



Office of  
Transport Safety  
Investigations

# ANNUAL REPORT

2020-21

The Honourable Rob Stokes, MP  
Minister for Planning and Public Spaces  
Minister for Transport and Roads  
52 Martin Place  
SYDNEY NSW 2000

29 October 2021

Dear Minister

It is my pleasure to submit to you the 2020 - 2021 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,



**Dr Natalie E Pelham**  
CEO & Chief Investigator

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## Chief Investigator's Report

It is my pleasure to submit my first report as the Chief Executive Officer and Chief Investigator of the Office of Transport Safety Investigations (OTSI), having commenced in the role on 23 January 2021.

I have been working in the transport arena for more than two decades and effective safety has been an area of interest and passion for me. I was involved in the establishment of OTSI so the opportunity to now lead the organisation is a challenge I am relishing.

2020-21 was an extraordinary year for OTSI as it was for organisations across the globe due to the Coronavirus pandemic. While restrictions to minimise the movement of people and the risk of spreading COVID-19 resulted in a massive reduction in public transport patronage, extra rail freight services ran across the Sydney network to service increased demand for essential supplies and exports.

The number of bus, rail and ferry safety incidents notified to OTSI in 2020-21 reached 1,406 which was an increase of 20 per cent compared to the previous year. Such an increase does not necessarily indicate a degradation in the safety of the network and can be an indicator of a growing positive safety culture through increased reporting.

Along with transport regulators and other investigative agencies, OTSI has continued to promote increased reporting of safety incidents because of the value of this information in enabling us to identify issues, patterns and trends; and share insights to support the transport industry to make safety improvements.

During the year, OTSI implemented a work-from-home model in line with the NSW Government's COVID-19 public health orders and developed a plan with various measures to ensure both staff and visitors to OTSI's office (for the periods it was open) were protected.

Despite the Coronavirus restrictions, OTSI was able to safely deliver all services, including deployments to incidents and accidents. Throughout the year, our investigators deployed to incident sites on 17 occasions – just one less than in the previous year.

In 2020-21, OTSI initiated 15 investigations, up from 11 in 2019-20. A total of 14 investigations were finalised during the year and reports on our findings were shared with a range of stakeholders to ensure those safety insights are in the hands of the people who can best action them to improve safety.

Throughout the year, we requested and reviewed 37 investigation reports from operators. These reports provide valuable additional data to enhance OTSI's ability to identify systemic safety risks and issues, and also give us insights into the safety culture within the organisations operating services on our network.

OTSI issued one Safety Alert and four Safety Advisories in 2020-21 to provide transport operators and other stakeholders with more immediate information about issues identified either through an incident investigation or analysis of incident reports or the outcomes of operator investigations.

Further enhancing OTSI's proactive functions will be a key focus for 2021-22. In the second half of 2020-21, we undertook a major piece of work to assess

how OTSI is positioned to meet our future challenges, to maximise our impact in improving the safety of the NSW transport network and also meet the changing expectations of government, the transport industry and the community.

As a result of that work, we have revised OTSI's business operating model in line with our legislative functions to increase our focus on proactive, data-driven activities which will enable us to better identify risk and share this information with the transport industry.

From 2022, OTSI's revised business operating model will enable us to continue to undertake robust transport safety investigations while also:

- Developing a proactive data-driven work stream for investigations, including programmed investigations into known risks
- Building partnerships with public and private transport providers to strengthen transport safety across the network
- Implementing a safety promotion strategy to enhance the sharing of safety lessons and better support industry and government to achieve safety improvement
- Strengthening our systems approach to transport safety investigation and analysis.

To enable this new business operating model, we will expand the OTSI team with additional investigators, as well as specialists in data and insights, research, safety analysis, safety promotion and business support.

It will take time to embed the changes, especially the establishment of our new functions, and we will communicate with stakeholders over the course of the year as we reach key milestones.

Throughout 2020-21, OTSI received considerable support from many different organisations and individuals to carry out its functions. In particular, I would like to acknowledge the cooperation of rail, bus and ferry operators in the course of our investigations. Their assistance has made our task much easier and helps ensure we can deliver practical outcomes that will assist in making the transport network safer for all.

