



**Office of
Transport Safety
Investigations**

ANNUAL REPORT

2019 - 2020



Office of
Transport Safety
Investigations

The Honourable Andrew Constance, MP
Minister for Transport and Roads
52 Martin Place
SYDNEY NSW 2000

29 October 2020

Dear Minister

It is my pleasure to submit to you the 2019 – 2020 Annual Report of the Chief Investigator of the Office of Transport Safety Investigations (OTSI) for submission to Parliament.

The report highlights the principal undertakings and achievements of the Office as the State's Transport Safety Investigator throughout the reporting period.

The report has been prepared in accordance with the requirements of the *Annual Reports (Statutory Bodies) Act 1984* and the *Annual Report (Statutory Bodies) Regulation 2015*.

Yours sincerely,

Mick Quinn
Acting Chief Investigator

TABLE OF CONTENTS

Letter to Minister	1
Chief Investigator's Report	3
Charter	5
Aims and Objectives	5
Organisation	6
Operations	8
2019 – 2020 in Review	8
OTSI Annual Statistics	9
Challenges 2020 – 2021	12
Management of OTSI Records	12
Industry Participants	13
Industry Regulators	13
OTSI in the Global Transport Safety Environment	14
Financial Summary Overview	14
Summary of Financial Performance 2019-20	15
Outstanding invoices by age at the end of each quarter	15
Accounts paid on time within each quarter	16
Reporting obligations under the <i>Government Information Public Access Act 2009</i> (GIPA)	17
Reporting obligations under the <i>Public Interest Disclosures Act 1994</i>	17
Risk Management and Insurance activities	17
Principal Legislation	18
PCard Usage	18
Response to Significant Issues Raised by the Auditor-General	18
Significant Committees	18
Grants to Non-Government Organisations	18
Legal changes	18
Major Works in Progress	18
Human Resources	18
Senior Executive Reporting	19
Trends in the Representation of Workforce Diversity Groups	20
Multicultural Policies and Service Program	20
Consultants	21
Land Disposal	21
List of Major Assets	21
Research and Development	21
Economic or Other Factors	21
Publications	21
Work Health and Safety	21
Overseas Travel	22
Consumer Response	22
Internal Audit and Risk Management Policy	22
Cyber Security Policy Attestation	22

Chief Investigator's Report

As the State's independent transport safety investigator, responsible for serving the safety interests of the travelling public and those of the rail, bus and ferry operators who provide passenger and rail freight services, the Office of Transport Safety Investigations (OTSI) has continued to make a significant contribution to public transport and rail freight safety. This has been achieved through its direct investigative involvement with service providers, industry regulators, Commonwealth and State government agencies and authorities, unions and the general public. In particular, it has:

- Worked with the Australian Transport Safety Bureau (ATSB) in keeping with the terms of the Collaboration Agreement which came into effect on 20 January 2013. A new agreement for a period of three years was signed in 2020. Under the agreed terms, OTSI conducts selected railway accident and incident investigations in accordance with the provisions of the *Transport Safety Investigation Act 2003* (Cth) on behalf of the ATSB.
- Maintained its currency and capability as a multi-modal transport accident investigator through the application of contemporary investigative practices and liaison with other investigative jurisdictions, to improve its incident response procedures, investigation management and report presentation.
- OTSI responded to the COVID 19 pandemic by arranging for staff to work from home as of 16 March 2020. Subsequently, a risk model was purpose built internally and procedures and protocols were developed for industry / staff needing to enter the OTSI premises. OTSI continued to operate and deploy to incidents and accidents throughout this period without interruption.
- Initiated investigations into 12 accidents and incidents (three bus and nine rail). The rail investigations were initiated under the *Transport Safety Investigation Act 2003* (Cth) on behalf of the ATSB in accordance with the Collaboration Agreement.
- In accordance with the *Passenger Transport Act 2014* (NSW), the reports into eight accidents and incidents have been tabled in Parliament and are publicly available on the OTSI website. Additionally, in accordance with the *Transport Safety Investigation Act 2003* (Cth), the reports into ten accidents have been published.
- OTSI saw benefit by sharing lessons learned from our investigations directly with operators, regulators and other agencies through industry forums and inter-agency committees. This led to significant change in safety practices.

OTSI has received considerable support from many departments, authorities, offices and organisations throughout the year. This support has greatly assisted OTSI to perform its various functions. I'm most grateful for that support and assistance. Most importantly, OTSI has had the benefit of the cooperation of rail, bus and ferry operators in the course of its investigations. Without that cooperation, which is gratefully acknowledged, it would be more

difficult for OTSI to achieve its purpose of improving public transport safety. The members of the OTSI team also warrant special mention for their dedication and sustained commitment to the primary purpose of improving public transport safety.

In addition to the annual OTSI Bus Fire Summary, OTSI produced an annual Bus Safety Summary regarding incidents such as bus rollaways, vehicle collisions, driver incapacitations, tyre failures and door entrapments.

OTSI updated its branding, which is reflected in the organisation's new logo, communications and uniforms. A new, contemporary OTSI website was also developed and launched for the dissemination of safety information to the public and to publish OTSI investigation reports.

