



mainroads
WESTERN AUSTRALIA

Conditions of Registration

*We're working for
Western Australia.*

State Road Traffic Management Company Registration Scheme

December 2023

1. Conditions of Registration

The Conditions of Registration (the Conditions) are found on Main Roads WA's website and are subject to change without notice. The Conditions apply to a Registered Company under the State Road Traffic Management Company Registration Scheme (the Registration Scheme) and are those latest Conditions as published on this website. Except for conditions below marked with an asterisk symbol in the title of the condition, the Conditions survive registration expiry. Conditions marked with a hash symbol in the title of the condition, apply from 1 July 2024, unless otherwise required in a Main Roads WA contract/permit.

2. Work and Exceptions for Some Work

The work that is covered by the Registration Scheme concerns traffic management work (the Work), including such work related to events. The Work also only applies to traffic management work that is carried out on a State Road, unless otherwise specifically required by Main Roads WA for its roadworks, contracts and/or permits.

Registration under the Registration Scheme is required for traffic management work that:

- involves closing a any part of a lane and/or road; or
- involves any form of traffic control of PTCD, or
- involves any alteration to the speed limit.

For clarity, registration under the Registration Scheme is not required for traffic management work that only involves:

- warning signs, e.g. using signs that are Worker symbolic, ROAD WORK AHEAD, ROAD PLANT AHEAD, ROADWORK ON SIDE ROAD, TRUCK ENTERING, etc;
- detour signs due to work on a local road;
- closing a side road (that is not a State Road) to a State Road, e.g. using signs that are SIDE ROAD CLOSED, NO LEFT TURN, NO ENTRY, etc;
- pedestrian signs that may involve closing footpaths; or
- closing the road shoulder (but not a running lane or road).

Registration under the Registration Scheme is also not required where the traffic management work is carried out solely by employees of Main Roads WA or employees of an emergency service authority.

3. Registration by Main Roads Only

Registration under the Registration Scheme is only granted by Main Roads WA.

A written application from a suitable company seeking registration will need to be submitted to Main Roads WA. The application for registration (or reregistration as the case may be) will provide full and complete details of the company, in the format prescribed by Main Roads WA. Nothing in the Conditions prevents Main Roads WA from declining an application for registration (or reregistration), acting reasonably, or from seeking further and better particulars to be submitted in an improved application.

If the application is acceptable to Main Roads WA, a written Certificate will be issued to that company to the effect that it is a Registered Company. Nothing in the Conditions prevents Main Roads WA from granting a registration Certificate (including after an expiry date).

All registrations will be valid for a period specified in the registration Certificate, or where no period is specified then 3 years from the date of issue of the Certificate.

Registration is not transferable.

4. Minimum Requirements for Registered Companies

The minimum requirements for registration are, but are not limited to:

- Current and maintained suitable insurances covering workers compensation, public liability (not less than \$20m), and where registration involves designing a traffic management arrangements also professional indemnity (\$5m).
- Current and maintained Quality Management System that is third party certified to ISO 9001.
- Current and maintained Safety and Health Management System that is third party certified to ISO 45001.
- A registered business with ABN and ACN details provided.
- Company directors to comply with anti-consortium laws.
- Evidence of competency to undertake the Work, commensurate with the restrictions to be imposed on the registration.
- Suitable named staff with details of current traffic management accreditations and experience provided, meeting the requirements of the Conditions.
- Suitable examples (not less than 3) provided showing a history of relevant traffic management work carried out successfully, commensurate with the restrictions to be imposed on the registration.
- Written agreement to the Conditions.

5. Registered Companies Published

Main Roads WA will, from time to time, publish (typically on its website) updated sufficient details of the companies (including whether a Registered Company, deregistered, suspended, or expired), to allow members of the roadworks and related industry to understand appropriate Registered Companies which may undertake traffic management work. This may include the nature of the company, a registration number, ABN, the current registration expiry date, its base(s) of operation and whether specific condition(s) and/or restriction(s) have been imposed.

Main Roads WA will not publish a company's financial or other detailed information it may hold.

6. Suspension and Deregistration

If, during the period of registration, a Registered Company:

- provides information that is determined by Main Roads WA to be inaccurate;
- has changed significantly (including not maintaining a management system, insurance, process or other status that Main Road WA relied on in its assessment(s) of the company);
- fails to resolve to Main Roads WA's satisfaction the findings of an audit by the time reasonably required by Main Roads WA; or

- has failed (or will likely fail) to comply with the Conditions or other related and reasonable requirements of Main Roads WA,

then Main Roads WA may apply the deregistration or suspension provisions of the Conditions, or otherwise suspend or deregister the Registered Company, in its absolute discretion by a notice to the Registered Company to that effect.

7. Suspension and Deregistration Process

Except for core breaches of the Conditions or where a company fails to respond to Main Roads WA in a timely manner to a concern put to the Registered Company, Main Roads WA will endeavour, before deregistering or suspending a Registered Company, to follow the process/procedure on Main Roads WA's website relating deregistration or suspension.