Finally, I extend my thanks to the OTSI team for the passion and commitment they have shown in my time in the role. I commend team members on the manner in which they embraced our new ways of working in response to the Coronavirus and managed an increasing workload.

I am looking forward to continuing to work with the OTSI team and our stakeholders in 2021-22 to ensure our investigations enable transport safety improvements and support the high standard of safety on our network.



**Dr Natalie E Pelham**  
**CEO & Chief Investigator**

PhD, M Soc Sci, BSC(Hons)

## 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 1990* and the *Marine Safety Act 1998*. Since 2013, OTSI has also undertaken rail investigations in accordance with the provisions of the *Transport Safety Investigation Act 2003* on behalf of the Australian Transport Safety Bureau (ATSB) under a Collaboration Agreement.

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 in the safety of the NSW transport network through safety investigations conducted in a fair, impartial and rigorous manner to identify safety actions and improvements.

While the Chief Investigator of OTSI is accountable to the Minister for Transport and Roads, they are not subject to the direction and control of the Minister in the exercise of the Chief Investigator's investigative and reporting functions. However, the Minister may give a written direction to the Chief Investigator to initiate an investigation into a passenger transport accident or incident.

## Aims and objectives

OTSI contributes to the safe operation of public transport and rail freight services in NSW by investigating safety issues and sharing lessons with transport operators, regulators and other key stakeholders.

OTSI investigates using a 'no-blame' approach with the aim of understanding why something happened and identifying associated safety factors in order to make recommendations or highlight actions that transport operators and other stakeholders can take to prevent reoccurrence and improve safety.

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

- A 24-hour on-call duty officer to receive reports of notifiable incidents from NSW bus and ferry operators and regulators. 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.

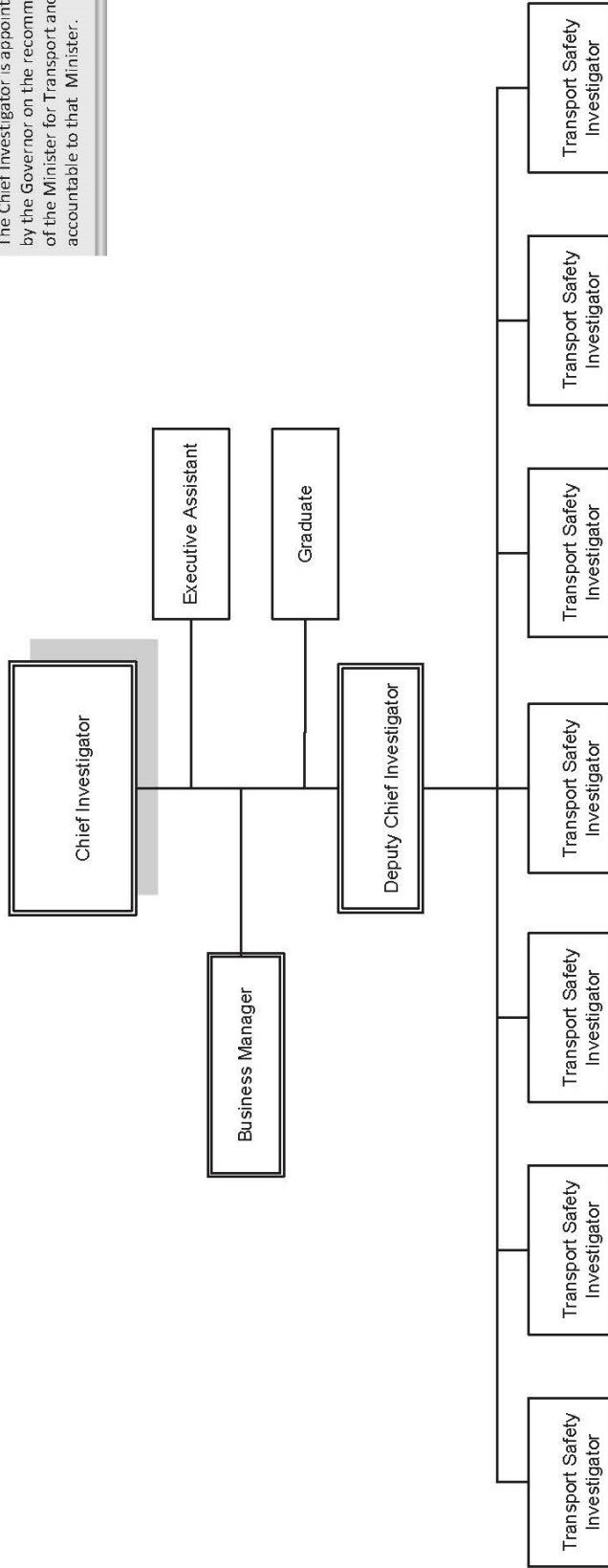
- A 24-hour investigation response team capable of providing immediate deployment to an accident or incident site.
- A team of transport safety investigators with expertise in undertaking investigations into rail, bus and ferry accidents and incidents.
- The Confidential Safety Information Reporting Scheme (CSIRS), a voluntary, confidential and non-punitive mechanism to enable employees in the public passenger transport sectors of the rail, bus and ferry industries to report matters which may affect the safe provision of services.
- The development of detailed accident and incident reports, and other resources such as Safety Alerts and Safety Advisories which are published on OTSI's website and disseminated to operators and other stakeholders.
- The conduct of safety investigations where organisational systemic defects or deficiencies are detected in the course of individual accident investigations, or where safety trend analysis identifies an issue.

