

Inquest into the death of Barry Joseph Uscinski

Dr Barry Joseph Uscinski died on 22 October 2010 from multiple injuries when he crashed his replica World War II Supermarine Spit Fire (Mk 26) aircraft. The impact occurred on private property, approximately 1km from the Gympie Aerodrome main runway. It is unlikely that the root cause of this incident will ever be known. However, it is clear that the primary undercarriage system failed, the engine was running rough, and then the engine stopped in flight.

Coroner Maxine Baldwin delivered her findings of inquest on 29 December 2014.

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 departments 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 1

To ensure that the Queensland Police Service has overall control of coronial investigations into aviation incidents, it is recommended that the Queensland Police Service revise its procedures to ensure that any testing or expert reports by external organisations are arranged by the Queensland Police Service. It is also recommended that the Queensland Police Service ensure that if an external organisation is assisting them with their investigation, that they are requested to finalise their report for the coroner within a reasonable time frame. A police investigation report should aim to consolidate all of the external investigation reports and the outcome of their own enquiries for the coroner.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

On 17 July 2015, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The Queensland Police Service (QPS) is drafting amendments to Chapter 17 'Major incidents' of the *Operational Procedures Manual (OPM)* to ensure the QPS has overall control of coronial investigations into aviation incidents and to ensure any testing by external bodies is arranged by the QPS.

Currently, QPS forensic crash investigators advise external bodies of timeframes associated with coronial investigations. Section 599 of the *Police Powers and Responsibilities Act 2000* enables investigators to issue search warrants in order to obtain information to assist the coroner in the investigation if it is not forthcoming or not available within the required timeframes. Current policy and procedure is sufficient for this purpose and needs no further amendment.

A consultation process on the draft amendments to Chapter 17 'Major incidents' will be undertaken with key stakeholders.

Upon completion of the consultation process, approval for the amendments and incorporation into the OPM publication will be sought from the Deputy Commissioner, Strategy, Policy and

Performance, QPS. The OPM is published bi-monthly. The timeframe for publication of the amendments to Chapter 17 'Major incidents' will be dependent on the timing of the consultation process.

On 12 January 2016 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The Queensland Police Service amended Chapter 8 'Coronial matters' of the *Operational procedures manual* (OPM) to formalise procedures already in place to ensure the Queensland Police Service has overall control of coronial investigations into aviation incidents and to ensure any testing by external bodies is arranged by the QPS. The amendments were approved by the Deputy Commissioner, Strategy, Policy and Performance and published in the Service Manual Update – Amendment Issue No.48 of the OPM, 28 August 2015. Amendments to Chapter 17 'Major incidents', previously identified as requiring amendment, were not required.

A police investigation report consolidates all supporting material including external reports and presents an outline of the investigation in chronological order detailing all enquiries made and the results of those enquiries for the coroner.

Recommendation 2

Also, it is vitally important that all evidence from aircraft wreckage is adequately secured by the Queensland Police Service for the purposes of the coronial investigation. It is recommended that procedures at the Gympie Police Station be reviewed so that all relevant components of an aircraft wreckage are collected, catalogued, registered and safely secured from the site of the incident, through the transport process, to the holding yard until finalisation of the matter.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

On 17 July 2015, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

Property handling systems and procedures at Gympie Police Station were reviewed to ensure that they are consistent with current Queensland Police Service policy.