

## **Contract Administration System Manual: Procedure – CAP005M**

### **Incidents and issues**

**September 2020**

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## 1 Introduction

### 1.1 Purpose

The purpose of this procedure is to inform the Administrator about the requirements to complete various reports relating to incidents and issues during the Contract and to advise of the potential legislative and regulatory consequences of not meeting these requirements.

NOTE: This procedure does not provide Contract law advice which is outside the scope of the Contract Administration System (CAS) Manual. Also, all the legislations and acts stated in this manual are reference only. Please refer the contact for correct version and the year.

*The Contractor can be liaised with the Project Manager or Contract Administrator to access the materials which are referred in this document and located in the department's intranet.*

### 1.2 Scope

The scope of this procedure is to provide the necessary framework to allow the Administrator to manage the contractual, legislative and regulatory requirements of reporting various forms of incidents, issues and complaints, so as to minimise the risk to the department and the individual.

### 1.3 Definitions, abbreviations and acronyms

Abbreviation	Description
Administrator	The person appointed as the Administrator by the Principal
Contractor	The person identified as the Contractor in the contract
Department / Departmental	Department of Transport and Main Roads
Designer / Design Consultant	Person or firm who undertakes the design (for Transport Infrastructure Contract (TIC), the design is prepared by the Principal who may have a firm undertaking this work). Designer also has a specific meaning under WHS legislation
EMS	Environmental Management System
PM	Project Manager – appointed by the Principal to manage the project
Principal	Is the Principal stated in the Annexure (State of Queensland acting through the department)
Progress Claim	A claim for payment by the Contractor
RPEQ	Registered Professional Engineer of Queensland (registered with the Board of Professional Engineers, Queensland)
TMC	Traffic Management Centre
WHS	Work Health and Safety

## **1.4 General**

Departmental staff have to deal with many types of incidents, issues and complaints, including those related to:

- WHS
- environment or cultural heritage
- traffic
- community
- media, and
- political.

To further assist in identifying an incident or issue, the following can be referred. If any of the following applies, it would be considered an incident and, if it has the potential to apply, then it is more likely an issue:

- harm to people (external or internal to the department)
- impact on road or transport network operations
- harm to the environment or cultural heritage
- regulatory effects (legal, non-compliance incidents / issues)
- impact on security of assets (threat to damage or situation with potential to damage assets)
- financial damage to the department's assets, or
- damage to reputation, media and stakeholder interest (the department's, Minister's or Government's reputation).

An issue can be defined as a matter or situation with potential to damage the department's reputation, slowing down or restricting the ability to provide good service, or resulting in public criticism of the department or the government. Incidents, issues and complaints can be submitted through various methods such as telephone, email, web and written reports or identified through audits / inspections.

This procedure outlines the processes involved in dealing with incidents, issues and complaints. Unless otherwise specified, the Administrator is obligated to manage these. In addition, the relevant communication officer should be informed by the Administrator, and he or she should, in turn, advise the media unit.

All the incidents, issues and complaints dealt with on construction sites should be recorded in the Issues and Complaints Register (CAF016M) and discussed at monthly meetings.

Additional reporting requirements under legislation exist for particular incident types such as health and safety and environmental and the relevant department procedures should be consulted in the event of an incident.

## **2 Responsibilities**

The supporting staff have legal responsibilities beyond those stated specifically in the Contract. These responsibilities are related to legislation and associated regulations and are commonly related to compliance with WHS, traffic, electrical safety, environment, cultural heritage matters and registration as a Registered Professional Engineer of Queensland (RPEQ).

Engineering staff responsible for contract administration need to be aware of their professional and personal status in connection with all incidents and issues connected to legislation and regulations and to be aware of the assistance available through the use of specialist advisors in all the fields mentioned; for example, in some cases, dealing with WHS and electrical safety matters requires accreditation.

In the event of an incident or issue, timely notification due to the requirements of legislation and regulations may arise. Again, the specialist advisors can assist, as can the regional media staff.

Advice on the current requirements of RPEQ matters needs to be made from time to time.

## **3 Process**

### **3.1 WHS accidents and incidents**

The department has developed Reporting Workplace Incidents Procedures to deal with WHS incidents and issues which can be accessed via the Transport and Main Roads intranet.

*The Contractor should liaise with the Project Manager or Contract Administrator to access the materials which are referred in this document and located in the department's intranet.*

### **3.2 Environmental and cultural heritage incidents**

The Environment and Cultural Heritage Incident Management Procedure in the department's Environmental Management System (EMS) contains:

- the definition of an environmental or heritage incident
- the levels of environmental incidents (for minor, administrative, serious or material environmental harm)
- actions required to be undertaken in the event of an incident, including notifications within and external to the department, and
- responsibilities.