Throughout the reporting period, OTSI has continued to make a direct contribution to the provision of safer public transport services and rail freight services in NSW. I look forward to further developing the capability and capacity of OTSI to ensure that it continues to serve the broadest possible safety interests of transport industries, operators and the travelling public in NSW.

A handwritten signature in black ink, appearing to read 'Mick Quinn', followed by a period.

Mick Quinn
Acting Chief Investigator

Charter

OTSI was originally established on 1 January 2004 as a separate division within what was then the Independent Transport Safety and Reliability Regulator (ITSRR). However, with the passage of the *Transport Legislation Amendment (Waterfall Rail Inquiry Recommendations) Bill 2005*, OTSI was separated from ITSRR and the Chief Investigator's Office of Transport Safety Investigations was established as a statutory agency of the NSW Government and commenced independent operations on 1 July 2005.

The *Transport Administration Act 1988* empowers the Chief Investigator to conduct investigations into rail, bus and ferry accidents and incidents in accordance with the provisions of the *Passenger Transport Act 2014* and the *Marine Safety Act 1998*.

OTSI was established as an independent office to ensure that both the travelling public and transport service providers could have a high degree of confidence that all safety investigations involving the NSW public transport network were conducted in a fair, impartial and rigorous manner, applying a balanced approach to all investigations.

While the Chief Investigator of OTSI is accountable to the Minister for Transport and Roads, the Chief Investigator is not subject to the direction and control of the Minister in the exercise of the Chief Investigator's investigative and reporting functions. However, in a situation where the Chief Investigator may not have already initiated an investigation into a particular passenger transport accident or incident, he is required to do so when given a written direction by the Minister.

In this 15th year of independent operations, considerable emphasis has been placed on ensuring that OTSI's operations contribute directly to the improvement of transport safety.

Aims and Objectives

OTSI contributes to the safe operation of public transport and rail freight services in NSW by initiating and directing investigations into accidents and safety-related incidents whenever and wherever they occur. OTSI's investigations are conducted with the purpose of producing the following outcomes:

- ◆ Identification of those factors which have contributed to rail freight and rail, bus and ferry passenger transport accidents and incidents.
- ◆ Determination and specification in its investigation reports of the most appropriate remedial safety action to prevent recurrence of similar types of accidents and incidents.
- ◆ Production of transport safety investigation reports which are tabled in Parliament by the Minister for Transport and Roads and published on the OTSI website for operator, industry and public utilisation.

- ◆ Provision and management of a Confidential Safety Information Reporting Scheme (CSIRS) for use by transport employees for the reporting of safety issues that require remedial action.
- ◆ Analysis of rail, bus and ferry operations and accident investigations in other jurisdictions in order to identify safety trends and contemporary practice.

To achieve these outcomes, OTSI has established and provides the following services and functions:

- ◆ A 24 hour on call duty officer to whom NSW bus and ferry operators and regulators report the occurrence of accidents and incidents. Notifications of serious (Category A) rail accidents and incidents are provided to OTSI by the ATSB via the Office of the National Rail Safety Regulator, in accordance with the provisions of the *Rail Safety National Law (NSW)*, and the Collaboration Agreement.
- ◆ A 24 hour investigation response team capable of providing immediate deployment to an accident or incident site.
- ◆ A team of transport safety investigators capable of undertaking investigations into rail, bus and ferry accidents and incidents.
- ◆ A dedicated response capability for confidential safety information reports.
- ◆ The provision of detailed accident and incident reports which are designed to improve transport safety.
- ◆ The conduct of safety investigations where organisational systemic defects or deficiencies are detected in the course of accident investigations, or where safety trend analysis indicates the requirement.

