

Inquest into the death of John Edward Drane

John Drane took his own life on 9 January 2014 when he set his clothing alight in such a manner to ensure a rapid spread of fire across his clothing. This was probably in the context of a deterioration in his physical wellbeing due to treatment for bladder cancer. The coroner found his actions could not have been predicted by members of his family or staff at his nursing home.

Deputy State Coroner John Lock delivered his findings of inquest on 15 June 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

The Queensland Department of Health, in partnership with the aged care sector and the general practitioner sector, implement routine screening and assessment for elderly persons diagnosed with and/or undergoing treatment for significant physical conditions, together with screening for depression (given the correlation between the two).

Response and action: the recommendation is agreed in part and is implemented.

Responsible agency: Queensland Health.

On 25 January 2018 the Minister for Health and Minister for Ambulance Services responded:

Queensland Health, together with representatives from the aged care and general practitioner (GP) sector, identified guidelines and various comprehensive risk screening tools that are currently in use to aid early diagnosis of patients/clients with anxiety and/or depression, across Queensland Health facilities and the aged care and GP sectors.

The role of screening for depression in elderly persons lies more in the primary care setting than in acutely unwell hospital inpatients. GPs and community services can refer directly to a geriatrician for a comprehensive geriatric assessment that is inclusive of the patient's psychological health. There are various geriatric assessment tools developed by geriatricians in use in the primary, acute and aged care settings in Queensland.

The Royal Australian College of General Practitioners' publications, *Medical care of older persons in residential aged care facilities* (2006) and *Guidelines for preventive activities in general practice* (2016) provide a comprehensive assessment tool and management strategy guideline for GPs to routinely screen and assess elderly persons with signs of depression, including those diagnosed with a significant physical illness. There is a Medicare item number (MBS 141) for a GP/medical officer to perform a comprehensive medical assessment of patient in residential care, community and aged care settings annually.

The aged care sector, governed by the Australian Government Department of Health, utilises a number of tools. The aged care assessment team together with the aged care funding instrument assessment pack provides comprehensive tools to assess clients, inclusive of

mood changes and depression. The Australian Aged Care Quality Agency regularly assesses residential aged care facilities against national standards, which require the facilities to provide evidence of current care plans and ongoing assessments of residents as their mental and physical condition changes.

Recommendation 2

The Queensland Police Service, Queensland Fire and Emergency Service and Workplace Health and Safety Queensland collaboratively review their involvement in this matter and identify the most practical and efficient means for ensuring that, in future, when the agencies are concurrently investigating a death or serious injury involving a fire, that the roles and responsibilities of each agency to inform each other's recommendations and to properly advise and put all relevant evidence before the investigating coroner, are clearly defined and appropriately carried out. This may include entering into a memorandum of understanding and/or implementing current initiatives being the Reducing Unlawful Fires (Including Arson) Investment Proposal and QPS Reducing Unlawful Fires Initiative Proposal.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police supported by Queensland Fire and Emergency Services and the Office of Industrial Relations.

On 6 April 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services and the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs responded:

The Queensland Police Service (QPS) is working collaboratively with Queensland Fire and Emergency Services (QFES) and Workplace Health and Safety Queensland (WHSQ, within the Office of Industrial Relations) to develop changes to each agencies' policy and procedures to address the issues identified by the coroner when investigating fires that are suspicious and/or result in death or serious injury.

These amendments will be developed outside the scope of the Reducing Unlawful Fires (Including Arson) Project and the timing and delivery of this project will be addressed separately by QFES.

The QPS are in the process of amending the *Operational procedures manual* (Section 8.5.20 Deaths resulting from Fires) to ensure investigating officers liaise with QFES and other government agencies during an incident prior to submitting the report to the coroner.

QFES also drafted an internal discussion paper in relation to amendment of Section 153A of the *Fire and Emergency Services Act 1990* (the Act) -- regarding confidentiality -- which could provide QFES personnel a disclosure power where information is in the public interest; currently this section prohibits QFES personnel from providing information they have acquired in performing a function under the Act on their own violation without the proper exercise of a collection power by external agencies such as QPS.

The OIR is actively reviewing its relevant procedures. The QPS and QFES are members of the Serious Workplace Incidents Interagency Group hosted by the OIR. Joint membership of this group will provide a channel for collaboration between the agencies.

Further meetings between QPS, QFES and WHSQ were held in 2016 to articulate the roles, responsibilities, processes and legislative jurisdiction when conducting investigations with overlapping interests.

It is expected the respective policy changes will be finalised and ready for implementation from 1 July 2017.

On 21 June 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services (lead minister) and on 23 January 2018 the Minister for Education and Minister for Industrial Relations (supporting minister) responded:

The QPS is continuing to work collaboratively with QFES and Workplace Health and Safety Queensland within the Office of Industrial Relations.

The QPS amended the *Operational procedures manual* (Section 8.5.20 Deaths resulting from fires) to ensure investigating officers liaise with QFES and other government agencies during an investigation and prior to submitting the report to the coroner. This amendment includes that statements should be obtained from all persons having significant knowledge concerning the cause or behavior of the fire.

QFES's draft internal discussion paper in relation to the amendment of Section 153A of the *Fire and Emergency Services Act 1990* (the Act) (regarding confidentiality) is still in progress.