## Organisation

As at 30 June 2021, OTSI had a total of 12 FTE positions, including one fixed-term graduate role.

The Chief Investigator and Deputy Chief Investigator are supported by a team of seven investigators and a small administrative team. OTSI turned over one staff member during 2020-21.

OTSI's organisational structure 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 2020-21

Throughout the reporting year, OTSI undertook the following key activities:

- Received and assessed **1,406** rail, bus and ferry accident and incident notifications from accredited operators and regulators in accordance with the *Passenger Transport Act 1990* and the terms of the Collaboration Agreement with the ATSB. Of these, a total of 1,131 were bus, 224 were rail and 51 were ferry notifications (Table A, page 9).
- Deployed to incident sites on **17** occasions (6 bus, 1 ferry and 10 rail incidents) to conduct preliminary investigations (Table B, page 9).
- Conducted investigations into rail, bus and ferry accidents and incidents to determine contributory factors and recommend preventative action to improve transport safety. A total of **15** investigations were initiated – 6 under the *Passenger Transport Act 1990* and 9 under the *Transport Safety Investigation Act 2003* (Cth). Investigations explored factors related to organisation, operations, technology, infrastructure, human-machine interface, communications, human performance and other system deficiencies (Table C, page 10).
- Published reports on **14** investigations and shared the findings with operators and other stakeholders. This included 13 specific incident investigations and the Bus Fires in NSW in 2020 report, the eight annual summary of fire and thermal incidents (Table D, page 11).
- Discontinued **3** investigations where, after making initial inquiries or reviewing an operator's investigation report, it was determined there was limited potential for identifying additional system safety issues that would enhance transport safety (Table E, page 11).
- Published **1** Safety Alert and **3** Safety Advisories to share advice on immediate identified safety issues with bus and ferry operators (Table F, page 12).
- Reviewed the reports of **37** investigations conducted by transport operators to determine the adequacy of those investigations, their findings and recommendations.
- Investigated **10** reports of safety concerns lodged by transport employees under the CSIRS. On completion of an investigation, **1** CSIRS Outcome Report was published (Tables G and H, page 12).
- Analysed transport accidents and incidents in Australia and overseas to identify safety trends.
- Engaged with operators, industry bodies, unions, government agencies and other organisations to facilitate transport safety improvements, including attendance at regular and ad hoc meetings, and presentations by the Chief Investigator at selected industry events.
- Provided briefings to the Minister's Office as required.