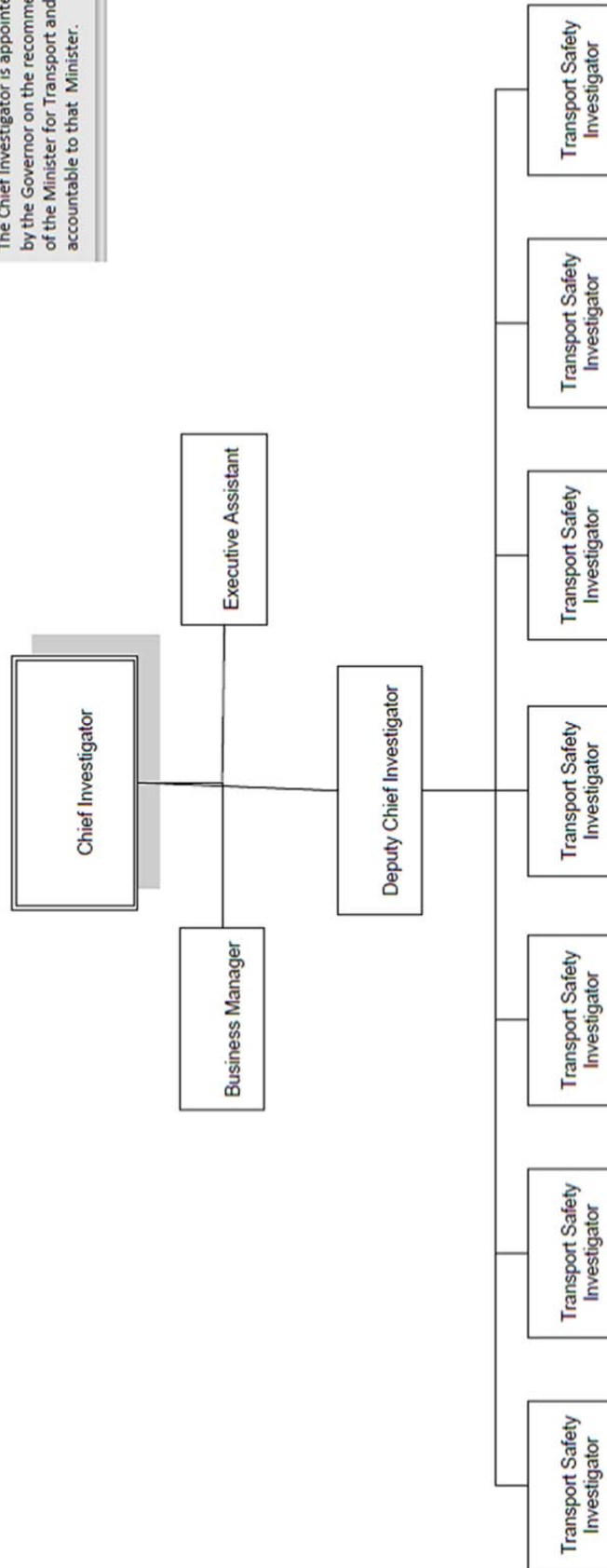
Organisation

OTSI has seven investigators. The Chief Investigator and the Deputy Chief Investigator are also qualified investigators. The organisation is supported by a small administrative team. OTSI turned over one staff member during 2019 - 2020. The organisation of OTSI is shown on the next page.



Note

The Chief Investigator is appointed by the Governor on the recommendation of the Minister for Transport and is accountable to that Minister.



Operations

Throughout the reporting year, OTSI has undertaken the following operational activities:

- ◆ Received and assessed rail, bus and ferry accident and incident notifications from accredited operators and regulators in accordance with the *Passenger Transport Act 2014* and the terms of the Collaboration Agreement with the ATSB.
- ◆ Conducted investigations into rail, bus and ferry accidents and incidents involving fatalities, serious injury and significant damage to determine contributory factors and recommend preventative remedial safety action to improve transport safety.
- ◆ Conducted investigations into factors related to: organisation, operations, technology, infrastructure, human-machine interface, communications, human performance and other system deficiencies.
- ◆ OTSI built and applied contemporary safety risk management models to communicate the findings from our investigations to stakeholders.
- ◆ Reviewed the reports of investigations conducted by transport operators to determine the adequacy of those investigations, their findings and recommendations.
- ◆ Received and facilitated the investigation of reports of safety concerns lodged by transport employees under the CSIRS.
- ◆ Conducted analysis of transport accidents and incidents in Australia and abroad to identify safety trends.
- ◆ Engage with industry bodies to facilitate transport safety improvements.
- ◆ Provided briefings to the Minister's Office as required.

2019 – 2020 in Review

During the year, OTSI received 1,172 notifications of incidents and accidents which fell within the category of “Notifiable Occurrences” as described in the Acts, Regulations and established reporting protocols. Of these, 903 were bus, 38 were ferry and 231 were rail notifications. Additional requests for information were made by OTSI in relation to 263 incident reports (168 bus, 6 ferry and 89 rail) to assist in the process of determining what investigative action was warranted. OTSI investigators deployed to incident sites on 18 occasions (10 bus and 8 rail) to conduct preliminary investigations. The following investigations were initiated and undertaken by OTSI in the reporting period.

OTSI ANNUAL STATISTICS

1 JULY 2019 – 30 JUNE 2020

INCIDENTS REPORTS RECEIVED BY THE DUTY OFFICER

Rail	231
Bus	903
Ferry	38
TOTAL	1172

INVESTIGATIONS INITIATED

Incident date	Description	Date Initiated
03-Jul-19	Rail Bullocks Flat near miss worker (TSI)	04-Jul-19
21-Aug-19	Rail Waterfall safeworking irregularity (TSI)	22-Aug-19
19-Sep-19	Bus Heatherbrae coach fire	1-Oct-19
09-Oct-19	Bus Marrickville Loss of Control	05-Dec-19
16-Oct-19	Rail Westmead safeworking irregularity (TSI)	16-Oct-19
05-Nov-19	Bus Adamstown pedestrian fatality	06-Nov-19
19-Nov-19	Rail Picton near miss train driver (TSI)	02-Dec-19
31-Mar-19	Rail Goulburn derailment (TSI)	31-Mar-19
03-Apr-20	Rail Randwick Light Rail Vehicle uncontained battery failure (TSI)	03-Apr-20
09-Apr-20	Rail Safeworking occurrence Dora Creek (TSI)	14-May-20
03-Jun-20	Rail Kankool loss of control and derailment (TSI)	03-Jun-20
16-Jun-20	Rail Main North rail line wagon out of gauge (TSI)	17-Jun-20

