

# **Contract Traffic Control Industry Taskforce**

## **Final Report**

**12 July 2010**

## Executive Summary

The Queensland Workplace Rights Ombudsman recently completed an investigation into the contract traffic control industry after receiving a number of serious allegations of unfair, inappropriate and unlawful workplace practices in the industry from employees, employers and unions. The Ombudsman released his report on 3 July 2009, providing broad ranging recommendations on the large number of legislative and procedural standards applicable to the industry, the complexity of industrial relations coverage, worker safety, and road user behaviour impacting traffic control. The report recommended that a reference group comprising departmental and external representation be formed to consider a number of issues that arose during the course of the investigation. The Attorney-General and Minister for Industrial Relations established this reference group as a Taskforce.

The Contract Traffic Control Industry Taskforce has considered each of the recommendations outlined in the 2009 Report of the Queensland Workplace Rights Ombudsman into the Contract Traffic Control Industry. Each recommendation has been considered on its merits, and in light of previous and ongoing departmental and industry commitments to improving working conditions and safety in the contract traffic control industry.

The Taskforce recognises that the issues raised in the Ombudsman's report are multi-faceted and that a longer term approach may be required in order to sufficiently address the concerns. As such, despite the activities in relation to the recommendations being complete, industry, unions and government representatives will continue to liaise with each other to improve conditions in the contract traffic control industry. A summary of the key activities undertaken in response to each recommendation is provided below, and a full justification outlined in the body of the report.

### Taskforce Response to Recommendations

Recommendation		Response	Key Outcomes
IR 1	That the State Industrial Inspectorate and Federal Workplace Ombudsman continue to conduct compliance inspections of traffic control employers.	Accepted	The Queensland inspectorate has conducted audits and no employers are covered by the state jurisdiction. Ongoing compliance activities will be undertaken by the Commonwealth Fair Work Ombudsman.
IR 2	That the Liquor, Hospitality and Miscellaneous Union (LHMU) and The	Accepted	The unions have committed to continue discussions to conclude this matter.

	Australian Workers' Union (AWU) and any other employee organisation claiming interest in the coverage of traffic controllers, engage at dialogue aimed at reaching agreement over the rationalisation of union coverage and representation.		
IR 3	That employer organisations representing businesses with an interest in traffic control engage in dialogue aimed at rationalising the representation of employers.	Accepted	Employer organisations have committed to addressing this recommendation.
IR 4	The unions, or union, together with employer organisation/s, seek to establish a broadly applicable set of enforceable industrial minima to regulate the pay and conditions of traffic controllers.	Accepted	The <i>Building and Construction General On-site Award</i> provides these minima.
IR 5	That the users of contract traffic controllers including Government departments, local authorities, civil and building contractors, play their part in the promotion of professionalism among traffic employers by regularly monitoring and auditing the undertakings given by principal contractors and traffic control companies to abide by relevant (industrial) laws.	Accepted	The State Industrial Inspectorate and Federal Workplace Ombudsman will continue to work to ensure the compliance of traffic control employers with applicable industrial instruments.  The <i>Building and Construction General On-Site Award 2010</i> and the RoadTek arrangement <i>Minimum Conditions of Employment for Employees Performing Traffic Control Work for RoadTek (01.07.09 – 30.06.11)</i> includes provisions to address the concerns raised.

			The Department of Transport and Main Roads (TMR) have introduced a new Traffic Management Registration Scheme for all traffic management companies working on state-controlled roads requiring businesses to demonstrate safety, quality and consistency within their organisational processes.
IR 6	Nobody, Government or otherwise, should knowingly use the services of a traffic contractor that underpays workers or fails to provide employees with proper working conditions	Accepted	Employer representatives and government representatives have committed to promote this practice.
EC 1	The Government form a reference group comprised of the Department of Transport and Main Roads, Workplace Health & Safety Queensland, appropriate employer groups, appropriate employee unions and any other relevant entities as determined by the Government, to collectively develop a single document for use by site supervisors and traffic controllers regarding the site supervisors' responsibilities as they relate to traffic controllers and traffic management.	Accepted	A document has been drafted to ensure site supervisors have a clear understanding of the role of the traffic controller, the contents of <i>the Traffic Controller Accreditation Scheme Approved Procedure 2007</i> , and to ensure consistency of message between the two audiences. The existing level two traffic management training package is complementary in scope to this new document.
EC 2	The reference group facilitate the development of a training package aimed at ensuring that all site supervisors and potential site supervisors		

