

Part B: For Clients and Road Controlling Authorities

This part is for use by Clients (also called *Contracting PCBUs*) who commission work that involves TTM affecting Vulnerable Road Users (including but not limited to Road Controlling Authorities (RCAs), utility asset owners, or property developers).

This part is also for use by Road Controlling Authorities (RCAs) responsible for road networks where TTM is performed that affects Vulnerable Road Users.

This part includes the following guidance:

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Part B: For Clients and Road Controlling Authorities

Contracting PCBUs, also referred to as Clients or Principals, are those who engage other entities to perform work and need to ensure that work is done without harm to people.

Road Controlling Authorities (RCAs) oversee the road networks, ensuring safe and efficient network operation. In some cases, RCAs are the Contracting PCBUs and have multiple responsibilities under different legislation.



Contracting PCBUs MUST:

- Ensure that, so far as reasonably practicable, the health and safety of people are not put at risk by the work they are involved in^[25, Section 36].
- Consult, cooperate, and coordinate activities with all other PCBUs sharing overlapping duties as far as is reasonably practicable^[25, Section 34].
- Not contract out health and safety duties or push risks onto others in a contracting chain^[25, Section 28].



Contracting PCBUs SHOULD:

- Prioritise health and safety by engaging in thorough planning and procurement, considering contractors' safety records, and ensuring clear monitoring and reporting procedures are in place.
- Establish a framework for worker engagement and participation, ensuring their training and competency are up to standard.
- During planning, engage with designers, contractors, and subcontractors to identify and eliminate possible risks.



Road Controlling Authorities MUST:

- Take all necessary precautions for the public's safety, traffic, and workers on or near any road, especially during construction or repairs, and require other parties involved in such work to adopt similar safety measures^[35, Section 353].
- Approve Traffic Control Devices on their roads before use^[32, Section 3.2(2)].
- Approve using any TSLs on their roads via a TMP^[31].
- Maintain their roads in good condition and use devices to control speeds where necessary. Public safety and traffic precautions are mandatory during road construction and repair^[22].
- Temporarily prohibit traffic from using a road^[35, Schedule 10, Section 11].



Road Controlling Authorities SHOULD:

- Maintain open communication with all PCBUs for collaborative risk management.
- Ensure a streamlined process for TMP approval and network access coordination.
- Contribute to a shared health and safety assurance system with other PCBUs.
- Engage with the community and workers for feedback on safety measures.



Responsibilities and Duty of Care – Contracting PCBUs



Initiation and procurement

Clients or Principals initiate projects through procurement, establishing the ethos for a safety-conscious environment in TTM. Procurement practices should prioritise health and safety and review or evaluate contractors' safety records^[86], particularly concerning Vulnerable Road Users (VRUs) safety.

Risk management at the design and planning stage

There is a significant opportunity for risks to VRUs to be identified and eliminated or mitigated at the design and planning stages ^[57].

Contracting PCBUs also significantly influences the designations of works, which can incorporate the needs of VRUs for the construction phase^[56].



Leadership in health and safety practices

Contracting PCBUs are expected to promote robust health and safety practices throughout the contracting chain. This leadership ensures TTM measures prioritise vulnerable road users' safety, aligning with WorkSafe guidance^[86] and HSWA 2015^[25].

Continuous monitoring, review and adaption

Effective monitoring and review mechanisms ensure compliance with health and safety duties and adapt to changing circumstances. This includes reassessing resources and adopting new technology for continued safety in TTM setups, as mandated by HSWA 2015, to review the effectiveness of control measures.



Engagement with workers, community, and stakeholders

Utilise your position as a Contracting PCBU to understand and convey the needs of VRUs, especially those with disabilities, by connecting with local communities and advocacy groups. Share these insights with your contracting chain to foster safer, more inclusive TTM setups, building trust within the community and ensuring heightened safety for the most vulnerable.



Responsibilities and Duty of Care – RCAs

Given their unique statutory position, RCAs are instrumental in **bolstering** the Contracting PCBUs and Contractors **towards effective risk management**.

While Contractors often serve as the primary PCBUs managing and controlling the workplace (as per [HSWA Section 37](#)), executing effective risk control measures hinges on the **supportive framework extended by RCAs** through specific legislative mechanisms exclusive to them.

In aligning with the duty of care under [Section 34 of HSWA](#), RCAs have a distinct role where they can **harmonise their additional legislative functions** under the Land Transport Act, Land Transport Management Act, Local Government Act, and Transport Act, with the overarching HSWA responsibilities.