INVESTIGATIONS FINALISED / PUBLISHED

Incident date	Description	Date Published
31-July-17	Rail Tempe track worker near miss (TSI)	25-Jul-19
10-Jun-19	Rail Gunnedah SPAD (TSI)	27-Sep-19
20-Mar-17	Rail Burwood electrical explosion	06-Dec-19
14-Apr-18	Rail Holsworthy passenger train near bushfire	06-Dec-19
07-Jun-18	Bus Prairiewood trainer fatality	06-Dec-19
22-Jan-18	Rail Richmond buffer stop collision (TSI)	20-Dec-19
2019	NSW Bus Fire Summary report 2019	18-Feb-20
04-Jan-18	Ferry Circular Quay <i>Freshwater</i> wharf collision	18-Feb-20
02-Sep-18	Rail Blackheath Safeworking breach (TSI)	25-Feb-20
17-Dec-17	Rail Kooragang Fractured bogie (TSI)	18-Mar-20
2019	NSW Bus Safety Summary report	14-Apr-20
18-Jun-16	Rail Clyde Track worker fatality (TSI)	20-Apr-20
31-Mar-19	Rail Goulburn derailment (TSI)	07-May-20
02-Feb-19	Ferry White Bay <i>MV Lady Rose</i> passenger fatality	25-May-20
01-Oct-17	Rail Narwonah grain train derailment (TSI)	26-May-20
05-Nov-19	Bus Adamstown pedestrian fatality	05-Jun-20
07-Jun-19	Rail Junee derailment (TSI)	08-Jun-20
08-Sep-18	Rail Sydney Airport tunnel near miss (TSI)	30-Jun-20

