

Inquest into the death of Christopher Jon Walton

Christopher Jon Walton died on 23 December 2012 from multiple injuries when an awning attached to a building collapsed and trapped him against one of the building pillars below.

Coroner James McDougall delivered his findings of inquest on 27 October 2016.

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

All local authorities, or their suitably qualified and authorised nominee, at the direction of and with the assistance of the Department of Infrastructure, Local Government and Planning conduct an immediate inspection of all awnings over public footpaths in Queensland.

Response and action: implementation of the recommendation is under consideration.

Responsible agency: Department of Local Government, Racing and Multicultural Affairs, supported by Department of Housing and Public Works.

On 16 November 2017 the Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships and the Minister for Housing and Public Works and Minister for Sport responded:

Representatives from the Department of Infrastructure, Local Government and Planning (DILGP) met with representatives from the Department of Housing and Public Works on a number of occasions to discuss the recommendations and options for response. DILGP also consulted the Local Government Association of Queensland.

DILGP researched approaches taken to the issue in other jurisdictions.

The Queensland Government is considering response options.

On 26 February 2019 the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs and the Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport responded:

While the intent of the recommendation is agreed, under current legislation, there is no existing provision for the Minister or the Department of Local Government, Racing and Multicultural Affairs (DLGRMA) to direct a local government to implement an inspection program. There is no provision in the *Local Government Act 2009*, *Building Act 1975* or the *Planning Act 2016* requiring a local government ensure that awnings are constructed or maintained in a safe manner (other than in terms of assessing and certifying the compliance of the building work). A local government may pass a resolution to approve an inspection program, however neither the minister nor the department can direct them to pass such a resolution.

Additionally, the financial and resourcing impact for local governments and their communities of implementing a state-wide inspection program is significant, therefore other viable options to achieve the outcomes sought by the coroner are being considered.

An awnings safety working group was established in 2017 to consider the coroner's recommendations and develop possible options to address them. Membership of the working group includes representatives from the Department of Local Government, Racing and Multicultural Affairs; Department of Housing and Public Works; Queensland Building and Construction Commission; Workplace Health and Safety; Gold Coast City Council and the Local Government Association of Queensland.

The working group continued to meet to discuss the recommendations and is considering possible options to implement this recommendation in a different way that achieves a similar result.

DLGRMA has undertaken research and continued to monitor approaches taken in other jurisdictions.

The Queensland Government is considering possible response options to address this recommendation.

Recommendation 2

That where necessary, appropriate orders be made to rectify any awnings presenting a danger of collapse, and that appropriate legislation be put in place to enforce such orders.

Response and action: implementation of the recommendation is under consideration.

Responsible agency: Department of Local Government, Racing and Multicultural Affairs, supported by Department of Housing and Public Works.

On 16 November 2017 the Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships and the Minister for Housing and Public Works and Minister for Sport responded:

The Department of Infrastructure, Local Government and Planning consulted with the Department of Housing and Public Works about the coroner's recommendation.

The Queensland Government is considering response options.

On 26 February 2019 the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs and the Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport responded:

An awnings safety working group was established in 2017 to consider the coroner's recommendations and develop possible options to address them. Membership of the working group includes representatives from the Department of Local Government, Racing and Multicultural Affairs; Department of Housing and Public Works; Queensland Building and Construction Commission; Workplace Health and Safety; Gold Coast City Council and the Local Government Association of Queensland.

The working group continued to meet through 2018 to discuss the recommendations and develop possible options for an inspection program (under recommendation 3) along with options for awning rectification orders and enforcement.

DLGRMA has undertaken research and continued to monitor approaches taken in other jurisdictions.

The Queensland Government is considering possible response options to address this recommendation.

Recommendation 3

That an ongoing awning inspection program should be introduced in Queensland for structures over public land, to be administered by local authorities. The Minister for the Department of Infrastructure, Local Government and Planning should consider the establishment of a departmental taskforce to develop a suitable program, which can effectively reduce the risk posed to the community by aged awnings. The suggestions made by the expert engineers in this case as to the features that could be included in such a program, should be considered by the taskforce. It is crucial that any program introduced ensures that local authorities/councils have the power to conduct effective inspections of awnings over public lands, and can ensure effective compliance by building owners with any enforcement/remedial action that is deemed necessary to remove the risk posed.

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

Responsible agency: Department of Local Government, Racing and Multicultural Affairs, supported by Department of Housing and Public Works.

On 16 November 2017 the Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships and the Minister for Housing and Public Works and Minister for Sport responded:

Representatives from the Department of Infrastructure, Local Government and Planning (DILGP) met with representatives from the Department of Housing and Public Works on a number of occasions to discuss the recommendations and options for response. DILGP also consulted the Local Government Association of Queensland.

DILGP researched approaches taken to the issue in other jurisdictions.

The Queensland Government is considering response options.

On 26 February 2019 the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs and the Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport responded:

It is agreed inspections of awnings over public land are needed, however the nature of the program is still under consideration.

An awnings safety working group was established in 2017 to consider the coroner's recommendations and develop possible options to address them. Membership of the Working Group includes representatives from the Department of Local Government, Racing and Multicultural Affairs; Department of Housing and Public Works; Queensland Building and Construction Commission; Workplace Health and Safety; Gold Coast City Council and the Local Government Association of Queensland.

The working group continued to meet through 2018 to discuss the recommendations and develop possible options for an inspection program. While options are still being considered, the suggestions made during the Inquiry on the potential features of such a program are being considered.

DLGRMA has undertaken research and continued to monitor approaches taken in other jurisdictions.

The Queensland Government is considering possible response options to address this recommendation.

Recommendation 4

That a review of Australian Building Standards be undertaken in relation to awnings generally and cantilevered awnings particularly, to ensure that issues, such as minimum required design life prior to major maintenance, corrosion protection, facilitation of the inspection of primary support fixings, the specification of minimum mechanical anchor embedment and structural soundness are adequately addressed.

Response and action: implementation of the recommendation is under consideration.

Responsible agency: Department of Housing and Public Works.

On 16 November 2017 the Minister for Housing and Public Works and Minister for Sport responded:

In addressing coronial recommendation 4, the Department of Housing and Public Works (DHPW) took steps to clarify the extent to which relevant Australian standards may need to be reviewed.

Standards Australia is the nation's peak non-government, not-for-profit standards organisation with responsibility for the development and adoption of standards in Australia, but has no regulatory or compliance function.

The Australian Building Codes Board (ABCB) is the author of the National Construction Code (NCC), which references relevant Australian standards. The NCC is comprised of the Building Code of Australia (BCA) and the Plumbing Code of Australia (PCA). The NCC is adopted by all Australian states and territories. In Queensland, the component codes are given legal effect through legislation administered by DHPW.

Within the ABCB is a technical group, the Building Codes Committee (BCC), which is comprised of representatives from Standards Australia and all Australian states and territories. The BCC advises the ABCB about potential changes to the NCC.

The issues identified in coronial recommendation 4 were raised at BCC meetings held in March and July 2017. The BCC resolved to have the Queensland jurisdiction (through DHPW) refer recommendation 4 to Standards Australia.

DHPW has progressed a referral letter to Standards Australia, requesting that their relevant technical committees review all Australian standards related to the construction of awnings generally.

The response from Standards Australia will be advised in a subsequent coronial update.