

Solutions



Transport



LOCAL GOVT & UTILITY PROVIDERS

ACHIEVING TTM COMPLIANCE

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LOCAL GOVERNMENT AS RIM ROLES AND RESPONSIBILITIES

AGTTM Part 8

“statutory duty to ensure so far as reasonably practicable the safe and efficient operation of the road network”

- Approve the TMP & regulatory controls
- Ensure TTM measures comply
- Adequately monitor TTM on the network
- Fulfil legal responsibilities



LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

How has LG interpreted this?



Local Council A

Review every TGS in detail. Permits refused multiple times & take up to 12 months to get



Local Council B

Don't look at TMP for fear of taking on liability. Everything approved immediately



LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

How have Contractors interpreted this?

- PCBU
 - You have no right to enter our site
 - It (TTM) is such a small simple task, why do Council have to get involved at all
 - If you don't just give us the permit, we will sue Council
- Traffic Management Designers
 - I am the designer – I am taking full responsibility for the design, and you (LG) should just let me do my job
 - It is my responsibility, you can't tell me what to do

LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

How do the courts interpret this issue?

- Contract for road project just outside of Darwin, Northern Territory
- Fatal Crash involving a motorcyclist at night in 2016
- TTM had significant deficiencies
- Who was responsible under WHS Act?



LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

Coroner's Finding

"In my view, the government, through the Department, has an obvious duty to the public to ensure safety on the roads ... the Department cannot and should not be allowed to completely absolve itself of this duty of care to the public, by delegating or contracting out completely that duty."

WHS NT Prosecution outcomes

- Enforceable undertakings
 - TTM Contractor NIL
 - Contractor - \$305k (18.4%)
 - Govt dept - \$1,353k (81.6%)

LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

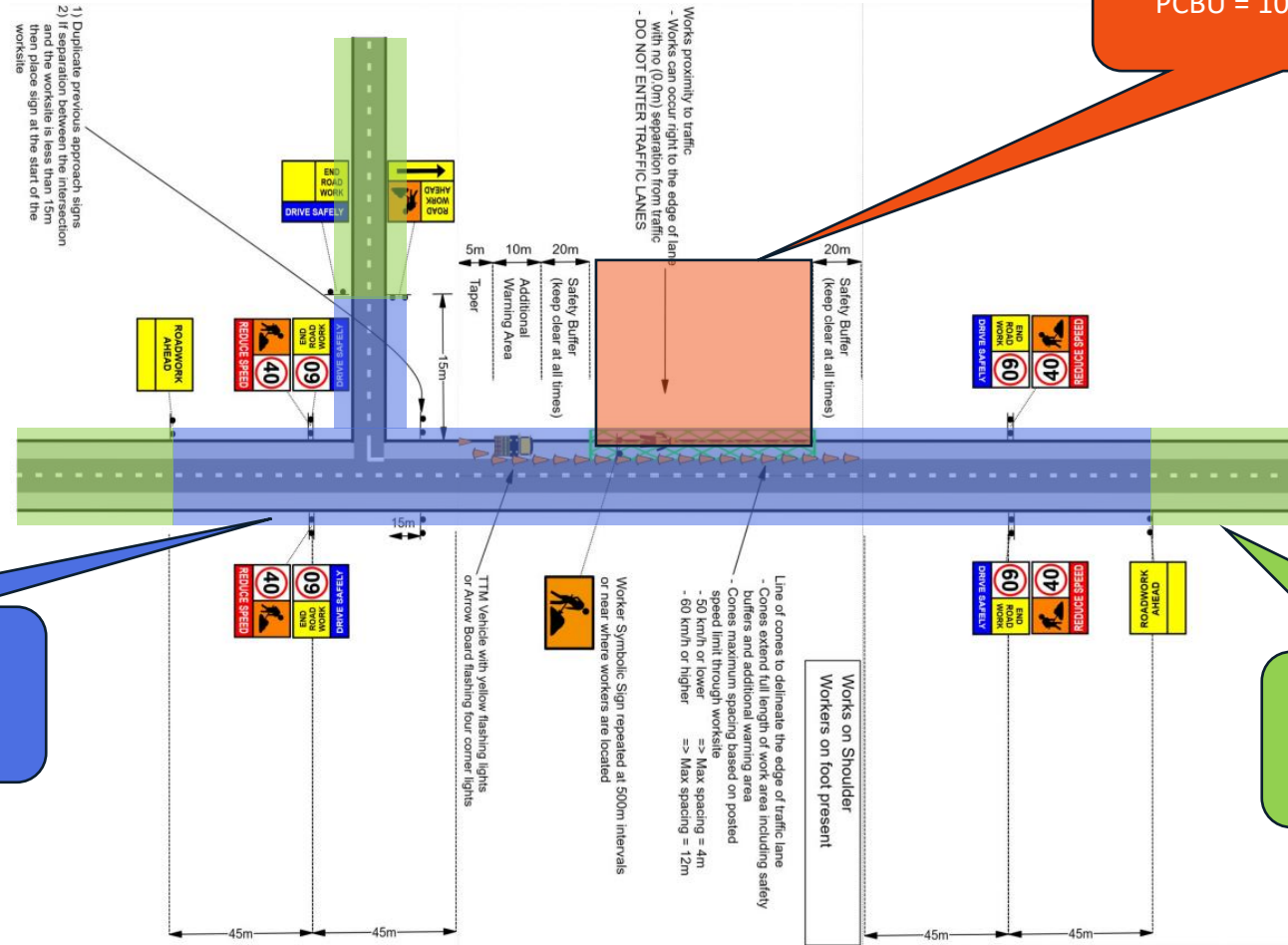
- Clarity around roles is crucial
- RIM
 - Cannot delegate away its responsibilities
 - must have processes in place to audit / review compliance
 - Need to demonstrate that duty of care has been fulfilled
 - Must be an informed buyer



LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

What is the reality?



Contained worksite
PCBU = 100% responsible

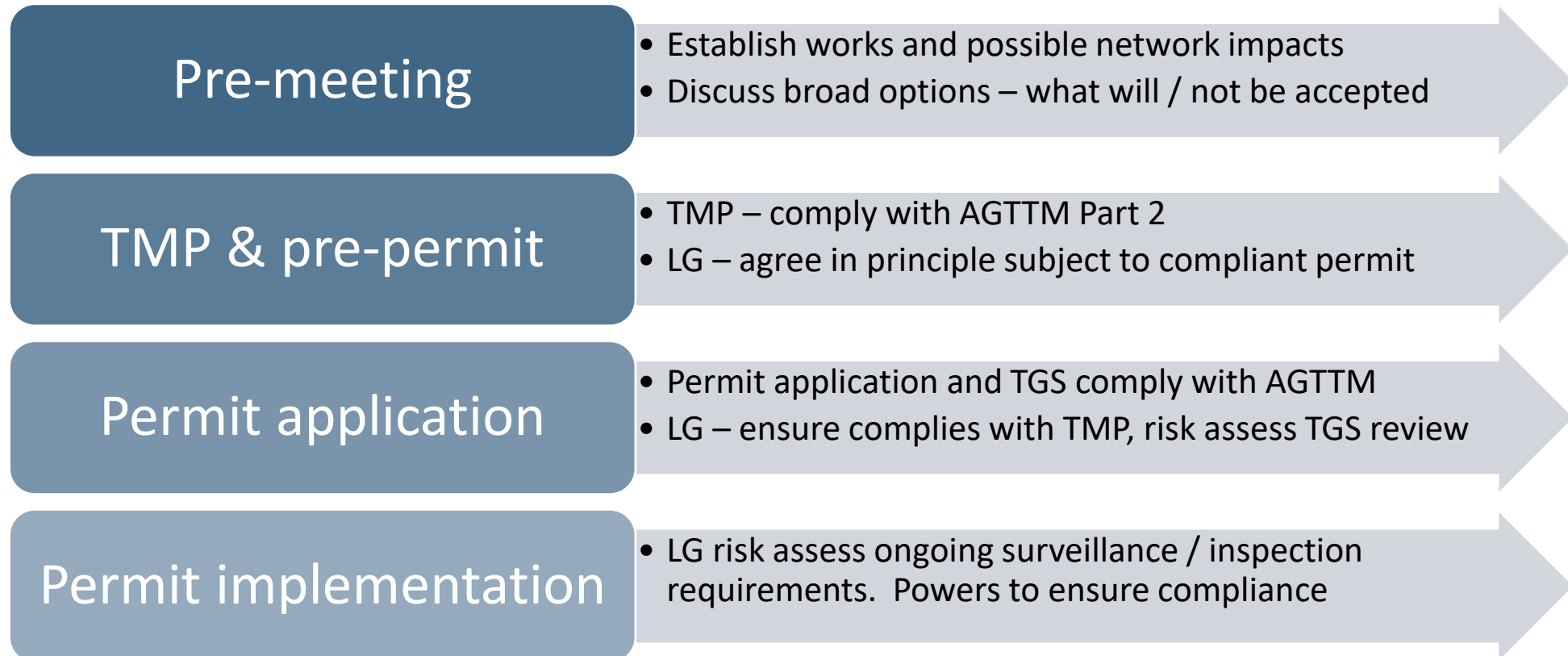
Outside worksite but within TTM extents
JOINTLY Responsible?

Outside worksite and all TTM
LG = 100% responsible

LOCAL GOVERNMENT AS RIM

1. PERMIT APPROVALS

What does meeting responsibilities look like for a LG?