	are familiar with all of their obligations with respect to traffic control as it relates to workplace safety and that the training be delivered separately from more general Occupational Health and Safety training.		
E C 3	Appropriately placed officers of the Department of Transport and Main Roads and Workplace Health & Safety Queensland conduct regular compliance audits of road work sites and include in the audits a focus on the provision of toilets and fatigue breaks for traffic controllers.	Accepted	<p>Workplace Health and Safety Queensland is incorporating checks of fatigue breaks and the provision of toilets in routine and upcoming targeted interventions, where opportunities present.</p> <p>The Department of Transport and Main Roads have updated their OHS internal audit procedures to include fatigue breaks and the provision of toilets. The focus of existing audits has been broadened in scope to include a review of industrial relations procedures of the company, and their compliance with <i>AS/NZS 4801:2001 Occupational Health and Safety Management Systems – Specifications and Guidance for Use</i>.</p>
E C 4	All Workplace Health & Safety Queensland, Queensland Police Service or State Coroner examinations of incidents or accidents at roadwork sites where appropriate, include a thorough investigation of all relevant aspects of traffic management including whether or not the traffic	Accepted	New investigations templates and staff work instructions have been developed to reinforce that fatigue is a mandatory consideration in all investigations. The Queensland Police Service has committed to collate all reports to be submitted to the State Coroner in collaboration

	controllers were relieved for fatigue breaks or were working fatigued.		with Workplace Health and Safety Queensland.
E C 5	The Government introduce a regulation providing that traffic controllers maintain and keep available for inspection by properly authorised persons, a personal log book recording work details including the date, the site, start time, fatigue breaks, rest pauses, lunch times, finishing times and site supervisor's name.	Accepted but not in the form of a log book	The timesheet template related to wages is being updated to capture relevant data and remove the need for an additional administrative requirement to maintain log book records.
E C 6	Assuming the adoption of (5), the Government introduce a requirement that the site supervisor or appropriate responsible person, sign signifying the correctness of the traffic controller's log book entries at the end of each shift and further, the Government establish that entering false data in a log book and/or knowingly signing to authenticate false data is an offence.		
E C 7	Amend the MUTCD Part 3, s.1.6 by deleting the word "should" and inserting the word "shall" in the first sentence so that the first paragraph reads: <i>"The person in control of construction, maintenance or other works which require the use of a traffic guidance scheme <u>shall</u> give attention to the following."</i>	Accepted (EC7 - 9)	Amendments have been made to the <i>Manual of Uniform Traffic Control Devices Part 3</i> .
E C 8	Amend the MUTCD Part 3, s.1.6 by adding a provision which ensures that the person in control		

	of the work site SHALL ensure traffic controllers are given fatigue breaks in accordance with s.3.2.14 of the TCASAP.		
E C 9	Amend the MUTCD Par 3, 5.1.6(c) by inserting the word “shall” before the word “ensure” so that the sub-section reads: <i>“Shall” ensure that personnel assigned to signing the works are adequately trained to perform the task and that traffic controllers are appropriately trained and informed of their duties.”</i>		
O S 1	Amend the <i>Transport Operations (Road Use Management) Act 1995</i> s.75, “Unlawful Installation of Traffic Signs” to provide that the failure to remove signs when the reason for their installation no longer exists, is an offence carrying the same penalty as “unlawful installation”.	Considered and rejected	The matter is already addressed in other forms of legislation but complaints received from members of the public will be analysed to identify trends, and to determine whether future legislative action is warranted.
O S 2	Amend the <i>Transport Operations (Road Use Management) Act 1995</i> s.75, “Unlawful Installation of Traffic Signs” to provide that failure to install signs in strict accordance with the approved Traffic Management Plan carries the same penalty as “unlawful installation”.		
O S 3	The Government facilitate the formation of a reference group charged with developing and, in a timely fashion, providing to Government, advice on appropriate measures to prevent motorists from speeding through roadwork and other areas	Considered and partially accepted	A working group has considered these suggestions, and has decided: <ul style="list-style-type: none"> <li>• Legislation already exists that addresses the issue of throwing objects.</li> <li>• The Department of Transport and Main</li> </ul>