Nothing in the process/procedure will be construed to override the Conditions.

8. Accurate Company Details *

The Registered Company agrees to advise Main Roads WA promptly of any error that is discovered, or of any significant change that occurs, during the registration period from that information already provided to Main Roads WA. This includes keeping Main Roads WA informed of the Registered Company's current contact details. This specifically includes any failure to maintain a safety and health or quality management system certification, or insurance. This specifically includes the appointment of any kind of company administrator.

9. The Code

The Registered Company will at all times comply with the Code of Practice and carry out its duty of care to road workers and road users safely.

The Code of Practice will comprise the requirements of the following published documents:

- Traffic Management for Works on Roads Code of Practice.
- Traffic Management for Events Code of Practice.
- Requirements for the use of Truck Mounted Attenuators in WA – Code of Practice.
- Traffic Management at Roadworks on State Roads – Policy and Application Guidelines.
- Australian Standard 1742.3.
- Austroads Guide to Temporary Traffic Management (AGTTM).

For the avoidance of doubt, where the Code of Practice requires compliance with other published documents, the requirements of such published documents form part of the Code of Practice.

10. Minimum Employment Conditions * #

Except in the case of an employee directly employed by an employer in the WA government sector, the Registered Company will only engage workers to carry out the Work with employment conditions no less than those prescribed under the Building and Construction General On-site Award 2020 (the Award), and subject also to the minimum base rates of pay stated below.

Where a Registered Company employs under a different industrial award, agreement, etc, the Registered Company will need to demonstrate to Main Roads WA (e.g. in its

application(s) for registration) how its industrial arrangements meet or exceed the same or similar provisions under the Award. Where its existing industrial arrangements are less favourable than those under the Award, a company will need to demonstrate what actions it will undertake to meet the above minimum employment conditions.

For the purposes of the Conditions, Main Roads WA will determine whether a Registered Company's industrial arrangements meet or exceed the same or similar provisions under the Award (including the minimum base rates of pay stated below).

Main Roads WA may prepare documents, and publish them on Main Roads WA's website, that assist a company in determining if a company's arrangements meet or exceed the Award, and the below stated minimum base rates of pay, to determine compliance to the Conditions overall.

11. Minimum Pay * #

Except in the case of an employee directly employed by an employer in the WA government sector, the Registered Company will pay workers to carry out the Work on site no less than the following base rates of pay per hour. These base rates are \$35.67 (for a classification of workers required to hold only Traffic Controller and/or Basic Worksite Traffic Management accreditations) and \$37.15 (for a second classification of workers required to hold any higher traffic management accreditation). Note that these pay rates are to be applied based on the actual on-site activities performed, not the accreditation held.

For the removal of any doubt, the above stated minimum base rates of pay do not include any casual loading, penalty rates, overtime, allowances (including the Industry Allowance described in the Award), etc, that may apply, as is required to be paid under the minimum employment conditions stated in the Conditions.

For the purposes of the Conditions, the above stated classifications of workers and associated minimum base rates of pay are to be taken to substitute the various "Level"s described and "Minimum hourly rate" amounts described in section 19.1(a) of the Award (with the "Minimum weekly rate" amounts adjusted accordingly) in determining provisions of the Award.

12. My Leave *

Portable long service leave for the construction industry (MyLeave) must be paid where required under the Construction Industry Portable Paid Long Service Leave Act 1985 (WA) and the Construction Industry Portable Paid Long Service Leave Regulations 1986 (WA).

For the purposes of the Conditions, all Work performed on behalf of Main Roads WA is to be considered part of the "Construction Industry".

13. Direct Employment * #

Except in the case of a Registered Company being a government agency, the Registered Company will only engage workers to carry out the Work on site as direct employees and will not subcontract out for workers or use labour hire companies/arrangements.

This does not apply to workers who hold Roadworks Traffic Manager accreditation. This may not apply to workers who hold Advanced Worksite Traffic Management in the limited circumstances detailed in a Main Roads WA contract for roadworks.

This will also not apply in the case of a Registered Company who may subcontract the Work to another unrelated Registered Company to carry out that Work, or who may borrow workers from another unrelated Registered Company (to resource an occasional peak workload, but not in any case on an ongoing basis and not amounting to a labour hire arrangement in Main Roads WA's opinion).

14. Minimum Training

The Registered Company will only engage workers to carry out the Work on site who have the current accreditation(s) required by the Code of Practice.

15. Minimum Supervisory Training

The Registered Company will engage workers who hold either Worksite Traffic Management or Advanced Worksite Traffic Management accreditations (or both) at a rate of no less than 1 in 20 traffic management workers.

