



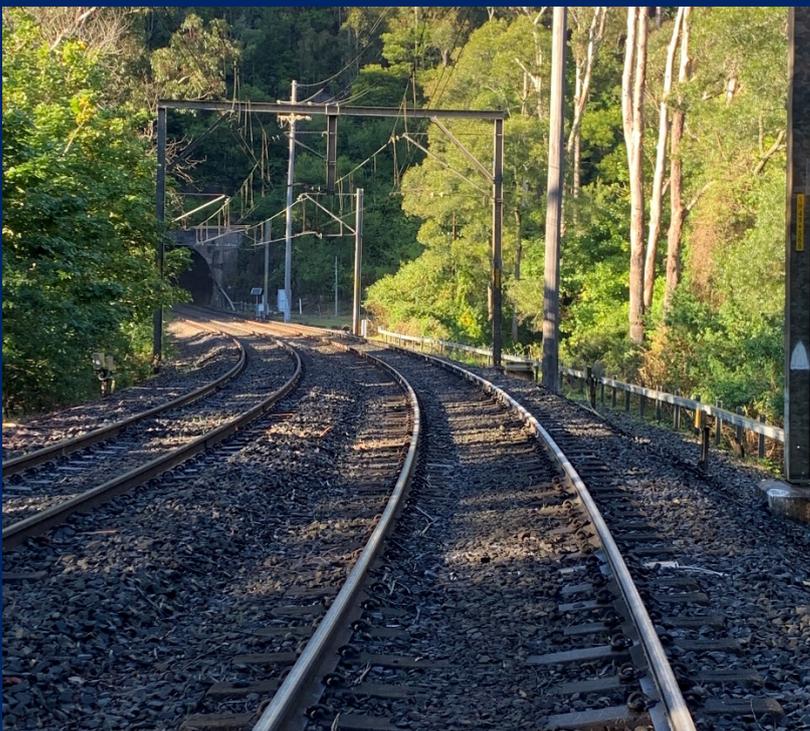
Office of
Transport Safety
Investigations

RAIL SAFETY INVESTIGATION

Interim Factual Statement

Incorrect Placement of Worksite Protection and
Near Hit with Worker
Oxford, NSW

29 June 2021



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 29 June 2021, an incident occurred on the Sydney Trains network at Otford, NSW, where worksite protection for a Track Occupancy Authority was incorrectly placed and a near hit occurred between a worker and a train, NSW Trains passenger service C348. Initial facts indicate that the worker was on a rail line that was open to trains, removing track protection that was meant for the adjacent line that was closed for maintenance work.

Scope of the investigation

Based on findings from OTSI's preliminary enquiries, OTSI's 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:

- The planning, supervision and management of the work prior to the Track Occupancy Authority and on the day of the event.
- The safeworking training, certification and competence management of the personnel involved in the event.
- The rules, procedures and other requirements involved in planning and managing the work.

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

- Identify the factors, both primary and contributory, which led to the incident.
- Determine whether the incident might have been anticipated and the effectiveness of any controls that were in place to manage the related risks.
- Advise on any matters arising from the investigation that would enhance the safety of rail 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 and Roads, 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.

Revision 1 September 2021

The original Interim Factual Statement published on 12 July 2021 stated that the Chief Investigator had determined that the investigation into the incident at Otford should be combined with another OTSI investigation into a similar event at Zig Zag, NSW in September 2020 because of similarities between the two incidents.

On reviewing initial evidence for the Otford investigation, the Chief Investigator has determined to keep the investigations separate in order to enable the report and safety insights relating to the earlier Zig Zag event to be released to rail operators and other stakeholders in a timely manner.