	where lawful temporary reduced speed zones have been established.		Roads will proceed to approve the use of temporary rumble strips in roadwork applications
O S 4	The reference group include, but not be limited to, representatives of the Queensland Police Service, RACQ, WHSQ and the Department of Transport and Main Roads.		<ul style="list-style-type: none"> <li>• The use of pilot vehicles is impractical.</li> <li>• Traffic controllers will not be considered a high risk occupation in light of the national harmonisation of OHS laws. Also, the traffic controller occupation does not satisfy the national screening requirements to be considered a high risk occupation</li> </ul>
O S 5	<p>The reference group consider the following suggestions that were put to the Ombudsman:</p> <ul style="list-style-type: none"> <li>• Establish by legislation that the act of throwing an object at or near a road work site is an offence regardless of whether there was intent to injure or other malicious intent and further, regardless of whether the act could also be considered littering.</li> <li>• The use of audible 'rumble' strips or mats at the approach to roadwork sites to alert inattentive motorists.</li> <li>• Introduce a requirement to record by CCTV and the use of Automatic Number Plate Recognition cameras, the passage of all vehicles through sites in order to detect and provide evidence of unacceptable practices such as motorists throwing objects at traffic controllers or cars or trucks deliberately swerving towards traffic controllers in</li> </ul>		<ul style="list-style-type: none"> <li>• The results of a trial evaluating the potential use of rumble strips, CCTV, and prominent signage advising motorists of the presence of cameras will determine the extent to which CCTV will be used.</li> </ul>

	<p>order to intimidate them.</p> <ul style="list-style-type: none"> <li>• The erection of prominent signage advising motorists of the presence of cameras.</li> <li>• Increasing the activity by police in detecting and penalising motorists where appropriate and practicable.</li> <li>• Consideration of increased monetary penalties and higher demerit points for speeding offences at road work sites.</li> <li>• Public education campaigns including forewarning the public that police enforcement of speed limits at road works will be a constant in the future.</li> <li>• The use of pilot vehicles to lead motorists through these particularly difficult sites thus preventing vehicles from speeding.</li> <li>• The use of pilot vehicles to lead motorists through these particularly difficult sites thus preventing vehicles from speeding.</li> <li>• Amending the <i>Workplace Health and Safety Act 1995 (Qld)</i> and Regulations to include traffic controllers as a prescribed occupation.</li> </ul>		
O	The Government	Accepted	TMR have introduced a

S 6	introduce a licensing regime for business operators providing the services of traffic controllers to third parties under contract.		new Traffic Management Registration Scheme for all traffic management companies working on state-controlled roads requiring businesses to demonstrate safety, quality and consistency within their organisational processes.
O S 7	The Department of Transport and Main Roads continue their well received advertising campaign promoting safety at road works.	Rejected	For the Government Advertising Review Committee to approve expenditure on advertising campaigns, there needs to be evidence to suggest that the campaign has resulted in a change in motorist behaviour, and there is insufficient evidence to demonstrate this link for this campaign. TMR will continue radio and print campaigns in targeted regional media..
O S 8	The Government establish and advertise the existence of a central contact point possibly within the Department of Transport and Main Roads capable of receiving and promptly investigating complaints related to traffic management at road works or other sites.	Accepted	An existing roadworker hotline will be broadened in scope to receive complaints and concerns from parties - both members of the public and government agencies. Complaints received through this hotline will be registered and referred to other government agencies for action where required.
T A 1	The Department of Transport and Main Roads, together with representatives of other appropriate bodies, form a reference group to review all aspects of the current system of training of traffic controllers and the system of accrediting trainers.	Accepted	A training package structured around the <i>Traffic Controller Accreditation Scheme Approved Procedure 2007</i> and the national unit of competency <i>R11OHS205A Control Traffic with a Stop Slow Bat</i> has been developed.
T	That any review of training		

