

Inquest into the death of Simon James Poxon

Mr Poxon died at work on 26 February 2013. He was standing between a mobile elevating work platform and a bucket truck when the bucket truck suddenly reversed and he became trapped.

Coroner John Lock delivered his findings of inquest on 8 July 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 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 1

I recommend to the Queensland Police Service that sufficient resources and training are made available to ensure there is alcohol and drug testing of all potentially culpable surviving drivers involved in motor vehicle accidents where serious injuries or death occurs.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

On 27 January 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

Section 5.5 of the Queensland Police Service (QPS) *Traffic manual* stipulates that all drivers are to be breath tested for alcohol, and if serious injury or death occurs, a qualified drug tester should attend the incident and test surviving and uninjured drivers for alcohol and drugs. Further, if a specimen of blood is obtained, it is also to be tested for the presence of drugs in their blood in accordance with the relevant provisions of the *Transport Operations (Road Use Management) Act* and Chapter 7: 'Drink and Drug Driving' of the QPS *Traffic manual*.

This requirement has been reinforced through the dissemination of multiple state-wide emails to Forensic Crash Units.

At the time of Mr Poxon's death there were approximately 52 qualified officers. There are currently 439 officers qualified to conduct drug tests state-wide, with qualified officers located in each police district. At this stage, Forensic Crash Unit officers have not been trained, as this additional responsibility will impinge on their investigative duties at the scene. Rather, a qualified tester is requested to attend the scene to conduct the test.

Reinforcement of policy coupled with delivery of additional drug testers has enhanced the QPS response to workplace incidents.

The QPS will continue to seek to enhance drug testing capability.

Recommendation 2

It is recommended the Commissioner of Police consider, in consultation with Forensic Crash Unit officers, whether there should be some form of a formal/informal review process, including consideration of forming a review panel, to assist Forensic Crash Unit officers and Queensland Police Service officers generally in the making of prosecution decisions for driving offences of vehicles or plant under the Criminal Code or TORUM, and to otherwise provide oversight and support to those officers in making these difficult decisions.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

On 27 January 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

Existing service policy (section 3.4.11 of the QPS *Operational procedures manual*) stipulates that investigating officers are to seek advice from legal division on the sufficiency of evidence and the appropriate charges to be preferred. This requirement has been reinforced through the dissemination of state-wide emails to forensic crash units; and encouraging investigating officers to collaborate with the Brisbane Forensic Crash Unit, prosecutors and criminal investigation branches, as required, during the course of an investigation.

Recommendation 3

It is further recommended that the Director of Public Prosecutions issue a guideline pursuant to s11 of the *Director of Public Prosecutions Act 1984*, directed to the Commissioner of Police Service relating to prosecutions for driving offences of vehicles or plant under the Criminal Code or TORUM.

Response and action: the recommendation was not implemented.

Responsible agency: The Office of the Director of Public Prosecutions.

On 16 December 2016 the Director of Public Prosecutions responded:

The development and publication of a guideline pursuant to s 11 of the *Director of Public Prosecutions Act 1984*, directed to the Commissioner of Police Service relating to prosecutions for driving offences of vehicles or plant under the Criminal Code or TORUM is under consideration.

On 1 August 2017 the Director of Public Prosecutions responded:

The director is unaware of the issue considered at the inquest into the death of Mr Poxon being a large scale or systemic problem. Accordingly, the director considers it is not appropriate to direct the commissioner of police as to how to conduct investigations in specific types of matters, and that any guidance to investigating police officers would more appropriately come from the commissioner by way of an operational procedures manual direction.