

# Bus safety investigation Interim Factual Statement

Bus crash into culvert drain

Belmont North, NSW  
13 November 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.

## Incident overview

On 13 November 2022 at approximately 0350 hrs Keolis Downer bus m/o 8219 on route 14 (Newcastle to Swansea Heads) was travelling on Wommara Avenue at Belmont North with 6 passengers on board.

As the bus travelled westward on Wommara Avenue, it continued on a straight path onto a gravel strip on the side of the road as the road veered slightly to the right. With the front of the bus almost entirely off the road, the driver's side front wheel mounted a concrete barrier that was protecting a culvert drain. The bus tipped over to its left side and crashed into the culvert drain, stopping immediately on its side.

All 6 passengers and the driver were injured to varying degrees from minor to severe, with one passenger airlifted to Royal North Shore Hospital in Sydney. The bus was severely damaged. All emergency services attended, and the driver underwent mandatory drug and alcohol testing.

The bus was craned upright, and a preliminary inspection of the bus was conducted while Keolis Downer operators removed the CCTV recorder box. The bus was then conveyed to Adamstown National Heavy Vehicle Regulator (NHVR) Inspection station for examination. CCTV footage was obtained and provided to NSW Police and OTSI.

## Scope of the investigation

Based on findings from OTSI's preliminary enquiries, the Chief Investigator determined that the incident 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:

- Identifying the contributing factors which led to the bus crashing into the culvert drain.
- Examining the systems the bus operator had in place to manage the health and fitness of its drivers.
- Examining the fatigue management requirements as part of the Bus Operator Accreditation Scheme (BOAS) and Heavy Vehicle National Law.
- Advising on any matters arising from the investigation that would enhance the safety of bus or coach operations.

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

- The safety factors which contributed to the incident.
- The effectiveness of the operator's safety management systems to control the risk of fatigue.
- The standards for managing fatigue in the bus industry and how they compare to like industries
- Any opportunities for improving fatigue management in the bus industry.

The IIC will consult with all Directly Involved Parties (DIPs) throughout 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.