A 2	practices address the issue of testing standards in order to ensure candidates have sufficient knowledge and skills to be accredited.		
T A 3	The Department of Transport and Main Roads review the current entry and candidate suitability procedures so that potential traffic controllers may quickly assess their prospects of successfully passing a criminal background check prior to investing time and money to participate in training.	Accepted	An information sheet has been developed detailing the types of offences that would make an applicant unsuitable for accreditation.
T A 4	To remove current procedural restrictions on training auditors so that they are able to monitor and assess the quality of training from a position of anonymity.	Considered and rejected	The quality of training is monitored within the VET framework.
T A 5	The Government facilitate the formation of a reference group charged with developing a more complete set of medical criteria for traffic control eligibility against which a person may be better assessed.	Accepted	Following a review of the criteria, it has been agreed that the existing medical fitness criteria is appropriate for the role.
T A 6	If Recommendation 5 is adopted, apply any revised set of medical standards to all new and existing traffic controllers.		

The Taskforce values the efforts of the working parties in developing and implementing the responses to the recommendations in the Ombudsman's report. The Traffic Management Steering Committee established by TMR has been a particularly useful forum for government and industry stakeholders to consider and develop a response to the recommendations made by the Ombudsman. Taskforce members have agreed that a group similar to those represented on the Taskforce will continue to meet through the Traffic Management Steering Committee to further address issues in the contract traffic control industry.

## **Purpose**

To provide an overview of the work undertaken by the Contract Traffic Control Industry Taskforce in response to the recommendations outlined in the 2009 Report of the Queensland Workplace Rights Ombudsman into the Contract Traffic Control Industry.

## **Background**

The Queensland Workplace Rights Ombudsman recently completed an investigation into the contract traffic control industry after receiving a number of serious allegations of unfair, inappropriate and unlawful workplace practices in the industry from employees, employers and unions. While the investigation was underway, the Ombudsman received further reports that three motorists were killed and four workers were injured in connection with road works. In the following months, a traffic control worker was tragically killed at work on a busy highway near Burpengary.

The Ombudsman released his report on 3 July 2009, providing broad ranging recommendations on the large number of legislative and procedural standards applicable to the industry, the complexity of industrial relations coverage, worker safety, and road user behaviour impacting traffic control. The report reinforced the impetus for government and industry stakeholders to work together to implement the recommendations, and specifically recommended that a reference group comprising departmental and external representation be formed to consider a number of issues that arose during the course of the investigation. The Attorney-General and Minister for Industrial Relations established this reference group as a Taskforce.

The Taskforce has convened four times to consider the recommendations made by the Ombudsman in his report. Queensland Government agencies were allocated the responsibility of leading a response to each recommendation. Industry stakeholders on the Taskforce nominated to be involved in specific working parties for particular recommendations.

At these meetings, the leading government agency and their respective working parties reported on the status of their responses to each recommendation and the Taskforce evaluated the suitability of these responses. The Taskforce's response to the recommendations is outlined in the next section.

## **Response to Recommendations**

### **Industrial Relations**

#### ***IR1 That the State Industrial Inspectorate and Federal Workplace Ombudsman continue to conduct compliance inspections of traffic control employers***

The Queensland inspectorate has conducted audits and no employers were covered by state compliance jurisdiction. Following the referral of the Private Sector Industrial Relations jurisdiction to the Commonwealth from 1 January 2010 this area of employment will be the sole domain of the Commonwealth

agency – the Fair Work Ombudsman. The report of the review undertaken by the Queensland Workplace Rights Ombudsman has been provided to the Queensland Manager, and it is understood that compliance activities will be ongoing.

***IR2 That the Liquor, Hospitality and Miscellaneous Union (LHMU) and The Australian Workers' Union (AWU) and any other employee organisation claiming interest in the coverage of traffic controllers, engage at dialogue aimed at reaching agreement over the rationalisation of union coverage and representation.***

The Australian Workers' Union has advised that discussions have been undertaken and this matter will be concluded between the unions.

***IR3 That employer organisations representing businesses with an interest in traffic control engage in dialogue aimed at rationalising the representation of employers.***

Employer representatives appreciate the need to provide a single unified voice on behalf of its membership and will take the necessary steps to achieve this.

***IR4 The unions, or union, together with employer organisation/s, seek to establish a broadly applicable set of enforceable industrial minima to regulate the pay and conditions of traffic controllers.***

The *Building and Construction General On-site Award* will cover the employment of road traffic controllers from 1 January 2010.