16. Complex Sites

The Registered Company will engage a worker who holds either a Worksite Traffic Management or Advanced Worksite Traffic Management accreditation (or both) on any site that has a traffic arrangement classified as a "Complex" site under the Traffic Management for Works on Roads Code of Practice. The accredited worker shall be on-site at all times when road workers are present.

17. Audit

The Registered Company agrees that compliance to the Conditions may be subject to audit by an auditor. An auditor may be a government person(s) who will conduct the audit directly, and/or a person(s) from a professional company engaged by a government person to conduct the audit.

The Registered Company will at all times provide access to, assist and comply with the requirements of the auditor. This includes providing copies of documents, details of staff involved in the Work (including relevant accreditations held and applicable salaries, wages and allowances for the days of the audit), facilitating direct communication with employees, etc for the purposes of checking compliance with the Conditions.

The Registered Company must, if subject to the Privacy Act 1988 (Cth), use all reasonable endeavours to provide employees with prior notice of the use and disclosure of the employee's information and seek the consent of the employee to such use and disclosure.

The Registered Company agrees that where information obtained during an audit relates to the non-compliance of an industrial award, agreement, payroll requirement, etc, Main Roads WA may refer this matter to an appropriate authority having an oversight role in respect to employment, payroll tax, industrial relations or government procurement matters.

For the removal of any doubt, these audit provisions apply to any Work, irrespective of the client directly paying for that Work.

18. Ceasing Work

The Registered Company agrees to not carry out Work (irrespective of the client requiring the Work) after the date of expiry related to the latest registration Certificate, or upon being deregistered or suspended. The Registered Company acknowledges that it may be prosecuted under the Road Traffic Code or Main Roads Act, current at the time, if it does so.

19. Conditional Registration

The registration provided to the Registered Company:

- ceases when the company becomes insolvent, or is placed into administration or is otherwise would up;
- is conditional on the company providing an application for reregistration no less than 3 months prior the expiry date related to the latest registration Certificate (should the company wish to continue carrying out Work);
- expires after the expiry date related to the latest registration Certificate; and
- ceases when the company does not meet a specific condition(s) imposed on the Registered Company.

20. Conditional Registration for Company Improvements

Main Roads WA may impose a specific condition(s) in a registration Certificate on a Registered Company to require the Registered Company to make one or more improvements to the Registered Company. The registration ceases in the event that an improvement required to be made by the Registered Company stated in the specific condition is not made by the date (or within the period) specified in the specific condition, or in the absence of a date (or period) then within 4 months of the imposition. The Registered Company will promptly provide evidence that the improvement(s) has been made to the satisfaction of Main Roads WA.

21. Conditional Registration for Work Restrictions

Main Roads WA may impose an ongoing specific restriction(s) in the registration Certification on a Registered Company. The registration authorises the Registered Company to carry out Work only to the extent the specific restriction(s) permits.

A key restriction that Main Roads WA may impose on a Registered Company relates to limiting Work for a site that is classified as Complex under the Traffic Management for Works on Roads Code of Practice. This limitation will only allow implementing a traffic management arrangement on site, but not designing or otherwise determining the arrangement.

A second key restriction that Main Roads WA may impose on a Registered Company relates to working only outside of the Peth Metropolitan and Peel Regions (or similar).

22. Security and Bonds

A contract or permit related to roadworks (or similar that contains relevant Work) may contain provisions for security (including bonds) to aid in compliance with the

contract/permit terms. A breach of the Conditions by the Registered Company may constitute an associated breach by the contractor/organisation engaged under those contract/permit terms. The Registered Company involved in that contract/permit acknowledges that it may be liable under such arrangements for the breach, including a liability for the loss of a security (including a bond).

23. Substantial Changes

Should a change be made to the Conditions that creates a substantial financial impost on the Registered Company during the period of registration, Main Roads WA will endeavour to contact the Registered Company in writing, based on the contact details it has provided. The Registered Company will have the right to cease its registration under the Registration Scheme by a notice to Main Roads WA to that effect. In the event of any substantial change, Main Roads WA may require a Registered Company to resubmit an application and reapply for registration to comply with the change, notwithstanding the fact that the current registration has not yet expired.

24. Use for Company Registration for Advertising

With the exception below, the Registered Company agrees not to use any information relating to its Registered Company status in its advertising or promotional material. Under no circumstances can the Main Roads Western Australia (or similar), its logo or the state government logo be used. The Registered Company may state that it is "Main Roads Western Australia Registered Traffic Management Company. Registration Number XXXX" if its registration is current. This statement may be placed on the Registered Company's website, stationery and traffic management plans only. The Registered Company further agrees that it accepts full responsibility for any consequences arising from the use of such information.

25. Conflicts – Where a conflict between the Conditions and a requirement of a Main Roads WA contract/permit arises, then the Conditions prevail for that contract/permit. Where a conflict between the Conditions and the law applying in Western Australia arises, then the law applies in resolving the conflict, with the remainder of the Conditions remaining in force.