## Annual statistics

### 1 July 2020 - 30 June 2021

**Table A: Incident reports received by the OTSI duty officer**

Mode	Number of reports
Rail	224
Bus	1,131
Ferry	51
<b>Total</b>	<b>1,406</b>

**Table B: Deployments by OTSI investigators**

Incident date	Description	Date deployed
01-Jul-20	Ulladulla pedestrian fatality (student hit by bus)	02-Jul-20
20-Jul-20	Runaway bus – Campsie	22-Jul-20
22-Jul-20	Bus rolled back into another bus – Sydney CBD	22-Jul-20
21-Jul-20	Collision between out of gauge freight train 3WB3 and passenger train C181 – Loftus	24-Jul-20
29-Jul-20	Collision between coal trains MB526 and AH378 – Kooragang Coal Terminal	29-Jul-20
06-Aug-20	Shunter struck by locomotive – Port Kembla	07-Aug-20
24-Aug-20	Derailment of freight train 1221 – Lake Bathurst	24-Aug-20
13-Oct-20	Defective bearing on passenger train SN68 – Yerrinbool	14-Oct-20
23-Nov-20	Ferry Pemulwuy loss of control 2	23-Nov-20
15-Dec-20	Derailment involving loaded grain train 3966 – Dombarton	15-Dec-20
04-Jan-21	Driver incapacitation and runaway – Cordeaux Heights	04-Jan-21
06-Jan-21	Rolling stock irregularity on train 3YN2 – Kiacatoo	13-Jan-21
11-Jan-21	Articulated bus destroyed by fire – Glebe	12-Jan-21
25-Feb-21	Derailment of Pacific National freight train 4BM4 – Nana Glen	25-Feb-21
15-Apr-21	Freight service SPAD and derailment at catchpoints – Bomen	15-Apr-21
28-Apr-21	Yard carriages rollaway and collision – Sydenham	28-Apr-21
20-May-21	Pedestrian struck by bus in Westfield – Tuggerah	21-May-21

**Table C: Investigations initiated**

<b>Incident date</b>	<b>Description</b>	<b>Date initiated</b>
01-Jul-20	Pedestrian fatality – Ulladulla	03-Jul-20
21-Jul-20	Collision between out of gauge freight train 3WB3 and passenger train C181 – Loftus (TSI)	24-Jul-20
29-Jul-20	Collision between coal trains MB526 and AH378 – Kooragang Coal Terminal (TSI)	29-Jul-20
24-Aug-20	Derailment of freight train 1221 – Lake Bathurst (TSI)	24-Aug-20
15-Sep-20	Zig Zag safeworking irregularity	16-Sep-20
02-Jul-20	Ferry Pemulwuy loss of control – Sydney Harbour	16-Sep-20
13-Oct-20	Defective bearing on passenger train SN68 – Yerrinbool (TSI)	15-Oct-20
15-Dec-20	Derailment involving loaded grain train 3966 – Dombarton (TSI)	15-Dec-20
06-Jan-21	Rolling stock irregularity on train 3YN2 – Kiacatoo (TSI)	07-Jan-21
08-Jan-21	Safeworking irregularity and near miss with crew of train 5936 – Hawkesbury River (TSI)	13-Jan-21
11-Jan-21	Articulated bus destroyed by fire – Glebe	12-Jan-21
16-Dec-20	Pedestrian fatality – Bondi Junction	02-Feb-21
04-Jan-21	Driver incapacitation and runaway – Cordeaux Heights	02-Feb-21
25-Feb-21	Derailment of Pacific National freight train 4BM4 – Nana Glen (TSI)	25-Feb-21
29-Jun-21	Speed restriction not applied allowing passenger train ST24 to overspeed – Harefield (TSI)	29-Jun-21