***IR5 That the users of contract traffic controllers including Government departments, local authorities, civil and building contractors, play their part in the promotion of professionalism among traffic employers by regularly monitoring and auditing the undertakings given by principal contractors and traffic control companies to abide by relevant (industrial) laws.***

TMR supports the State Industrial Inspectorate and Federal Workplace Ombudsman continuing to have primary responsibility for ensuring compliance by traffic control employers with applicable industrial instruments. These government bodies are legally sanctioned to undertake functions associated with compliance such as right of entry, have powers of inspection and to inspect and make records. The efforts of these agencies are supplemented by the recent introduction of the new modernised Federal Award on 2 January 2010, the *Building and Construction General On-Site Award 2010* as a benchmark to standardise industrial relations practice in the industry. The RoadTek arrangement *Minimum Conditions of Employment for Employees Performing Traffic Control Work for RoadTek (01.07.09 – 30.06.11)* includes provisions to address the concerns raised

TMR have introduced a new Traffic Management Registration Scheme for all traffic management companies working on state-controlled roads. This new scheme is for traffic management companies, and is in addition to the existing requirement for individual traffic controllers to be licensed. Within this system, traffic management companies are required to demonstrate safety, quality and consistency within their organisational processes. It also focuses on other factors such as financial stability, occupational health and safety, industrial relations, and appropriate training of the workforce. Traffic management companies will be audited by TMR, and may be de-registered if they are performing poorly against these standards. The scheme was officially launched on 22 June 2010 and by early 2011 only registered traffic management companies will be permitted to work on state-controlled roads. Further information about the scheme is available at [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au).

***IR6 Nobody, Government or otherwise, should knowingly use the services of a traffic contractor that underpays workers or fails to provide employees with proper working conditions.***

Employer representatives and government representatives are committed to promoting good industrial relations compliance and proper working conditions for road traffic controllers.

### **Enforcement and Compliance**

***EC1 The Government form a reference group comprised of the Department of Transport and Main Roads, Workplace Health & Safety Queensland, appropriate employer groups, appropriate employee unions and any other relevant entities as determined by the Government, to collectively develop a single document for use by site supervisors and traffic controllers regarding the site supervisors' responsibilities as they relate to traffic controllers and traffic management.***

***EC2 The reference group facilitate the development of a training package aimed at ensuring that all site supervisors and potential site supervisors are familiar with all of their obligations with respect to traffic control as it relates to workplace safety and that the training be delivered separately from more general Occupational Health and Safety training.***

TMR, in collaboration with industry representatives from the Taskforce, have drafted a document to ensure site supervisors have a clear understanding of the role of the traffic controller, the contents of the Traffic Controller Approved Procedure, and to ensure consistency of message between the two audiences. The document is in the final stages of editing and design, and will be promoted through a series of activities led by TMR.

The existing level two traffic management training package is complementary in scope to this new document.

**EC3 *Appropriately placed officers of the Department of Transport and Main Roads and Workplace Health & Safety Queensland conduct regular compliance audits of road work sites and include in the audits a focus on the provision of toilets and fatigue breaks for traffic controllers.***

Workplace Health and Safety Queensland

Workplace Health and Safety Queensland (WHSQ) is incorporating checks of fatigue breaks and the provision of toilets in upcoming targeted interventions, where opportunities present. Inspectors have also been instructed to routinely address fatigue breaks and the provision of toilets in site visits.

WHSQ recently conducted an audit campaign in March, April and May of 2009 in response to concerns that industry was not applying the *Traffic Management for Construction or Maintenance Work Code of Practice 2008* (the Code). The audit campaign consisted of 49 random audits across Queensland to assess the extent of uptake of the Code.

Broad cross-sections of workplaces were audited in the construction and maintenance sub-sectors.

The audit included a desktop audit of how an employer was managing fatigue, and a walk-through assessment of risks associated with fatigue. As part of this audit, inspectors surveyed workers about their hours of work, and breaks between shifts.

The audit revealed that 78% of workplaces audited ensured that traffic controllers were provided with a 15 minute break every three hours. Twenty per cent of this 78% achieved compliance with this requirement by contracting traffic controllers for a short duration i.e. maintenance and mobile work in which traffic controllers are not required to control traffic for long periods of time without a break. The audit also revealed that fatigue management documentation was not available for 18% of workplaces visited.