OTSI ANNUAL STATISTICS

1 JULY 2019 – 30 JUNE 2020 (continued)

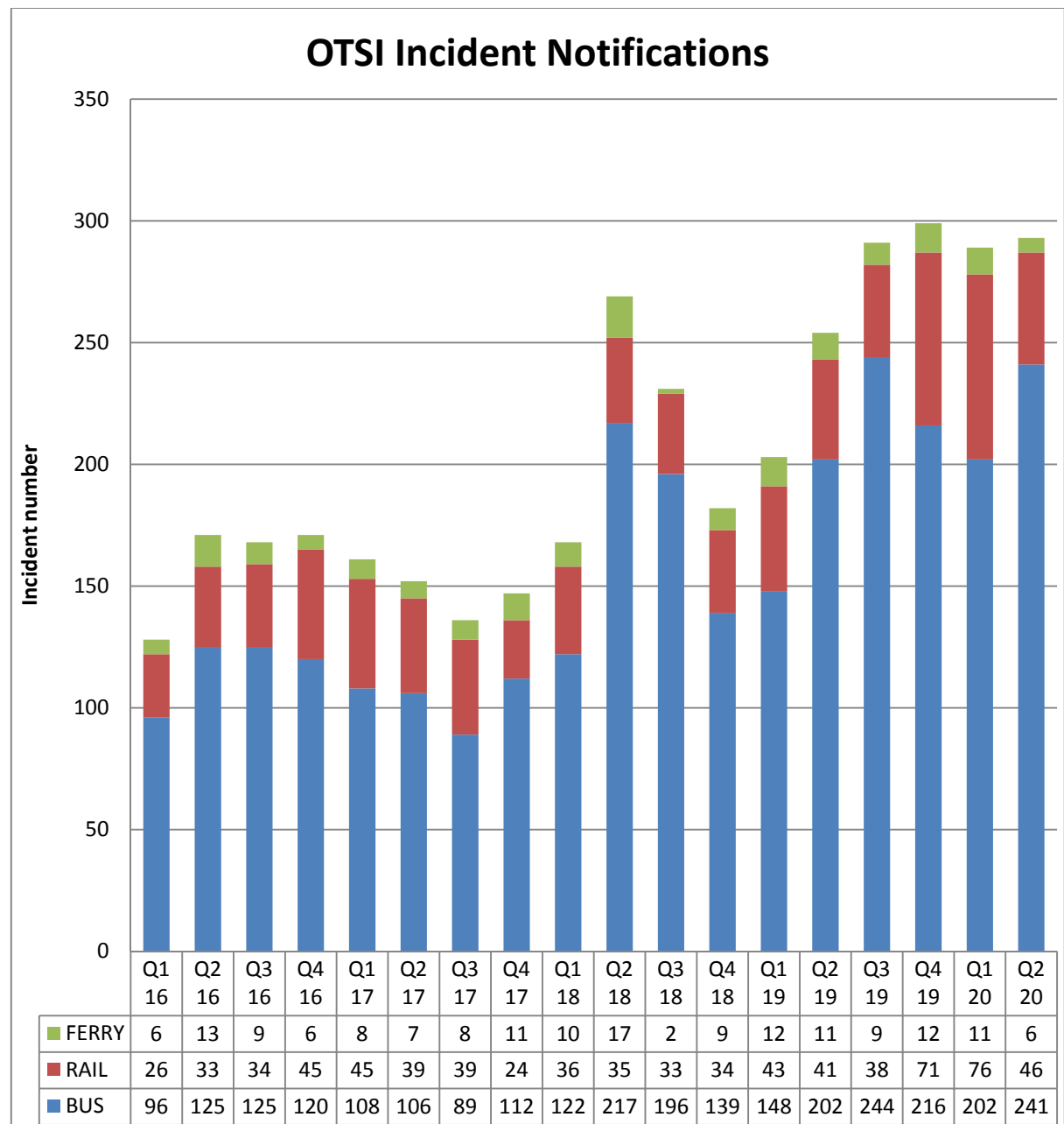
DEPLOYMENT

Incident date	Description	Date Deployed
03-Jul-19	Rail Bullocks Flat near miss worker	04-Jul-19
06-Aug-19	Raymond Terrace fatality student hit by bus	06-Aug-19
20-Aug-19	Worrigee student fall on articulated bus	22-Aug-19
30-Aug-19	Long Jetty bus driver incapacitation	31-Aug-19
19-Sep-19	Heatherbrae coach fire	23-Sep-19
15-Oct-19	Kembla Grange level crossing fault	18-Oct-19
16-Oct-19	Westmead safeworking irregularity	16-Oct-19
05-Nov-19	Adamstown pedestrian fatality	06-Nov-19
09-Nov-19	Marrickville Bus Loss of Control	19-Nov-19
18-Feb-20	Tempe bus loss of control	19-Feb-20
18-Feb-20	Port Kembla Yard derailment	19-Feb-20
20-Feb-20	Wallan (Victoria) XPT derailment	21-Feb-20
21-Feb-20	Sydney bus collision with utility	21-Feb-20
31-Mar-19	Goulburn derailment	31-Mar-19
03-Apr-20	Randwick Light Rail Vehicle battery explosion	03-Apr-20
03-Jun-20	Kankool loss of control and derailment	04-Jun-20
16-Jun-20	Main North rail line wagon out of gauge	22-Jun-20
19-Jun-20	Mt Druitt pedestrian struck by bus	19-Jun-20

INVESTIGATIONS ONGOING

No	Date	Description	Mode
1	26-Sep-18	ATSB Antiene derailment and collision	Rail
2	03-Nov-18	Sydney Harbour Bridge coach fire	Bus
3	06-Feb-19	ATSB Baerami derailment	Rail
4	01-Mar-19	ATSB Wagga Wagga SPAD	Rail
5	1-Apr-19	OTSI Greta rail wheel defect	Rail
6	28-Jun-19	ATSB Moss Vale derailment	Rail
7	03-Jul-19	ATSB Bullocks Flat near miss worker	Rail
8	21-Aug-19	ATSB Helensburgh safeworking irregularity	Rail
9	19-Sep-19	Heatherbrae coach fire	Bus
10	09-Oct-19	Marrickville Bus loss of control	Bus
11	16-Oct-19	ATSB Westmead safeworking irregularity	Rail
12	19-Nov-19	ATSB Picton near miss train driver	Rail

OTSI ANNUAL STATISTICS
1 JULY 2019 – 30 JUNE 2020 (continued)



Challenges 2020 – 2021

Although much has been achieved in its first 15 years of independent operation, there are important challenges which OTSI continues to confront, and seeks to resolve in the year ahead. Some of those challenges include the following:

- ◆ In 2019 - 2020 OTSI experienced a greater number of deployments and maintained its investigation capability. This is likely to continue with the significant increase in transport services across all modes. Notifications of reportable incidents remain high.
- ◆ The introduction of Light Rail services in Sydney increased accident investigation activity.
- ◆ Further refine and apply new OTSI processes and procedures to continue to improve its response triggers to achieve further efficiencies and effectiveness.
- ◆ Continue to undertake rail safety investigations and maintain our investigation standards. This includes the agreed requirements in the Collaboration Agreement with the ATSB.
- ◆ Retain the services of the highly skilled investigators who make up the OTSI team.
- ◆ Engage with industry to enhance the safety of operations, whilst maintaining the OTSI's independent statutory authority status.
- ◆ Research and acquire relevant emerging investigative technologies which have the potential to enhance the techniques, practices and procedures employed by OTSI in the conduct of its investigations.
- ◆ Understand new technologies introduced by industry such as autonomous vehicles, Light Rail Vehicles, modern control systems and fire suppression systems.
- ◆ Familiarise new staff and maintain investigator competency to match an ever changing transport landscape.

Management of OTSI Records

Section 12 (2) of the State Records Act, 1998 (NSW) requires OTSI to ensure that a compliant records management program is established and maintained; and to fulfil the obligation to:

- Make and keep full and accurate records of its activities (Section 12(1))
- Protect its records, ensuring their safe custody and proper preservation (Section 11(1))
- Make arrangements for monitoring and reporting on the records management program (Section 12(4))
- Keep technology dependent records accessible over time (Section 14(1))

OTSI has established a framework for an effective and compliant records and information management program to manage the life cycle of records and information from creation/collection, capture, maintenance to disposal.