Note: TSI denotes investigation undertaken on behalf of the ATSB

**Table D: Investigations finalised/published**

<b>Incident date</b>	<b>Description</b>	<b>Date published</b>
03-Nov-18	Bus fire – Sydney Harbour Bridge	5-Aug-20
01-Apr-19	Wheel defect on freight service T401G – Greta	03-Nov-20
01-Jul-20	Pedestrian fatality – Ulladulla	03-Nov-20
09-Oct-19	Loss of control and collision – Marrickville	03-Nov-20
03-Jul-19	Near miss with maintenance worker, Skitube Alpine Rail Terminal – Bullocks Flat (TSI)	17-Nov-20
28-Jun-19	Derailment of coal train TM94 – Moss Vale (TSI)	24-Nov-20
03-Apr-20	Uncontained Battery Failure Sydney Light Rail Vehicle – Randwick (TSI)	03-Dec-20
26-Sep-18	Derailment and collision between coal trains – Ravenan (TSI)	18-Dec-20
01-Jan to 31-Dec 20	Bus Fire Summary Report 2020	15-Jan-21
16-Jun-20	Wagon out of gauge on freight train 2BW4 – Main North Rail Line (TSI)	20-Jan-21
21-Aug-19	Safeworking irregularity involving crew of freight train 4WM2 – near Waterfall (TSI)	02-Feb-21
09-May-20	Near hit with rail worker by passenger train 283D – Dora Creek (TSI)	20-May-21
06-Jan-21	Rolling stock irregularity on train 3YN2 – Kiacatoo (TSI)	28-Jun-21
02-Jul-20	Ferry Pemulwuy loss of control – Sydney Harbour	30-Jun-21

Note: TSI denotes investigation undertaken on behalf of the ATSB

**Table E: Investigations discontinued**

<b>Incident date</b>	<b>Description</b>	<b>Date discontinued</b>
06-Feb-19	Derailment – Baerami (TSI)	14-Jan-21
24-Aug-20	Derailment of freight train 1221 – Lake Bathurst (TSI)	05-Mar-21
16-Oct-19	SPAD – Wagga Wagga (TSI)	20-Apr-21

Note: TSI denotes investigation undertaken on behalf of the ATSB

**Table F: Safety Alerts and Safety Advisories published**

<b>Incident date</b>	<b>Description</b>	<b>Date published</b>
11-Jan-21	Safety Alert: Risk of electrical fires on Volvo buses with Volgren CR228L bodies	21-Jan-21
17-Feb-21	Safety Advisory: Helicopter operations involving Domestic Commercial Vessels	07-Apr-21
14-Feb-21	Safety Advisory: Domestic Commercial Vessels engine room smoke	22-Apr-21
26-May-21	Safety Advisory: Accidents involving buses and pedestrians on and near designated crossings	03-Jun-21

**Table G: Confidential Safety Information Reporting Scheme (CSIRS) reports received**

<b>Report date</b>	<b>Description</b>
11-Aug-20	Rail protection officer qualification
12-Aug-20	Non-accredited bus operating as a hire service
21-Sep-20	Track issues in Boronia Tunnel
01-Feb-21	Dombarton train runaway locomotive issues
04-Feb-21	Kankool locomotive information
22-Feb-21	Bus driver behaviour Bondi
06-Apr-21	Ferry engine failures due to blocked fuel filters
14-May-21	Incident rail commander safe working qualifications
25-May-21	Protection officer qualifications
23-Jun-21	Bus defects not actioned

**Table H: CSIRS Outcome Reports published**

<b>Date received</b>	<b>Description</b>	<b>Date closed</b>
08-Aug-20	Use of unauthorised information register	24-May-21

## Challenges 2020-21

In delivering its functions, OTSI faces a number of challenges which it works to address through several mechanisms including its strategic planning and risk management frameworks.

Some of those challenges include:

- Maintaining OTSI's high quality investigation capability and standards in the face of annual increases in reported safety incidents.
- Expanding OTSI's use of data to support the triaging of incidents and ensure resources are targeted at safety priorities.
- Building capacity and capability to use data to program investigations into known safety risks and conduct more 'deep dive' systemic investigations.
- Keeping abreast of changes in the transport landscape such as technology, automation and alternative fuel sources.
- Retaining the services of the highly skilled investigators who make up the OTSI team.
- Enhancing OTSI's capacity to communicate the findings of its investigations to industry and encourage action to improve safety.
- Engaging with industry to enhance the safety of operations, while maintaining the OTSI's independent statutory authority status.
- Researching and acquiring relevant emerging investigative technologies which have the potential to enhance the techniques, practices and procedures employed by OTSI in the conduct of its investigations.

## 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 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 scope of 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 they reject any suggested amendment, they 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, while 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.

## 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 2020-21, OTSI received grants and contributions of \$2.99 million.

The net result showed a deficit of \$111,000. OTSI continues to receive an assurance from Transport for NSW to ensure that OTSI is operational.

