

Oversize and/or Overmass Escort Vehicle Drivers Scheme

Code of Conduct

Roads and Maritime Services | November 2017

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Disclaimer

This publication may include some of your obligations under various applicable pieces of legislation. To ensure you comply with your obligations you must refer to the appropriate legislation. Information on the latest legislation can be obtained on the NSW legislation website (www.legislation.nsw.gov.au). This publication does not represent a comprehensive statement of the law as it applies to particular problems or individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

About the OSOM EVDS

The Oversize and/or Overmass Escort Vehicle Drivers Scheme (OSOM EVDS) accredits Accredited Providers to provide escort vehicle services and authorises people to drive escort vehicles for OSOM vehicles.

Introduction

The OSOM EVDS Code of Conduct (the Code) for Accredited Providers and Authorised Escort Vehicle Drivers presents the standards of conduct and professionalism expected from Accredited Providers and Authorised Escort Vehicle Drivers when performing their functions on behalf of Roads and Maritime Services.

Accredited Providers and Authorised Escort Vehicle Drivers must exhibit, and be seen to exhibit, the highest ethical standards in carrying out their duties so as to maintain public confidence in the integrity of the OSOM EVDS.

By following the Code, Accredited Providers and Authorised Escort Vehicle Drivers will demonstrate behaviour that is safe, honest, ethical, responsible and accountable.

If An Accredited Provider or Authorised Escort Vehicle Driver is in doubt as to the propriety of any course of action, they should seek the guidance of Roads and Maritime.

Accredited Providers and Authorised Escort Vehicle Drivers may be bound by other codes of ethics or professional conduct issued by their respective professional associations/institutes. While those requirements will supplement the principles within this Code, they do not have any legal status under the Road Rules 2014.

Where there is an apparent conflict between principles in this Code and in another code of professional conduct, particularly where the public interest is concerned, this Code will prevail for the purposes of the Road Rules 2014. The Code applies equally and to each person accredited by Roads and Maritime as an Accredited Provider and authorised by Roads and Maritime as an escort vehicle driver.

Purpose of the Code

The purpose of the Code is to:

- Set standards of conduct and professionalism expected from Accredited Providers and Authorised Escort Vehicle Drivers when performing their functions
- Assist Accredited Providers and Authorised Escort Vehicle Drivers to:
 - Undertake their functions
 - Act in a way that enhances public confidence in the OSOM EVDS
- Inform the community of the standards of conduct and professionalism expected from Accredited Providers and Authorised Escort Vehicle Drivers.

The Code cannot address all possible circumstances that Accredited Providers and Authorised Escort Vehicle Drivers may face in their role as a public official.

The Code does not attempt to:

- Replicate the requirements placed on Accredited Providers and Authorised Escort Vehicle Drivers by legislation, or
- Provide standards in relation to business practices of Accredited Providers or the application of escort vehicle driving.

Relationship of the Code to legislation

Compliance with the Code is a condition for authorised persons who drive escort vehicles to exercise traffic direction powers under clause 304 the Road Rules 2014. Accredited Providers will be required to comply with the Code as part of their management agreement with Roads and Maritime.

A breach of the Code may result in disciplinary or legal action being taken against an Accredited Provider or an Authorised Escort Vehicle Driver. This may result in Roads and Maritime forming the opinion that the driver is not a 'fit and proper' person to drive an escort vehicle or that the Accredited Provider no longer meets the criteria to provide escort vehicle services.

The Code does not stand alone. Accredited Provider and Authorised Escort Vehicle Drivers must follow the law, including legislation specific to their responsibilities, including but not limited to the Road Rules 2014, other relevant road transport law, the *Anti-Discrimination Act 1977*, the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*. Nothing in the Code overrides or affects any law.

The Code should also be used in conjunction with the *Accreditation Agreement for the OSOM EVDS* and the *OSOM EVDS Operating Guidelines*.

Code requirements

When working as an Accredited Provider or an Authorised Escort Vehicle Driver and carrying out escort vehicle services, the Accredited Provider or Authorised Escort Vehicle Driver must comply with requirements of the Code listed below.

Acting in the public interest

An Accredited Provider and an Authorised Escort Vehicle Driver are public officials within the meaning of the *Independent Commission Against Corruption Act 1988*. Public officials occupy positions of public trust and the public has a right to be assured they will operate in an open and honest way and make decisions based on high ethical standards.

An Accredited Provider and an Authorised Escort Vehicle Driver must carry out their functions and duties, and exercise any discretionary powers, in ways that promote or preserve the public interest.

An Accredited Provider and an Authorised Escort Vehicle Driver must take appropriate and prompt action in relation to complaints made by customers, or received by Roads and Maritime from customers, in relation to the functions carried out. An Accredited Provider and an Authorised Escort Vehicle Driver must take reasonable steps to promptly inform the complainant of the action they have taken in response to the complaint.

