

The Role of the Works Officer

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In the absence of an experienced, skilled and competent Works Officer, the effective management of a Council is compromised. Work practices will suffer, efficiency drops and as a consequence financial losses are inevitable.

A Works Officer has a high level of responsibility with regard to construction and maintenance standards, efficient operation of plant, machinery and equipment, industrial relations and occupational health and safety.

Councils have an obligation to ensure that Works Officers are familiar with the legislation governing the operation of local government, as they have an obligation to operate within the law. If unsure of the law then it is their prerogative to seek, demand and expect sufficient training and assistance in that area.

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Introduction

What is a Works Officer?

A Works Officer (WO) is the “hands-on” manager of a council’s works program. The WO is generally regarded as the ratepayers only remaining link with an otherwise remote and intangible (unreal) council bureaucracy.

There is no doubt that an experienced and efficient Works Officer (WO) is a very valuable member of the engineering team of a council – one who should be held in high regard. Successful Engineering Managers will almost always have available to them the services of such a WO. I believe that an experienced and efficient WO is indispensable in the operations area of a council.

The existing local government system is bogged-down with an unnecessary level of bureaucracy; so much so that one wonders just how efficient and effective the process of engineering is compared with a decade or so ago.

Since 1994 councils have been operating under the regime of shrinking financial resources, whilst being expected to undertake a wider range of responsibility. The ‘drivers of change’ at the management level and

representatives of minority community groups are driving the agendas of each and every council. The casualty in this process has been the one area that cannot afford it, namely engineering services and infrastructure.

Councils are faced with the task of allocating ever shrinking resources to a great number of areas rather than areas of most need in many cases. Council's must be made aware of their responsibilities in the infrastructure management stakes, having regard to the "real world" where litigation is a "growth industry".

Works Officers and the Law

It is a prime responsibility of a WO to comply with the provisions of the Law. It is no defence in a Court of Law to plead ignorance of aspects of the law, that you should be aware of, in the performance of duties.

The Courts expect engineers and supervisors alike to have adequate knowledge of legislation applicable to the performance of their duties. It is necessary therefore that a council and therefore its Director of Engineering ensures that WO's are made aware of relevant aspects of the law. Unfortunately however it is a fact that some local government engineers have an insufficient understanding of the law affecting the operation of local government. This can have the affect of placing the WO at risk of action in the Courts.

Having regard to this unfortunate fact of life, WO's must themselves seek-out information in this regard. They should demand that they be given adequate direction in matters of the law and in this regard be given leave to attend an appropriate course of instruction.

WO's should network in this important area, so as to learn from the experiences of others. Regional workshops where actual work-site scenarios can be discussed and 'experienced' engineers with legal expertise invited to have an input – They do exist!

The Role of the Works Officer

The Local Government Act 1993 or Regulations to that Act do not prescribe the role of any officer of a council other than that of the general manager.

Accordingly the role of a WO will differ from one council to another, as does the responsibility.

It is apparent that the duties of the WO can be equivalent to any one (or indeed combination) of the following:

Works engineer;
Project manager;

Overseer; or
Supervisor

Local government has undergone great upheaval since the introduction of the Local Government 1993. Councils throughout NSW were required to undertake major reforms, at great cost to their communities.

As a direct result of this overwhelming impost, which had catastrophic affects on many councils, there was a manic rush to effect savings. Well of course we all know what section of a council was in the "firing line". Of course it was the Engineering Department and associated Works Staff ie. "The doers".

At the same time councils were busily adding to the areas of the bureaucracy, where the "Empire building" began in earnest. Simply put, the reforms "we had to have" were very costly indeed and the basic or "real" needs of the community were ignored altogether or "put on hold", namely roads and related infrastructure, water and sewerage infrastructure and recreation areas.

The proof of this is only too apparent today when one looks at the state of the road network across the State. It must be remembered that the vast majority of the road network, is the responsibility of local government, which has limited resources.

The changes to the Act, which were far less prescriptive than previously "heralded in" the age of satisfying the "wish lists" of minority groups in the community.

As a direct result of the drive for "efficiency" councils set about thinning the ranks of it's engineering and works staff. Those "ever efficient bean counters" continued to drive the agenda of "thinning the ranks" of those that actually produce tangible (real) works.

The hidden agenda was finally "out in the open" at last, namely more administration staff and additional costs associated with overwhelming bureaucratic systems, necessitated the elimination of doers.