An unaudited summary of financial performance is provided as follows:

### Summary of financial performance for the year ended 30 June 2021

	Actual 2021 \$'000	Actual 2020 \$'000
<b>Expenses excluding losses</b>		
<b>Operating expenses</b>		
Employee related expenses	2,110	2,597
Personnel service expense	23	-
Other operating expenses	555	455
Depreciation	387	315
Finance costs	53	10
<b>Total expenses excluding losses</b>	<b>3,128</b>	<b>3,377</b>
<b>Revenue</b>		
Grants and contributions	2,998	2,888
Acceptance by the Crown Entity of employee benefits and other liabilities	19	393
<b>Total revenue</b>	<b>3,017</b>	<b>3,281</b>
<b>Net result</b>	<b>(111)</b>	<b>(96)</b>
<b>Total other comprehensive income</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income</b>	<b>(111)</b>	<b>(96)</b>



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

<b>Measure</b>	<b>Financial Year 2020-21 Quarter Average</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Suppliers</b>					
Current (i.e. within due date)	0.01 M	0.03 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 31 and 60 days overdue	0.00 M	0.00 M	0.00 M	0.00 M	0.00 M
Between 61 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

<b>Small business suppliers</b>					
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**

<b>Measure</b>	<b>Financial Year 2020-21</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Suppliers</b>					
Number of accounts due for payment	181	45	38	37	61
Number of accounts paid on time	180	44	38	37	61
Target % accounts paid on time	90.00%	90.00%	90.00%	90.00%	90.00%
Actual % accounts paid on time	99.45%	97.78%	100.00%	100.00%	100.00%
\$ amount of accounts due for payment	1.08 M	0.26 M	0.08 M	0.33 M	0.41 M
\$ amount of accounts paid on time	1.08 M	0.26 M	0.08 M	0.33 M	0.41 M
Actual % accounts paid on time (based on \$)	99.99%	99.96%	100.00%	100.00%	100.00%
Number of payments for interest	-	-	-	-	-
Interest paid on overdue accounts	-	-	-	-	-

<b>Small business suppliers</b>					
Number of accounts due for payment	13	3	2	3	5
Number of accounts paid on time	13	3	2	3	5
Actual % accounts paid on time	100.00%	100.00%	100.00%	100.00%	100.00%
\$ amount of accounts due for payment	0.01 M	0.00 M	0.00 M	0.00 M	0.01 M
\$ amount of accounts paid on time	0.01 M	0.00 M	0.00 M	0.00 M	0.01 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	-	-	-	-	-

## 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 compliant records and information management to manage the lifecycle of records and information from creation/collection, capture, maintenance to disposal.

## Privacy and Personal Information Protection Act 1998

OTSI is mindful of its obligations under the PIPA Act and in accordance with section 33 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act), OTSI has a Privacy Management Plan and policies in place.

## 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 2020 to 30 June 2021.

<b>July 2020 - June 2021</b>	
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. One claim was lodged in relation to workers compensation through icare's Insurance for NSW in 2020-21.

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 Investigation Act 2003 (Cth)*
- *Passenger Transport Act 1990*
- *Rail Safety Act(Adoption of National Law) 2012*
- *Marine Safety Act 1998*
- *Regulations made under those Acts.*

## **PCard usage**

Transport for NSW issues 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 2020-21.

## **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 2020-21.

## Human resources

As at 30 June 2021, OTSI had a total headcount of 12 employees with 9 full time employees, one graduate contractual position and one secondment.

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.

## 2020-21 staffing

The table below shows OTSI headcount compared with the previous three years.