Examples of performing Accredited Provider functions to promote or protect the public interest:

The primary function of the Accredited Provider is to organise escort vehicle services for the OSOM vehicle industry.

Examples of An Accredited Provider's functions include:

- Only permit Roads and Maritime Authorised Escort Vehicle Drivers employed or engaged by the Accredited Provider who have been notified to Roads and Maritime to provide escort vehicle services for the Accredited Provider
- Ensure that all Roads and Maritime Authorised Escort Vehicle Drivers employed or engaged by the Accredited Provider comply with the *OSOM EVDS Operating Guidelines*
- Securely collect, maintain and archive all records set out in the Accreditation Agreement and the *OSOM EVDS Operating Guidelines*

- Maintain a fleet register of all vehicles used to provide escort vehicle services including make, model and registration numbers
- Ensure that all escort vehicles on the vehicle register comply with requirements in the *OSOM EVDS Operating Guidelines*

Examples of performing authorised escort vehicle driving functions to promote or protect the public interest:

The primary function of the Authorised Escort Vehicle Driver is to provide traffic control duties as required in accordance with Road Rule 304.

Examples of an Authorised Escort Vehicle Driver's functions include:

- Assess and advise the OSOM vehicle driver in advance of the potential hazards;
- Provide a visual advance warning by means of signs and lights to other road users of the presence or approach of an OSOM vehicle;
- Where possible, advise incoming, oncoming or overtaking vehicles by radio of the load dimensions, location, direction of travel and other relevant information that may affect traffic;
- Advise the OSOM vehicle driver by radio of oncoming vehicles, road conditions, height clearance from overhead obstacles and potential hazards;
- Where required, provide "rear and side vision" for the driver of the OSOM vehicle;
- Control and direct traffic so as to navigate critical locations and assist vehicles to safely pass the load; and
- Take the necessary traffic management action to prevent conflict with any planned manoeuvres of the OSOM vehicle.

Regard for interests of customers and others

An Accredited Provider or an Authorised Escort Vehicle Driver must not misinform, or otherwise mislead, a customer or any regulatory agency about any matter relating to the performance of the Accredited Provider's or Authorised Escort Vehicle Driver's functions.

An Accredited Provider and an Authorised Escort Vehicle Driver must provide their professional services conscientiously, competently and in a timely manner.

Examples of an Accredited Provider not having regard for the interests of others:

- Utilising escort vehicle drivers who have not been authorised by Roads and Maritime
- Not ensuring that all Roads and Maritime Authorised Escort Vehicle Drivers employed or engaged by the Accredited Provider comply with the *OSOM EVDS Operating Guidelines*
- Not ensuring that all escort vehicles on the vehicle register comply with requirements in the *OSOM EVDS Operating Guidelines*

Examples of an Authorised Escort Vehicle Driver not having regard for the interests of others:

- Not assessing or advising the OSOM vehicle driver in advance of the potential hazards;
- Not taking appropriate action to provide visual advanced warning to other road users of the presence or approach of an OSOM vehicle; and
- Not taking the necessary traffic management action that would prevent conflict with any planned manoeuvres of the OSOM vehicle.

Treatment of others

An Accredited Provider and an Authorised Escort Vehicle Driver must act with honesty, respect, good faith and equity, and without discrimination, towards any person in the community.

To act without discrimination, an Accredited Provider and an Authorised Escort Vehicle Driver must not harass or discriminate against their colleagues or members of the public on the grounds of sex, marital status, race, age, disability or sexual preference. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*. An Accredited Provider and an Authorised Escort Vehicle Driver are not taken to have discriminated against a person, however, merely because they have declined to accept an engagement (contract) from that person where any ground of discrimination set out above has not occurred.

Acting professionally

An Accredited Provider and an Authorised Escort Vehicle Driver must maintain ethical and professional standards in connection with the delivery of their functions. An Accredited Provider and an Authorised Escort Vehicle Driver must act responsibly, accountably, with courtesy towards others and in a way that promotes public trust and confidence in the integrity of the scheme.

An Accredited Provider and an Authorised Escort Vehicle Driver must not make any public comments that may bring the OSOM EVDS into disrepute or make any public comments on Roads and Maritime policy without the express prior written permission of Roads and Maritime.

Duty of care

An Accredited Provider and an Authorised Escort Vehicle Driver must exercise reasonable care and attention in carrying out their duties, and in the exercise of their functions. Accredited Providers and Authorised Escort Vehicle Drivers are essential in preserving road safety for OSOM loads operating under an OSOM Permit on the road network.

Example of an Accredited Provider's duty of care in performing their functions

Accredited Providers must take reasonable steps to ensure that they provide appropriately qualified and experienced Authorised Escort Vehicle Drivers to provide escort vehicle services to an OSOM vehicle movement.