This harmonisation, carried out in a **consultative, cooperative, and coordinated manner with other PCBUs**, aims to ensure that the most reasonably practicable risk solutions are actioned.

By leveraging the provisions within these other legislative frameworks, **RCAs can contribute to optimising safety outcomes**, thereby augmenting the collective effort to uphold the intent of HSWA in **managing risks proficiently**.

RCAs can support the effective management of risk for Vulnerable Road Users by:

Establishing **communication channels** with contracting PCBUs and contractors for **timely exchange of safety-related information** and **coordinated risk management efforts**.

Utilise the exclusive legislative provisions under various transport and local government acts to **facilitate optimal risk management** in TTM environments.

Provide accessible platforms for TMP submissions and approvals, ensuring a streamlined process that **promotes timely application of safety measures**.

Promote community engagement to gather insights on Vulnerable Road User needs and ensure this information is shared with contracting PCBUs and contractors for informed risk management.

Support the adoption of innovative safety technologies and practices³ among contracting PCBUs and contractors, leveraging the legislative frameworks to encourage continuous improvement in risk management.

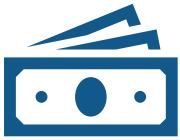
³ Where such technologies or practices relate to Traffic Control Devices – the RCA plays a central role in the authorisation of such innovation through the Land Transport Act 1998.



Procuring and verifying safe TTM for Vulnerable Road Users

Refer to **Appendix A** for a Procurement Assessment for Contracting PCBUs on VRU Safety

Refer to **Appendix B** for a Vulnerable Road User Safety Assessment Tool



Consider Centralised Equipment Procurement: Leverage the purchasing power of the Contracting PCBU to acquire advanced or specialised TTM equipment like pedestrian bridges or high-quality fencing, which may be cost-prohibitive for individual contractors for more minor works^[56].

Contract Clauses: Traditionally, TTM has been primarily oriented towards motor vehicles and able-person safety^[20; 55]. Contracting PCBUs must pioneer a shift towards a more inclusive safety paradigm from the procurement stage.

Integrate specific contract clauses that mandate a nuanced approach to safety, extending beyond general standards to address the unique needs of Vulnerable Road Users and people with disabilities.



Quality Assurance and Auditing: Establish verification systems to assure that the risk solutions for VRUs in TTM are not merely rule-compliant but genuinely effective in minimising risk to as low as reasonably practicable, especially for those with disabilities. This verification process should evaluate the real-world impact of TTM measures on VRUs, ensuring they move beyond theoretical compliance to practical safety outcomes.

Training and Competency: Recognise that publicly available or centralised training systems may lack a substantial focus on VRUs. Encourage evidence of training and competency in addressing VRU needs within the contracting chain, highlighting that managing VRU safety requires tailored competencies.



Feedback Loops: Acknowledge that current cross-contract and cross-project learning mechanisms for safety may be inadequate. Contracting PCBUs and RCAs can lead in developing collaborative forums or platforms to share good safety practices across contractors without compromising commercial sensitivity. Enhancing the feedback process reinforces the 'Check' and 'Act' stages of the PDCA cycle.



Engaging with stakeholders regarding TTM impacts



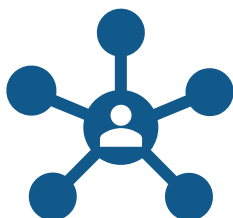
Collaborate with Disability Advisors: Foster relationships with internal disability advisors. Rather than overwhelming not-for-profit disability organisations with extensive consultation, prioritise open communication channels with in-house experts who can provide valuable insights on creating a safe environment for all.

Establish Safety Liaison Channels: Create effective liaison channels between contractors, local stakeholders, and other PCBUs involved in the project. Ensure a seamless flow of safety-related information to address concerns and maintain a shared commitment to VRU safety across the project.



Conduct VRU Impact Assessments: Engage in systematically evaluating the potential impacts of TTM plans on VRUs by conducting assessments that gauge how different aspects of the TTM plans affect VRUs' safety and mobility. Integrate the findings with other PCBUs into project planning, stakeholder engagement processes, and continuous improvement mechanisms to optimise VRU safety.

Engage in Cross-Project Learning: Establish mechanisms for sharing VRU safety lessons and best practices across different projects and with other PCBUs (including other Contracting PCBUs). Encourage a culture of learning and continuous improvement by promoting the sharing of successful VRU safety strategies and the challenges encountered in different TTM setups.




Promote Public Education on TTM and VRU Safety: Engage in public education campaigns to promote awareness and understanding of TTM plans and their implications for people's safety. Utilise various mediums to share information on the TTM measures in place and how they cater to safety, fostering a culture of shared responsibility.





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