Now the push began to eliminate supervisory staff ie. Engineers, Overseers and Foreman. Councils unknowingly in some cases played a part in exposing themselves and therefore the community to increased risks. The previous

regime of regimented inspections was the first casualty. WO's were invented as an alternative to Overseers and Foremen, which was seen as a saving (imaginary). These WO's were expected to perform both roles, and more.

At the same time the "bean counters" were ensuring that engineers were next on the "hit list"; their ranks were thinned in the name of "efficiency". The Directors of Engineering faced with reduced ranks saw the answer to their dilemma as you guessed it – the Works Officer.

The WO was required to take-on extra responsibilities; namely those of a works engineer/project engineer, as well as those of the traditional Overseer ie. Supervision of the works staff.

Responsibilities of the Works Officer

The responsibilities of a WO are many and varied. As well as being the level of management responsible for a council's works program becoming a reality, the WO is responsible for the health and safety of its works staff and the general public.

A council cannot exist without a competent WO or equivalent. An incompetent WO will expose a council to claims of wasting scarce public funds and more importantly claims of negligence. The future of a council rests absolutely on the shoulders of the WO.

The WO is expected to be well informed with respect to:

- Efficient and 'proper' work practices;
- Workplace standards;
- New technology;
- Local government legislation;
- Local government procedures;
- Industrial relations law;
- Works staff welfare;
- Occupational health and safety requirements; and
- Plant, machinery and equipment procurement, operations and analysis of performance.

Any impartial and moderately experienced observer should quickly realise that the WO is a very important component in a council's 'operations' area.

The WO is ultimately responsible for a council's exposure to litigation with respect to road construction and maintenance, and other public infrastructure.

Members of the public are only too aware of their right to take an action against a negligent council.

The WO has been expected to "do the impossible" in recent years; namely coordinate works staff resources of a council, whilst being on the lookout for inadequate or unsafe engineering infrastructure.

The recent High Court decision in 'Brodie v Singleton Shire Council and Ghantous v Hawkesbury City Council' of 31 May 2001, has ensured that councils direct their energies to adopting proper road management procedures ie. "Back-to-the-future" systems. The 'drivers of change' in the mid-1990's have but yet again been shown to be less than astute, namely the drive to eliminate staff in the name of "efficiency", which heralded-in the "crisis management" philosophy. Allocation of resources to road infrastructure was systematically reduced to enable funds to be spent on the bureaucracy and the ever -increasing "wish list" of the elected councillors.

One of the first casualties of the change "we had to have" was the elimination of at least one level of supervision and inspection, resulting in councils operating on "crisis management" systems.

Road maintenance suffered as a result of inadequate inspection regimes and last minute repairs being effected, at which time it is often too late to rejuvenate the pavement. The result was immediate exposure to litigation and unnecessary expensive reconstruction works.

Thanks to the above-mentioned High Curt decision the '*Highway Rule*' or '*Nonfeasance Immunity*' was abolished. This is a decision of great significance and I believe it to be both appropriate and just. Councils being the 'owner' of and more often than not the

'road authority' for public roads within their local government area, have been put on notice to act responsibly when constructing and maintaining roads, or suffer the financial consequences.

Councils must now implement an appropriate inspectorial regime for its road network and associated infrastructure. A frequent and highly regimented system of inspections will need to be undertaken, to ascertain the level of risk to existing and future road users.

Councils will need to ensure adequate standards of road construction, maintenance or repairs are undertaken. The "last minute quick fix" mentality of the last decade must go.

I believe that the level of responsibility being placed on many Works Officers is unreasonable and will ultimately take its toll. Works Officers are already being asked to accept responsibility above and beyond their professional capability and in some cases beyond their skills base. As I said previously it is no defence in the Courts to plead ignorance in aspects of the law, simply because you do not know the law, where in fact it is necessary to know those laws.

When a life is lost or worse due to a negligent act by council staff or agents on road works under your control, the "wolves will be knocking at your door". You could be a party to action in the Courts, as a minimum as a witness or worse as one of a number of defendants.

The issue is whether your employer has given you sufficient training in all aspects of the law, as might be applicable to your responsibilities as WO.

Conclusion

Works Officers play a very responsible role in the provision of works and services on behalf of the community at large. The welfare of staff under your control is your prime responsibility, as is the standard of all works undertaken by them.

In this era of unfettered litigation the Works Officer is "fair game" for the prospective plaintiff.

The Works Officer is I believe the most valuable tool of the Director of Engineering and therefore the “linchpin” (or essential element) of a council’s operations.

Be prepared to say no to a level of responsibility beyond which you believe your experience, training and skills are less than adequate. Only an inexperienced or inadequate senior manager will expect you to perform at a level beyond your capabilities.