Inquest into the death of Cameron Brandt Cole

Cameron Brandt Cole was working on a mine site in on 14 August 2009 and was present when a truck towing a trailer with a mixed load of equipment arrived at the site. He was crushed by a heavy steel pipe rack that fell from the flatbed trailer after the chains and load binders restraining a load of five pipe racks were released.

State Coroner Terry Ryan delivered his findings of inquest on 11 September 2015.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The department named in this response will provide implementation updates until the recommendation is delivered. Further information relating the implementation of recommendations can be obtained from the responsible minister named in the response.

**Recommendation 3**

The Queensland Government consider whether the National load restraint guide applies to the operation of vehicles on land that is not a public place and, if not, take steps to ensure that its application is extended under relevant chain of responsibility legislation, including the Heavy Vehicle National Law (Queensland).

Response and action: the recommendation is agreed to in part and implementation is in progress.

Responsible agency: Department of Transport and Main Roads.

On 11 February 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:

The Department of Transport and Main Roads will work cooperatively with the National Transport Commission to consider the potential for the broader application of the National load restraint guide and how chain of responsibility could be applied.

The National Transport Commission will consider suggested changes to the guide as part of its current review of the guide and will work with the department in considering the application of the Heavy Vehicle National Law chain of responsibility provisions and their appropriate coverage.

The Department of Transport and Main Roads and the National Transport Commission will consider whether amendments to the Heavy Vehicle National Law (HVNL) are necessary as part of the Heavy Vehicle National Law maintenance program, in consultation with participating jurisdictions. This issue would be considered as part of the 2016-17 Heavy Vehicle National Law maintenance program.

On 8 July 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:

The Department of Transport and Main Roads examined the National load restraint guide and determined the guide does not apply to the operation of vehicles on land that is not a public space. However, section 111 of the HVNL prohibits a person from driving a heavy vehicle on a road if the
heavy vehicle or its load do not comply with the loading requirements applying to the vehicle. If an
offence against section 111 is committed, chain of responsibility parties listed under section 183(2),
such as employers, consignors and loaders, are also taken to have committed an offence unless they
can demonstrate they have taken reasonable steps to prevent the offence. While the National load
restraint guide does not extend to areas that are not a public place, drivers, operators and other
parties also have obligations under workplace health and safety legislation that extends to places
other than roads.

The Queensland Government is taking steps to ensure that chain of responsibility provisions under
the HVNL are strengthened. On 7 April 2016 the Transport and Infrastructure Senior Officials’
Committee (TISOC) endorsed amendments to the HVNL relating to chain of responsibilities
requirements and obligations. In particular, the HVNL Amendment Bill 2016 introduces a primary
duty of care on parties in the chain of responsibility to ensure so far as is reasonably practicable, the
safety of the party’s transport activities relating to the vehicle. The amendments to the HVNL
focuses the attention of those involved in transport operations on establishing and maintaining
culture and systems that are safe. This will enhance the general safety obligations under the HVNL.

The National Transport Commission is undertaking a comprehensive review of the load restraint
guide to ensure it remains contemporary, nationally consistent, efficient, effective and aligned with
agreed policy.

Transport and Infrastructure Council consideration of the load restraint guide is delayed from
November 2016 to May 2017. This remains in line with commitments to finalise the National load

On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy,
Biofuels and Water Supply responded:

The Heavy Vehicle National Law and Other Legislation Amendment Bill 2016, containing
amendments aligning chain of responsibility provisions with work health and safety principles, was
introduced into the Queensland Parliament in September 2016.

The National Transport Commission will present recommendations of the Load restraint guide
review for consideration by ministers at the November 2017 Transport and Infrastructure Council
meeting. It is expected that the revised Load restraint guide will be finalised and released in early
2018.

The implementation of the national chain of responsibility provisions in the Heavy Vehicle National
Law and Other Legislation Amendment Bill 2016 are anticipated for implementation in mid-2018.

On 26 February 2018 the Minister for Transport and Main Roads responded:

No further action has been taken since this recommendation was last updated, pending enactment
of the amendments which align the chain of responsibility provisions with work health and safety
principles. Enactment of these amendments is expected to occur in mid-2018.