Annual Salary	2020-21 Total Count			2019-20 Total Count			2018-19 Total Count			2017-18 Total Count		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
< \$57,000	0	0	0	0	0	0	0	0	0	0	0	0
\$57,000 - \$86,000	0	1	1	0	0	0	0	0	0	0	0	0
\$86,001 - \$112,000	0	1	1	0	1	1	0	1	1	0	1	1
\$112,001 - 130,000	0	0	0	0	0	0	0	0	0	0	0	0
\$130,001 - \$155,000	7	0	7	8	0	8	9	0	9	8	0	8
\$155,001 - \$180,000	0	0	0	0	0	0	0	0	0	0	0	0
\$180,001 - \$274,000	1	1	2	1	0	1	1	0	1	1	0	1
\$274,001 - \$350,000	0	1	1	1	0	1	1	0	1	1	0	1
<b>TOTAL</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>10</b>	<b>1</b>	<b>11</b>	<b>11</b>	<b>1</b>	<b>12</b>	<b>10</b>	<b>1</b>	<b>11</b>

Salaries, wages and allowances moved in accordance with the NSW Government's wages policy. In 2020-21 staff were paid in accordance with Crown Employee's (Public Sector-Salaries 2019).

## Senior executive reporting

Band	2021		2020
	Female	Male	Male
Band 2 (Chief Investigator)	1		1
Band 1 (Deputy Chief Investigator)	1	1	1
<b>Total</b>	<b>2</b>	<b>1</b>	<b>2</b>

Band	Range \$	Average remuneration 2021 \$	Average remuneration 2020 \$
Band 2	\$268,001 to \$345,551	345,550	337,100
Band 1	\$187,900 to \$268,207	273,849	261,665

Executive year to date represents 29.3 per cent of overall salaries related expenses for 2020-21 (23.6 % 2019-20)-

## Trends in the representation of workforce diversity groups

EEO Group	% of total staff				
	Benchmark or Target	2018	2019	2020	2021
Women	50%	9%	9%	9%	33%
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 small agency that does not deliver direct services to the public. It 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 *Multicultural NSW Act 2000* (the Act).

In line with these principles OTSI continued with the following activities during 2020-21:

- 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
- 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 promote 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 staff.

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 four consultants during 2020-21:

- Randstad – Assist in recruitment of investigators (\$12,166)
- SpencerMaurice – Develop new business management system (\$33,070)
- Work Dynamic – HR investigations matter (\$22,274)
- HoustonKemp – Study of OTSI's impact on safety improvement (\$88,000)

## **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 2020-21.

## **Economic or other factors**

There were no economic or other factors affecting OTSI's operational objectives in 2020-21.

## **Publications**

OTSI published 14 investigation reports on its website in 2020-21 which included 13 specific incident investigations and the Bus Fires in NSW in 2020 report. It also published one Safety Alert, one CSIRS outcome report and three Safety Advisories.

The only other OTSI publication released in 2020-21 was the OTSI Annual Report for 2019-20.

## **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. OTSI focuses 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.

In 2020-21, OTSI's response to the Coronavirus pandemic was a major focus. To protect the health and wellbeing of OTSI staff and visitors to its premises, a COVID-19 Safety Plan was implemented to help minimise the risk of spreading the virus within the Elizabeth Street office.

During mandated lockdown periods, staff worked from home and a testing regime was implemented for on-call investigators to enable them to deploy to incident sites within Sydney or regional NSW, where it was deemed necessary and safe to do so.

There were regular communications on COVID-19 measures and impacts (including mental health) including updates at the weekly all-staff meeting and ongoing email updates from the Chief Investigator.

### **Overseas travel**

No overseas travel was undertaken in 2020-21.

### **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 2020-21 Financial Year for the Office of Transport Safety Investigations**

I, Natalie Pelham, 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.



**Dr Natalie E Pelham**  
**CEO & Chief Investigator**

### **Annual report costs**

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

### **Contact details**

#### **Office of Transport Safety Investigations**

*Postal address:* PO Box A2616, Sydney South NSW 1235

*Street address:* Level 17, 201 Elizabeth Street, Sydney NSW 2001

*Email:* [transport.safety@otsi.nsw.gov.au](mailto:transport.safety@otsi.nsw.gov.au)

*Telephone:* 02 9322 9200

*Website:* [www.otsi.nsw.gov.au](http://www.otsi.nsw.gov.au)

#### **Confidential Safety Information Reporting Scheme (CSIRS)**

*Email:* [csirs@otsi.nsw.gov.au](mailto:csirs@otsi.nsw.gov.au)

*Telephone:* 1800 180 828

#### **OTSI office hours of business**

9am to 5pm Monday to Friday (except public holidays)

#### **Duty Officer**

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