Projects with specific environmental issues may also have notification requirements within permit conditions (for example, requirements to notify federal department of environment).

The Project Manager and Administrator must be familiar with the Environmental and Cultural Heritage Incident Management Procedure, and any project specific requirements. The department's District Environment or Heritage Officers can provide further advice and assistance.

Transport and Main Roads has a mandatory statewide environmental incident reporting system. The purpose of this system is assist in maintaining accurate records for corporate measures reporting and to assist in identifying statewide trends so that our EMS can be continually improved. The Administrator is required to ensure that all environmental incidents (other than minor) are reported via this system.

### **3.3 Traffic incidents**

Refer to *Road Accident Investigation Report* (CAF017M).

#### **3.3.1 General**

A traffic incident refers to any event that can degrade the safety and / or slow down the traffic. Traffic incidents can be accidents and other hazards including the following:

- crashes
- hazard vehicles
- animal incidents
- flooding
- abandoned vehicles
- motorist assist
- hazard debris
- breakdown, and
- spills.

Traffic Incident Management Services Guidelines can be found in the *Traffic and Road Use Management Manual*, Volume 1 – Guide to Traffic Management located on the Transport and Main Roads website.

The authority to deal with traffic-related incidents lies with the local police. Any departmental staff member or Contractor's staff member should immediately inform the local police when traffic incidents occur. When relevant, departmental officers such as the Administrator and the crash investigating officer should be informed. This entry should be closed off only after taking appropriate action to deal with the incident.

##### **3.3.1.1 Vehicle claims**

Claims received directly by the Principal from the public regarding minor vehicle damage while travelling through construction / maintenance sites shall be forward in the first instance to the Contractor and Administrator.

In order to deal with such claims, documentary evidence and information relevant to these minor accidents need to be collected and filed on site. Generally, Regional administration staff will administer the claim with support from Legal Services Branch.

Claims received directly by the Contractor must be recorded, and the details must be communicated to the Administrator, as the matter may escalate. Additionally, the Administrator needs to be aware of the situation which caused the complaint so that mitigation measures can be implemented to prevent recurrence.

If the Contractor agrees to accept a claim, it may either request the amount be deducted from the next progress claim or provide evidence that the claimant has been paid directly.

Refer to Regional procedures for further information.

### **3.4 Complaints**

#### **3.4.1 General**

Managing complaints should be according to the departmental Complaints Management Procedures.

All construction-related complaints are to be entered into the Incident, *Issue and Complaints Register* (CAF016M).

#### **3.4.2 Community complaints procedure**

When a community complaint is made, the receiving departmental officer needs to discuss with the Project Manager to identify whether it is related to a construction project or not. If the complaint relates to WHS / environment / cultural heritage / traffic incidents, the relevant procedures must be followed.

If the complaint is related to a construction matter, it should be referred to the Administrator. If the complaint is not related to a construction matter, it should be referred to the relevant communication officer.

The Administrator needs to assess the complaint and take action in accordance with the provisions of the Contract.

For general complaints of a minor nature, the Administrator should take appropriate action having regard to the nature of the complaint, after which the complainant should be informed of the outcome. Once the complaint has been dealt with, the *Issue and Complaints Register* (CAF016M) should be closed out. All the correspondence should be saved accordingly.

### **3.5 Media issues**

The Project Manager and departmental officers working on the Contract are encouraged to be vigilant of local media reports and read relevant newspapers, listen to local radio and watch local television channels to find out whether there is any negative media coverage on the project.

If there are media issues or coverage that require action, these complaints are to be forwarded to the Administrator and the relevant communication officer. All media complaints should be handled in conjunction with the Administrator and the relevant communication officer and the department's media unit, as per departmental procedures.

Once the appropriate action is taken as per this procedure, the entry in the Issue and Complaints Register (CAF016M) should be closed off. All the correspondence and media materials (including media responses and media statements) should be saved accordingly.

#### **3.5.1 Political issues procedure**

Issues raised by Members of Parliament are generally managed by the corporate communication units who refer them to Regions through ministerial briefing notes; however, Regions, Districts and personnel attached to construction projects could also receive political complaints directly.

As soon as political enquiries are received, they are to be dealt with similar to media enquiries. All political enquiries should be handled in conjunction with the Administrator and relevant communication officer.

The Administrator should assist to identify the course of action to be taken and aid in drafting of the relevant response. Once the appropriate action is taken as per this procedure, the entry in the *Issue and Complaints Register* (CAF016M) should be closed off. All the correspondence should be saved under the relevant system.



#### **4 Reference documents**

- Complaints Management Procedure
- Environmental Management System
- *Issue and Complaints Register (CAF016M)*
- *Road Accident Investigation Report (CAF017M)*, and
- Transport and Main Roads Reporting Workplace Incidents Procedures.