Stakeholder Engagement

Industry Participants

In conducting its investigations, OTSI adopts a process in which it initially seeks to establish the facts associated with an incident or accident. Additionally, determine whether the occurrence warrants OTSI to deploy and whether OTSI will investigate. Following deployment a decision is made by the Chief Investigator or Deputy Chief Investigator on the scope of the investigation. OTSI notifies all Directly Involved Parties (DIP) of its intention to investigate and then publishes an Interim Factual Statement, describing what happened, and setting out the Terms of Reference for its investigation.

During the course of the investigation, OTSI works with the nominated representatives of the DIPs to acquire all information that will assist the conduct of the investigation. At the stage where a draft report has been prepared, it is circulated to all DIPs for comment. The purpose of this step in the process is to provide DIPs with the opportunity to contribute to the compilation of the final report by verifying the factual information, scrutinising the analysis, findings and recommendations, and providing any commentary that would enhance the structure, substance, integrity and resilience of the investigation report. The Chief Investigator retains the prerogative as to which matters contained in the responses provided by the DIPs are incorporated in OTSI's final report, and where he rejects any suggested amendment, he may provide feedback through a DIP meeting with the stakeholder.

The final report is then compiled and submitted to the Minister for Transport and Roads for tabling. In the case of rail safety investigations undertaken under the *Transport Safety Investigation Act 2003 (Cth)* on behalf of the ATSB, the investigation system prescribed by the ATSB is adhered to, and the completed report is submitted to the Chief Commissioner of the ATSB for approval and release.

Industry Regulators

OTSI maintains a working relationship with all the regulators involved in public transport services in NSW. OTSI maintains a cooperative working relationship with the NSW Branch of the Office of National Rail Safety Regulation and with Transport for NSW, whilst maintaining our independence. The Chief Investigator and Deputy Chief Investigator have regular contact with the regulatory heads and there is frequent contact at officer level.

OTSI in the Global Transport Safety Environment

All OTSI investigation reports are published on the OTSI website, which has been the catalyst for dissemination to national and overseas transport investigation agencies.

OTSI's operations represent a cost effective investment in enhancing the safe operation of the NSW public transport and rail freight industries. Through its operations, OTSI has not only contributed to the delivery of safe and reliable public transport in NSW, it is making a significant contribution towards the understanding of transport accident contributory factors and prevention around the world.

Financial Summary Overview

OTSI is exempt from *Public Finance and Audit Act 1983* (PFAA) financial reporting because it meets all requirements for 'small agency' exemption under clause 3 of Schedule 2 of the *Public Finance and Audit Regulation 2015*.

Accordingly, as OTSI has no PFAA financial reporting obligations, it is not required to include a financial report in its annual report.

In 2019 - 20, OTSI received grants and contributions of \$2.88M.

The net result showed a deficit of \$96,000. OTSI continues to receive an assurance from Transport for NSW to ensure that OTSI is operational.

Summary of Financial Performance 2019-20

	Actual 2020 \$'000	Actual 2019 \$'000
Operating expenses		
Employee related expenses	2,597	2,244
Other operating expenses	455	731
Depreciation	315	18
Finance costs	10	-
Total expenses excluding losses	3,377	2,993
Revenue		
Grants and contributions	2,888	2,809
Acceptance by the Crown Entity of employee benefits and other liabilities	393	105
Total revenue	3,281	2,914
Net result	-96	-79
Total other comprehensive income	0	-
Total comprehensive income	-96	-79

Outstanding invoices by age at the end of each quarter for Office of Transport Safety Investigations

Measure	Financial Year 2019/2020 Quarter Average	Q1	Q2	Q3	Q4
Suppliers					
Current (i.e. within due date)	0.01 M	0.00 m	0.05 M	0.00 M	0.00 M
Less than 30 days overdue	0.01 M	0.00 M	0.02 M	0.00 M	0.00 M
Between 30 and 60 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Between 60 and 90 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
More than 90 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Small Business Suppliers					
Current (i.e. within due date)	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Less than 30 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Between 30 and 60 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Between 60 and 90 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
More than 90 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M

**Accounts paid on time within each quarter
for Office of Transport Safety Investigations**

Measure	Financial Year 2019/2020	Q1	Q2	Q3	Q4
Suppliers					
Number of accounts due for payment	239	67	36	64	72
Number of accounts paid on time	238	67	36	63	72
Target % accounts paid on time	90.00%	90.00%	90.00%	90.00%	90.00%
Actual % accounts paid on time	99.58%	100.00%	100.00%	98.44%	100.00%
\$ amount of accounts due for payment	1.06 M	0.47 M	0.17 M	0.17 M	0.25 M
\$ amount of accounts paid on time	1.06 M	0.47 M	0.17 M	0.17 M	0.25 M
Actual % accounts paid on time (based on \$)	99.74%	100.00%	100.00%	98.39%	100.00%
Number of payments for interest	-	-	-	-	-
Interest paid on overdue accounts	-	-	-	-	-
Small Business Suppliers					
Number of accounts due for payment	18	2	1	10	5
Number of accounts paid on time	18	2	1	10	5
Actual % accounts paid on time	100.00%	100.00%	100.00%	100.00%	100.00%
\$ amount of accounts due for payment	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
\$ amount of accounts paid on time	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Actual % accounts paid on time (based on \$)	100.00%	100.00%	100.00%	100.00%	100.00%
Number of payments for interest	-	-	-	-	-
Interest paid on overdue accounts	-	-	-	-	-

Reporting obligations under the *Government Information Public Access Act 2009 (GIPA)*

Review of proactive release program - Clause 7(a)

Under section 7 of the GIPA Act, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available.