LOCAL GOVERNMENT AS RIM

2. MAINTENANCE AND MINOR WORKS

General uncertainty / lack of knowledge as to what is required

- We are the road authority – we can make our own rules
- Not roadworks – TTM requirements do not apply
- It's unplanned – I will complete the works as an emergency
- Five-minute rule – I don't need any TTM



LOCAL GOVERNMENT AS RIM

2. MAINTENANCE AND MINOR WORKS

The reality

- LG is allocated responsibility for roads under State / Territory acts
- Must comply with rules determined by State / Territory Government
- WHS defines works on (near) roads as any construction or maintenance activity in a road corridor

⇒ ALL TTM REQUIREMENTS APPLY

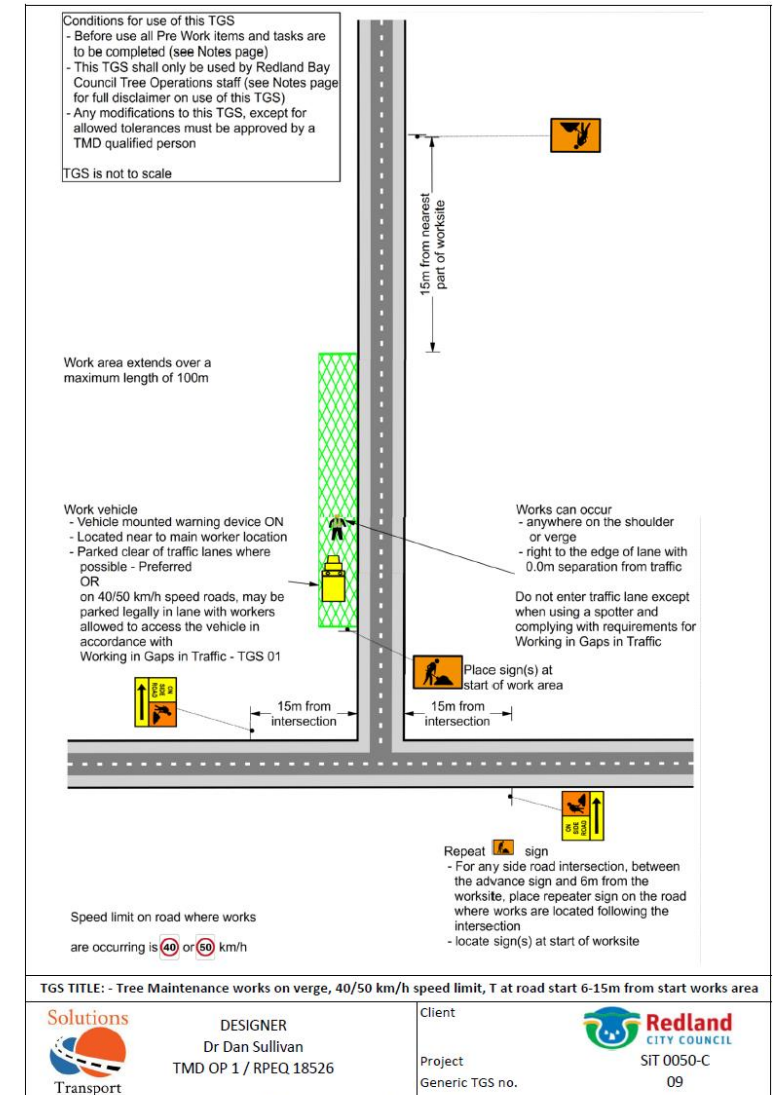


LOCAL GOVERNMENT AS RIM

2. MAINTENANCE AND MINOR WORKS

Recommended Practice

- TMP (AGTTM Part 2)
- Generic TGS diagrams (AGTTM Part 8)
- Selection process
- Site suitability assessment
- TMD support as required
- Risk Assessment
- Record Keeping



LOCAL GOVERNMENT AS RIM

3. TTM PROCEDURES

What else does a LG need to consider?

- Procedures relating to TTM
 - Staff Training – not just qualifications
 - Specific TTM requirements
 - Pedestrian detours
 - Road closures
 - Preferred devices / treatments
 - Delegations / Roles – who is the RIM?
 - Road Categories – and variations
 - When is 3rd party TTM engaged?



LOCAL GOVERNMENT AS RIM

3. TTM PROCEDURES

What else does a LG need to consider?

- Management of external TTM providers
 - Need to be an informed buyer
 - Procuring the right advice
 - Ensure Council & Company systems are compliant and complied with
 - Surveillance / Inspection / Review
- Events



UTILITY PROVIDERS THE TRANSITION TO COMPLIANCE



UTILITY PROVIDERS ROLES AND RESPONSIBILITIES

AGTTM Part 8

“A PCBU shall ensure, so far as reasonably practicable, that other road users are not exposed to health and safety risks arising from any TTM business or undertaking.”

- Ensure TTM measures comply
- Adequately monitor TTM on the network
- Manage 3rd party TTM providers
- Fulfil legal responsibilities



UTILITY PROVIDERS TTM PROCEDURES

- Procedures relating to TTM
 - Staff Training – not just qualifications
 - Permits from relevant RIMs
 - TMP for all works
 - Who delivers the TTM
 - Self-delivered
 - External TTM engaged?



UTILITY PROVIDERS TTM PROCEDURES

- Managing external TTM
 - Who holds the TMP for the works?
 - Who determines the TGS to be applied?
 - Supervisor as the PCBU is accountable for TTM on site
- What is really an emergency?



KEY OUTCOMES

Compliant, Safe, Practical, Cost Effective

- Informed advice
- TMP needed for all works
- TGS needed for all works, or approved procedure
- Delivering safer outcomes



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THANK YOU



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