The hours of work survey findings indicate that further measures are required to ensure traffic controllers receive a rest break of 15 minutes every three hours, as required by section 3.2.14 of the *Traffic Controller Accreditation Scheme Approved Procedure 2007* (TCASAP) that is published by the Department of Transport and Main Roads.

The *Workplace Health and Safety Regulation 2008* (the Regulation) outlines the requirements for the provision of toilets for principal contractors and relevant persons. Inspectors routinely address these requirements as part of compliance activities. In April 2008 in response to concerns that toilets provided for use on construction sites did not comply with the design requirements outlined in the Regulation, construction inspectors were requested, as part of workplace visits, to verify whether the toilets provided for use on construction sites were compliant with the requirements of the Regulation.

Workplace Health and Safety Queensland has a range of publications available on the Internet about fatigue management. These include:

- Fatigue fact sheet
- Managing Fatigue: A Guide for the Workplace
- Fatigue Management Audit Tool used in the compliance audit for the *Traffic Management for Construction or Maintenance Work in Queensland*, and
- *Traffic Management for Construction or Maintenance Work Code of Practice 2008*.

Resources available on the Internet about the requirements for the provision of toilets include:

- Guide to Understanding Obligations for Workplace Amenities
- Amenities on Housing Sites Fact Sheet, and
- Workplace Amenities: What you need to know Brochure.

State and territory health and safety regulators have recently committed to a national campaign for traffic management in upcoming years.

#### Department of Transport and Main Roads

TMR have updated their OHS internal audit procedures to include fatigue breaks and provision of toilets. Additionally, the audits undertaken by the Traffic Management Registration Unit are now focussed on the industrial relations procedures of the company, and their compliance with AS/NZ 4801:2001.

***EC4 All Workplace Health & Safety Queensland, Queensland Police Service or State Coroner examinations of incidents or accidents at roadwork sites where appropriate, include a thorough investigation of all relevant aspects of traffic management including whether or not the traffic controllers were relieved for fatigue breaks or were working fatigued.***

Fatigue is one of many factors considered in WHSQ investigations. New investigations templates have been developed to include fatigue as a mandatory consideration in all investigations. Staff have been issued with an instruction to include fatigue considerations in investigations involving road works.

WHSQ provides completed investigations reports to the State Coroner. The Queensland Police Service (QPS) will collate all reports to be submitted to the coroner in collaboration with WHSQ.

***EC5 The Government introduce a regulation providing that traffic controllers maintain and keep available for inspection by properly authorised persons, a personal log book recording work details including the date, the site, start time, fatigue breaks, rest pauses, lunch times, finishing times and site supervisor's name.***

**EC6** *Assuming the adoption of (EC5), the Government introduce a requirement that the site supervisor or appropriate responsible person, sign signifying the correctness of the traffic controller's log book entries at the end of each shift and further, the Government establish that entering false data in a log book and/or knowingly signing to authenticate false data is an offence.*

TMR investigated the practicalities of using a log book. A working group of government and industry representatives convened to progress this outcome. Following consultation with members from the Civil Contractors Federation, and the Traffic Management Association of Queensland, Inc. (TMAQ), it was agreed that TMAQ would lead change in this area by updating the timesheet template related to wages to capture relevant data, and remove the need for a separate log book.

**EC7** *Amend the MUTCD Part 3, s.1.6 by deleting the word "should" and inserting the word "shall" in the first sentence so that the first paragraph reads: "The person in control of construction, maintenance or other works which require the use of a traffic guidance scheme shall give attention to the following."*

**EC8** *Amend the MUTCD Part 3, s.1.6 by adding a provision which ensures that the person in control of the work site **SHALL** ensure traffic controllers are given fatigue breaks in accordance with s.3.2.14 of the TCASAP.*

**EC9** *Amend the MUTCD Par 3, 5.1.6(c) by inserting the word "shall" before the word "ensure" so that the sub-section reads: "Shall ensure that personnel assigned to signing the works are adequately trained to perform the task and that traffic controllers are appropriately trained and informed of their duties."*

The Manual of Uniform Traffic Control Devices. Part 3 has been updated to include these references.