OTSI has an ongoing and proactive process and communications function which regularly reviews information for public release through its website, publications and stakeholder events. Reviews during the year to its website reflect any changes within OTSI as well as aligning it with legislative changes under the GIPA Act.

Number of access applications received - Clause 7(b)

During the reporting period, OTSI received no formal access applications.

Number of refused applications for Schedule 1 information - Clause 7(c)

OTSI did not refuse, either wholly or partly, any access applications for the reason that it addressed information referred to in Schedule 1 of the Act (information for which there is conclusive presumption of overriding public interest against disclosure).

Reporting obligations under the *Public Interest Disclosures Act 1994*

The Public Interest Disclosure Act 1994, Section 31, requires each public authority to prepare an annual report on obligations under the Act. In accordance with Section 4 of the Public Interest Disclosures Regulation 2011, the following information is provided on public interest disclosures for the period 1 July 2019 to 30 June 2020.

July 2019 - June 2020	
Number of public officials who made Public Interest Disclosures (PIDs)	0
Number of PIDs received	0
Of PIDs received, number primarily about:	
<input type="checkbox"/> Corrupt conduct	0
<input type="checkbox"/> Maladministration	0
<input type="checkbox"/> Serious and substantial waste	0
<input type="checkbox"/> Government information contravention	0
<input type="checkbox"/> Local government pecuniary interest contravention	0
Number of PIDs finalised	0

Risk Management and Insurance activities

OTSI has insurance cover for all major assets and significant risks through the NSW Government Self Insurance scheme. This includes full workers compensation, motor vehicle, property, public liability and miscellaneous insurance cover. No claims were lodged in relation to Workers Compensation or any of the other insurance policies held through ICARE Insurance for NSW in 2019 - 2020.

OTSI has regular reviews of its corporate risk management policies and conducts an annual review of its risk register.

Principal Legislation

OTSI exercises functions under the:

- ◆ *Transport Administration Act 1988;*
- ◆ *Transport Safety Investigations Act 2003*
- ◆ *Passenger Transport Act 2014;*
- ◆ *Rail Safety Act(Adoption of National Law) 2012,*
- ◆ *Marine Safety Act 1998 and*
- ◆ *Regulations made under those Acts.*

PCard Usage

Transport for NSW issue OTSI staff with Pcards which are used for approved business purposes. Use of these cards is subject to conditions and policies of OTSI, Transport for NSW and NSW Treasury. Authorisation and reconciliation of transactions are performed online using the Expense 8 application.

Response to Significant Issues Raised by the Auditor-General

No significant issues for OTSI were raised by the Auditor General during 2019 – 2020.

Significant Committees

OTSI does not participate in any committee activities relative to its role.

Grants to Non-Government Organisations

There were no grants to non-government organisations.

Legal changes

There were no changes in the Acts and subordinate legislation.

Major Works in Progress

There were no major works undertaken by OTSI in 2019 – 20.

Human Resources

As at 30 June 2020, OTSI had a total headcount of 11 full time employees

OTSI is staffed by officers with industry and investigative experience in the various transport modes and with qualifications in engineering, safety science, occupational health and safety and accident forensics.

2019 - 2020 Staffing:

The following table shows OTSI headcount compared with the previous three years

	2019 - 20 Total Count			2018 - 19 Total Count			2017 - 18 Total Count			2016 - 17 Total Count		
Annual Salary	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
< \$55,000	0	0	0	0	0	0	0	0	0	0	0	
\$55,000 - \$80,000	0	0	0	0	0	0	0	0	0	0	0	
\$80,001 - \$105,000	0	0	1	0	1	1	0	1	1	0	1	1
\$105,001 - \$130,000	0	1	0	0	0	0	0	0	0	8	0	8
\$130,001 - \$155,000	8	0	7	9	0	9	8	0	8	0	0	
\$155,001 - \$180,000	0	0	0	0	0	0	0	0	0	0	0	0
\$180,001 - \$205,000	0	0	0	0	0	0	0	0	0	0	0	
\$205,001 - \$230,000	0	0	0	1	0	1	1	0	1	1	0	1
> \$230,001	2	0	2	1	0	1	1	0	1	1	0	1
TOTAL	10	1	10	11	1	12	10	1	11	11	1	12

Salaries, wages and allowances moved in accordance with the Government's wages policy. In 2019-2020 staff were employed under the provisions of the Crown Employee's (Public Sector-Salaries 2019).