Example of an Authorised Escort Vehicle Driver's duty of care in performing their functions

Authorised Escort Vehicle Drivers must take reasonable steps to ensure that they provide appropriate assessment and advice to OSOM vehicle drivers and other road users while accompanying an OSOM vehicle movement.

Making decisions and taking actions

An Accredited Provider and an Authorised Escort Vehicle Driver must take all reasonable steps to obtain all relevant facts when making decisions and carrying out their functions.

An Accredited Provider and an Authorised Escort Vehicle Driver must ensure that their decisions and actions are:

- Reasonable
- Fair and appropriate to the circumstances
- Based on consideration of all the relevant facts they have obtained
- Supported by adequate documentation.

Examples of an Accredited Provider taking all reasonable steps to obtaining and providing all relevant documentation:

An Accredited Provider is responsible for collecting the following information and advising Roads and Maritime of any issues which arise during the provision of escort vehicle services including:

- A register of all escort vehicles and records of their compliance with the requirements of the *OSOM EVDS Vehicle Requirements and Operating Guidelines*
- Copies of all escort vehicle drivers' training and experience requirements
- Reviewing all completed movement record forms and advising Roads and Maritime of any issues which arise from the forms

Examples of an escort vehicle driver taking all reasonable steps to obtaining and providing all relevant documentation:

An Authorised Escort Vehicle Driver is responsible for obtaining all relevant information to carry out their role in escorting an OSOM load movement including:

- A copy of the relevant OSOM Permit
- Copies of utility clearances required by the OSOM Permit
- Copies of Council or rail crossing approvals required by the OSOM Permit, if applicable
- A copy of the transport management plan (TMP) required by the OSOM Permit, if applicable
- Contact telephone numbers of NSW Police/Highway Traffic command, Traffic Management Centre (TMC), and National Heavy Vehicle Regulator (NHVR)
- Current traffic and road work information, as applicable.

Acting within their competence

Accredited Providers and Authorised Escort Vehicle Drivers must act within the terms of their accreditation and authorisation. Accredited Providers and Authorised Escort Vehicle Drivers must continually refer to the requirements of the *OSOM EVDS Operating Guidelines* to ensure that they act within the terms of their accreditation and authorisation.

An Accredited Provider and an Authorised Escort Vehicle Driver must also carry out functions only within their respective competence. In particular, escort vehicle services can only be provided by Authorised Escort Vehicle Drivers contracted to Accredited Providers.

Proper exercise of power

An Accredited Provider and an Authorised Escort Vehicle Driver must exercise their powers only for proper purposes. An Accredited Provider and an Authorised Escort Vehicle Driver must not take advantage of their status, position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or improper benefit or advantage.

Protect yourself and others

Roads and Maritime is aware that circumstances could potentially arise where an Accredited Provider and an Authorised Escort Vehicle Driver may feel pressured by individuals or groups of people to exercise their power in a way that is inappropriate. If this occurs then the Accredited Provider and Authorised Escort Vehicle Driver should contact Roads and Maritime as soon as possible. Depending on the circumstances, Roads and Maritime may choose to refer matters of this nature to the NSW Police for investigation. If threats to an Accredited Provider or Authorised Escort Vehicle Driver's personal safety are made then they should refer the matter immediately to the NSW Police.

Gifts and benefits

An Accredited Provider or Authorised Escort Vehicle Driver must not seek or accept a gift or benefit that is intended to, likely to, or could be perceived by an impartial observer as likely to, cause him or her to act in a biased or unfair manner in the course of their duties.

An Accredited Provider and an Authorised Escort Vehicle Driver must also take all reasonable steps to ensure that a related person does not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure, or have the effect of influencing or securing, a favour from the Provider or Driver. A person is related for the purposes of this section if the person is a spouse, de facto partner, sibling, parent or child of the Accredited Provider or Authorised Escort Vehicle Driver.

Conflict of interest

Where an Accredited Provider or an Authorised Escort Vehicle Driver has an affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that the Accredited Provider or Authorised Escort Vehicle Driver may have a conflict of interest in carrying out an aspect of their professional role, they must not carry out that aspect of their role.

An Accredited Provider or an Authorised Escort Vehicle Driver must not display favour or bias toward or against any person in the course of carrying out their duties, even if there is no payment or return favour as a result.



When An Accredited Provider or an Authorised Escort Vehicle Driver considers that they have a conflict of interest, they should:

- Notify Roads and Maritime of the conflict of interest
- Refuse to undertake the work, or any remaining work, in relation to which the conflict of interest arises.

References

For further guidance, licensed certifier should refer to the following documents:

- 📄 Independent Commission Against Corruption, Code of Conduct, May 2015
- 📄 NSW Ombudsman, Bad Faith, Bias and Breach of Duty, Public Sector Agencies fact sheet No. 2, July 2003

-  NSW Ombudsman, Good Conduct and Administrative Practice: Guidelines for state and local government (2nd edition), April 2017
-  OSOM EVDS Operating Guidelines, November 2017



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