration Act 1988* to investigate rail, bus, and ferry accidents and incidents in accordance with the provisions of the *Passenger Transport Act 1990* and *Marine Safety Act 1998*. It also conducts rail investigations on behalf of the Australian Transport Safety Bureau under the *Transport Safety Investigation Act 2003 (Cth)*.

OTSI investigations are independent of regulatory, operator or other external entities. OTSI investigates using a 'no-blame' approach to understand why an occurrence took place and to identify safety factors that are associated with an accident and incident, to make recommendations or highlight actions that transport operators, regulators and government can take to prevent recurrence and improve safety.

Evidence obtained through an OTSI investigation cannot be used in any subsequent criminal or disciplinary action. However, a regulator can undertake its own investigation into an incident OTSI has investigated and coronial inquiries can obtain access to OTSI information.

OTSI does not investigate all transport safety incidents and accidents but focuses its resources on those investigations considered most likely to enhance bus, ferry or rail safety.

Many accidents result from individual human or technical errors which do not involve safety systems so investigating these in detail may not be justified. In such cases, OTSI will not generally attend the scene, conduct an in-depth investigation or produce an extensive report.

OTSI may request additional information from operators or review their investigation reports which may lead to a number of actions, such as the release of a Safety Advisory or Alert to raise industry awareness of safety issues and action.

OTSI investigators normally seek to obtain information cooperatively when conducting an investigation. However, where it is necessary to do so, OTSI investigators may exercise statutory powers to conduct interviews, enter premises and examine and retain physical and documentary evidence.

Overview

In recent years, the Office of Transport Safety Investigations (OTSI) has investigated several bus rollaway incidents, including those resulting in either fatalities or serious injuries. OTSI commenced an investigation in January 2021 as the result of a serious bus rollaway accident which occurred at Cordeaux Heights after the driver became medically incapacitated.

After reviewing evidence associated with this accident and analysing incident data collected by OTSI, it was determined that there would be safety benefits from investigating bus rollaway events from a systemic perspective, rather than as several isolated incidents and accidents.

Scope of the investigation

Based on these findings, OTSI's Chief Investigator determined that the incidence of bus rollaway events warranted investigation in accordance with Section 46 of the *Passenger Transport Act 1990* (NSW).

The scope of the investigation includes, but is not limited to:

- An evaluation of the extent and trends associated with bus rollaway incidents
- Engineering and other technologies available to limit the risk or consequence of these incidents
- Practices related to the operational status of a bus when left unattended
- The method of collection and information sharing of data in the heavy vehicle industry.

The Chief Investigator has required the Investigator in Charge (IIC) to:

- Identify the factors, both primary and contributory, which lead to bus rollaway events
- Determine the effectiveness of any controls that are in place to manage the related risks
- Advise on any matters arising from the investigation that would enhance the safety of bus operations.

The IIC will consult with all Directly Involved Parties (DIPs) during the course of the investigation.

Publication of the investigation report

OTSI produces a written report on every investigation for the Minister for Transport, as required under section 46BBA of the *Passenger Transport Act 1990*.

Investigation reports strive to reflect OTSI's balanced approach to the investigation, explaining what happened and why in a fair and unbiased manner. All DIPs will be given the opportunity to comment on the draft investigation report.

The final investigation report will be provided to the Minister for tabling in both Houses of the NSW Parliament in accordance with section 46D of the *Passenger Transport Act 1990*. The Minister is required to table the report within seven days of receiving it.

Following tabling, the report is published on the OTSI website and information on the safety lessons promoted to relevant stakeholders. The published report will replace this Interim Factual Statement.