In April 2017, OIR updated the *Inspectors manual* (v12) for staff of WHSQ and the Electrical Safety Office. Interagency co-operation and information sharing through memoranda of understanding is covered by Chapter 7 of the manual which deals with 'First response' and Chapter 17 which deals with 'Role of other agencies'.

QFES will further progress internal discussion paper prior to the consideration of seeking any possible legislative amendment.

On 24 January 2018 the Minister for Fire and Emergency Services responded:

The commissioner, Queensland Fire and Emergency Services considered the internal discussion paper and supports the consideration of options to address the issue relating to section 153A of the *Fire and Emergency Services Act 1990* regarding confidentiality.

On 5 October 2018 the Minister for Fire and Emergency Services responded:

Queensland Fire and Emergency Services established a project to collate a range of issues that may result in legislative amendment. Amendment to section 153A of the *Fire and Emergency Services Act 1990* in regard to confidentiality will be included in the work program for this project.

Issues outlined in the internal discussion paper will be further considered and, should they have merit, amendments will be progressed for wider consultation, appropriate approvals and consideration of Parliament.

On 26 March 2019 the Minister for Fire and Emergency Services responded:

Note: Originally, the QPS was the lead agency for the implementation of this recommendation with QFES and WHSQ the supporting agencies. In June 2017, QPS and WHSQ finalised their implementation responsibilities and QFES is continuing to implement the recommendation.

The QFES legislative review team is reviewing the effectiveness of legislation that supports and guides QFES operations including the *Fire and Emergency Services Act 1990*; *Fire and Emergency Services Regulation 2011*; *Disaster Management Act 2003*; and *Disaster Management Regulation 2014*. Legislative options to implement the recommendation, including a possible amendment to Section 153A of the *Fire and Emergency Services Act 1990*, will be considered as part of this review.

On 1 October 2019 the Minister for Fire and Emergency Services responded:

QFES is continuing to evaluate legislative options to implement the recommendation.

On 24 April 2020 the Minister for Fire and Emergency Services responded:

An amendment is proposed to the *Fire and Emergency Services Act 1990* to insert a new provision to allow for information disclosure to occur in circumstances which include, where the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare. This amendment is required to provide legislative authority for QFES to proactively provide information relevant to other agencies and the investigating coroner.

On 21 September 2020 the Minister for Fire and Emergency Services and Minister for Aboriginal and Torres Strait Islander Partnerships responded:

Queensland Fire and Emergency Services is seeking to progress legislative and/or procedural options to formalise information sharing as soon as practicable.

On 16 March 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services responded:

Queensland Fire and Emergency Services, in consultation with the Queensland Police Service, is in the process of updating relevant internal procedure/s to formalise information sharing arrangements between Queensland Fire and Emergency Services and the Queensland Police Service for concurrent fire investigations.

On 11 October 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services responded:

Queensland Fire and Emergency Services, in consultation with the Queensland Police Service, is finalising relevant internal procedure/s to formalise information sharing arrangements between Queensland Fire and Emergency Services and the Queensland Police Service for concurrent fire investigations.

On 21 April 2022 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services responded:

Queensland Fire and Emergency Services and the Queensland Police Service are continuing consultation in order to formalise information sharing arrangements for concurrent fire investigations.

On 15 December 2022 the Minister for Police and Corrective Service and Minister for Fire and Emergency Services responded:

On 27 October 2022 the *Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022* (the Bill) was introduced into Parliament. To support the implementation of the Coroner's recommendation, the Bill includes an amendment to the *Fire and Emergency Services Act 1990* to clarify that QFES officers can proactively disclose information relating to an investigation into a fire involving a death or serious injury, if the disclosure is to a police officer or staff member of the QPS for the purpose of assisting with the QPS's investigation into the death or injury. The amendment will also apply to information about investigations into hazardous materials emergencies. The Bill has been referred to the Community Support and Services Committee (Committee) for consideration. The Committee is due to table its report on the Bill on 3 February 2023.

On 15 May 2023 the Minister for Police and Corrective Service and Minister for Fire and Emergency Services responded:

The *Police Service Administration and Other Legislation Amendment Act 2023* was assented to on 5 April 2023. It will amend the *Fire and Emergency Services Act 1990* (FES Act) to provide a clear authority for QFES officers to proactively disclose information relating to an investigation into a fire involving a death or serious injury, if the disclosure is to a police officer or staff member of the QPS, for the purpose of assisting with the QPS's investigation into the death or injury. The amendment will commence on a date to be fixed by proclamation.

QFES and QPS officers have been working closely to enhance operational processes to ensure efficient and effective collaboration on fire investigations within current legislative requirements. In addition, all supporting processes and practice documentation has been reviewed and updated in preparation for the commencement of the amendment to the FES Act.

A proclamation will be prepared to commence the amendment to the FES Act.

On 14 November 2023 the Minister for Police and Corrective Service and Minister for Fire and Emergency Services responded:

Proclamation was made on 22 June 2023 setting 1 July 2023 as the commencement date for the amendment to the *Fire and Emergency Services Act 1990* clarifying the circumstances in which QFES can share information with the Queensland Police Service about investigations into fires and hazardous materials emergencies involving death or serious injury to a person.