### **Other Safety**

**OS1** *Amend the Transport Operations (Road Use Management) Act 1995 s.75, "Unlawful Installation of Traffic Signs" to provide that the failure to remove signs when the reason for their installation no longer exists, is an offence carrying the same penalty as "unlawful installation".*

**OS2** *Amend the Transport Operations (Road Use Management) Act 1995 s.75, "Unlawful Installation of Traffic Signs" to provide that failure to install signs in strict accordance with the approved Traffic Management Plan carries the same penalty as "unlawful installation".*

After much discussion, the Taskforce decided that this recommendation would not be progressed at this time. Rather, complaints from the public will be analysed to identify trends, and to determine whether future legislative action is warranted.

**OS3** *The Government facilitate the formation of a reference group charged with developing and, in a timely fashion, providing to Government, advice on appropriate measures to prevent motorists from speeding through roadwork and other areas where lawful temporary reduced speed zones have been established.*

**OS4** *The reference group include, but not be limited to, representatives of the Queensland Police Service, RACQ, WHSQ and the Department of Transport and Main Roads.*

**OS5** *The reference group consider the following suggestions that were put to the Ombudsman:*

- *Establish by legislation that the act of throwing an object at or near a road work site is an offence regardless of whether there was intent to injure or other malicious intent and further, regardless of whether the act could also be considered littering.*
- *The use of audible 'rumble' strips or mats at the approach to roadwork sites to alert inattentive motorists.*
- *Introduce a requirement to record by CCTV and the use of Automatic Number Plate Recognition cameras, the passage of all vehicles through sites in order to detect and provide evidence of unacceptable practices such as motorists throwing objects at traffic controllers or cars or trucks deliberately swerving towards traffic controllers in order to intimidate them.*
- *The erection of prominent signage advising motorists of the presence of cameras.*
- *Increasing the activity by police in detecting and penalising motorists where appropriate and practicable.*
- *Consideration of increased monetary penalties and higher demerit points for speeding offences at road work sites.*
- *Public education campaigns including forewarning the public that police enforcement of speed limits at road works will be a constant in the future.*
- *The use of pilot vehicles to lead motorists through these particularly difficult sites thus preventing vehicles from speeding*
- *Amending the Workplace Health and Safety Act 1995 (Qld) and Regulations to include traffic controllers as a prescribed occupation.*

Offences in relation to the throwing of objects are not contained within legislation administered by TMR. It is more appropriate that these are contained within either *Criminal Code Act 1899* or *Summary Offences Act 2005* which are administered by the Department of Justice and Attorney-General (JAG). TMR has raised with JAG whether existing offences in this area are sufficient (e.g. existing offences for throwing objects on roadways).

Within the recommendations an overlap between QPS and TMR exists in relation to the areas of responsibilities. Legislation already exists that relates to the throwing of items from vehicles. Section 137 of the *Transport Operations (Road Use Management) Act 1995* outlines requirements for injurious matter on roads, and subsequent investigations of assault and wilful damage. Enforcement through roadwork sites is dependant on the location of sites, and a blanket solution for every site is not possible. Recommendations of rumble strips, CCTV, ANPR etc may be valid for some sites but not others. Discussion through the working group revealed benefits and drawbacks of all options.

Experience with the use of temporary speed bumps (which have been approved for use in roadwork sites) have identified a number of practical issues with the potential use of temporary rumble strips or mats. Nevertheless, a literature review has identified that temporary rumble strips have been utilised in a number of countries. While studies have shown that they are an ineffective means of reducing speed, anecdotal evidence suggests that they could assist in alerting inattentive motorists. TMR are undertaking trials into the use of temporary rumble strips approved usage at road work sites. The erection of prominent signage advising motorists of the presence of cameras is integrated into the trial. Further projects that have been trialled or are in the process of being trialled include the use of LED speed limit signs and the use of speed indicating devices, traffic robots as early warning devices at road work sites, and use of a 'trailer cam' that uses CCTV recording capabilities at various road works. The trials include day and night operations, and have so far indicated that the 'trailer cam' is an effective deterrent against speeding vehicles through road work sites. The results of the trial will determine to what extent CCTV can be used to enact change in motorist behaviour at road work sites. TMR are also in discussions with the Road and Traffic Authority of New South Wales in relation to the use of remote control LED speed limit signs that were recently trialled in New South Wales with success.