Senior Executive Reporting

Band	2020		2019
	Female	Male	Male
Band 2 (Chief Investigator)		1	1
Band 1 (Deputy Chief Investigator)		1	1
Total	2		2

Band	Range \$	Average remuneration 2020 \$	Average remuneration 2019 \$
Band 2	\$268,001 to \$345,551	345,551	337,100
Band 1	\$187,900 to \$268,207	268,207	261,665

Executive year to date represents 23.6 per cent of overall salaries related expenses for 2019-20 / 26.7% in 2018-19

Trends in the Representation of Workforce Diversity Groups

EEO Group	% of Total Staff				
	Benchmark or Target	2016	2017	2018	2019
Women	50%	9%	9%	9%	9%
Aboriginal people and Torres Strait Islanders	2%				
People whose first language was not English	30%				
People with a disability	12%				
People with a disability requiring work-related adjustment	6%				

Multicultural Policies and Service Program

OTSI is a relatively small agency that does not deliver direct services to the public. OTSI does not have specific policies and procedures on multicultural issues and is not required to develop a relevant plan.

OTSI does, however, recognise the principles of multiculturalism and is aligned to the broader direction of the *The Multicultural NSW Act 2000* (the Act).

In line with these principles OTSI continued with the following activities during 2019 – 20:

- Ensured its recruitment practices are merit-based and not disadvantageous to any specific cultural group,
- Ensured that discrimination is not tolerated in any behaviour or practice in relation to OTSI, and
- Took into consideration cultural needs of our staff and stakeholders in our communication activities.

OTSI recognises that competent service delivery requires us to understand diversity, to confidently manage it, to reflect it and to draw on it. Diversity of people, languages, backgrounds, education and opinions is considered a valuable resource which is available to our investigators. It is valuable in terms of collating information, tasking, deployment and reporting.

Staff needs for cross-cultural training and education will be assessed and appropriate strategies developed to raise the competence, skills and

awareness of staff to work with and meet the needs of culturally and linguistically diverse groups within their community.

Consultants

OTSI engaged one consultant under the Transport for NSW Shared Services Agreement to develop the new OTSI website and branding design at a cost of \$46k.

Land Disposal

OTSI does not have any land to dispose of.

List of Major Assets

OTSI has no major assets to report against.

Research and Development

No research and development activities undertaken in 2019-2020.

Economic or Other Factors

There were no economic or other factors affecting OTSI's operational objectives in 2019-2020.

Publications

Apart from the investigation reports that were tabled in Parliament, the only other OTSI publication that was released in 2019 -20 was its Annual Report for 2018 -19.

Work Health and Safety

OTSI is mindful of its obligations under the Work Health and Safety Act 2011 and provides a framework to protect the health, safety and welfare of all workers.

At regular staff meetings, an assessment is made of all operational risks and appropriate measures are implemented to protect the health and safety of all workers. We focus on:

- Ensuring the safe use and handling of goods and substances
- Providing and maintaining safe tools and work gear
- Assessing the workplace layout and provide safe systems of work
- Providing a suitable working environment and facilities
- Having adequate insurance and workers' compensation insurance for all employees.

OTSI has had no employee injuries or prosecutions under the Work Health and Safety Act 2011 during the financial year.

Overseas Travel

No overseas travel undertaken in 2019-2020.

Consumer Response

A complaint was received by the Minister's office and was followed up. It was determined that the email address supplied for the response did not exist and the matter could not be taken any further.

Internal Audit and Risk Management Policy

OTSI has an internal auditor that provides management with independent and objective advice to improve the agency operations. Reports on internal audits conducted are provided to management and the Audit Office of NSW. In May 2016, OTSI was granted an exemption from the requirements of TPP 15-03 - Internal Audit and Risk Management Policy.

Cyber Security Policy Attestation

As required under the NSW Government policy on Cyber Security, the Chief Investigator provides the following attestation of compliance with the policy. OTSI's IT system is provided by Transport for NSW who manage our Cyber Security and also provides us with a CSP attestation.

Cyber Security Annual Attestation Statement for the 2019-20 Financial Year for the Office of Transport Safety Investigations

I, Mick Quinn, am of the opinion that The Office of Transport Safety Investigations (OTSI) has managed cyber security risks in a manner consistent with the Mandatory Requirements set out in the NSW Government Cyber Security Policy.

Governance is in place to manage the cyber security maturity and initiatives of OTSI.

Risks to the information and systems of OTSI have been assessed and are managed.

OTSI has an Information Security Management System (ISMS) or Cyber Security Framework (CSF) in place.



Mick Quinn
Acting Chief Investigator

Annual Report Costs

The cost of printing and production of the annual report was \$40.

Contact Details

Office of Transport Safety Investigations

PO Box A2616
Sydney South NSW 1235

Level 17, 201 Elizabeth Street
Sydney NSW 2001

Info@otsi.nsw.gov.au

Telephone: 02 9322 9200

Facsimile: 02 9322 9299

www.otsi.nsw.gov.au

Confidential Safety Information Reporting Scheme (CSIRS)

PO Box A2616
Sydney South NSW 1235

Level 17, 201 Elizabeth Street
Sydney NSW 2001

Email: csirs@otsi.nsw.gov.au

Telephone: 1800 180 828

Facsimile: 1800 180 528

OTSI's office hours of business are 9am to 5pm Monday to Friday (except public holidays)

OTSI operates on a 24 hour/ seven day basis through a duty system of a rostered Duty Officer and Investigator in Charge. The duty officer can be contacted on:

Telephone: 1800 677 766