The QPS have previously considered the use of pilot vehicles in road works sites, and this is unlikely to be practical in most circumstances. The use of pilot vehicles is already recognised in the MUTCD. This practice has been limited, but it is part of the current traffic management toolbox which could be utilised in particularly difficult sites (generally rural, lower volume application).

The recommendation to include traffic controllers as a high risk occupation has been considered but is not being progressed. WHSQ has committed to adopting the model OHS laws and is unable to consider any legislation changes independent of the national OHS harmonisation process. Traffic controllers are not a class (occupation) contained within the National Standard nor are they regulated under OHS law by any other jurisdiction. WHSQ has assessed the traffic controller occupation against the screening process for the Decision Making Framework set by Safework Australia, and this occupation does not appear to satisfy the screening requirements to be considered as a high risk occupation.

**OS6 *The Government introduce a licensing regime for business operators providing the services of traffic controllers to third parties under contract.***

TMR have introduced a new Traffic Management Registration Scheme for all traffic management companies working on state-controlled roads. This scheme has been detailed in the response provided to IR5.

**OS7 *The Department of Transport and Main Roads continue their well received advertising campaign promoting safety at road works.***

TMR have been asked by government to demonstrate the link to measurable increase in safety at road works effected by this campaign. Targeted regional radio and print campaigns will be used in areas where roadworks safety is a concern as the base measure. A final decision on the campaign will be made when the evaluation findings are available.

**OS8 *The Government establish and advertise the existence of a central contact point possibly within the Department of Transport and Main Roads capable of receiving and promptly investigating complaints related to traffic management at road works or other sites.***

The current roadworker hotline will be broadened in scope to receive complaints and concerns from parties both internal and external to TMR. The functionality for this hotline will enable complaints to be registered and referred to other agencies, e.g. Queensland Police Service

### **Training and Accreditation**

**TA1 *The Department of Transport and Main Roads, together with representatives of other appropriate bodies, form a reference group to review all aspects of the current system of training of traffic controllers and the system of accrediting trainers.***

**TA2 *That any review of training practices address the issue of testing standards in order to ensure candidates have sufficient knowledge and skills to be accredited.***

A reference group was formed and the current system of training for traffic controllers, and the system of accrediting trainers was reviewed.

A training package structured around the *Traffic Controller Accreditation Scheme – Approved Procedure* and the national unit of competency *RIIOHS205A Control Traffic with a Stop Slow Bat* has been developed. This package includes all learning and assessment strategies and tools (presentations, exercises, theoretical, and practical assessments). This training is being delivered through registered training organisations to add another level of rigour and compliance.

**TA3** *The Department of Transport and Main Roads review the current entry and candidate suitability procedures so that potential traffic controllers may quickly assess their prospects of successfully passing a criminal background check prior to investing time and money to participate in training.*

An information sheet has been developed detailing the types of offences that would make an applicant unsuitable for accreditation.

**TA4** *To remove current procedural restrictions on training auditors so that they are able to monitor and assess the quality of training from a position of anonymity.*

As this recommendation is reliant on the VET system to monitor the quality of training, this recommendation is not being progressed by the Taskforce.

**TA5** *The Government facilitate the formation of a reference group charged with developing a more complete set of medical criteria for traffic control eligibility against which a person may be better assessed.*

**TA6** *If Recommendation TA5 is adopted, apply any revised set of medical standards to all new and existing traffic controllers.*

The criteria has recently been reviewed, and all feedback received indicates that the criteria is suitable. There was general agreement amongst industry and government that the existing medical fitness criteria is appropriate for the role.

## **Conclusion**

The Taskforce values the efforts of the working parties in developing and implementing the responses to the recommendations in the Ombudsman's report. The Traffic Management Steering Committee established by TMR has been a particularly useful forum for government and industry stakeholders to consider and develop a response to the recommendations made by the Ombudsman. Taskforce members have agreed that a group similar to those represented on the Taskforce will continue to meet through the Traffic Management Steering Committee to further address issues in the contract traffic control industry.