

Inquest into the death of Matthew Stephen Barclay

Matthew Stephen Barclay was competing in an under 15 board race at the 2012 Australian Surf Life Saving Championships at Kurrawa Beach on 28 March 2012. Matthew died as a result of being rendered unconscious by the effects of a dumping wave on a shallow sandbank. After he lost consciousness Matthew aspirated seawater and drowned.

State Coroner Terry Ryan delivered his findings of inquest on 15 January 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.

Further information relating the implementation of recommendations can be obtained from the responsible agency named in the response.

Recommendation 5

In the event of a future death at a surf lifesaving event an investigation be carried out by the regulator under the Work Health and Safety Act 2011, in consultation with the Queensland Police Service.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Treasury (lead) supported by the Queensland Police Service.

On 23 December 2016, the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs; and the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

Although the coroner discusses aspects of the *Work Health and Safety Act (WHS) 2011*, the applicable legislation the Office of Industrial Relations would conduct an investigation under is the *Safety in Recreational Water Activities Act (SRWA) 2011* which has the same 'Regulator'. Section 4 of the SRWA links that Act to the WHSA. In that sense, the Queensland Police Service (QPS) proposes the following insertion to section 8.5.11 'Drowning' under Chapter 8 'Coronial Matters' of the QPS *Operational procedures manual (OPM)*:

Drowning death at a surf lifesaving event

Matters involving competitors at an official surf lifesaving event come under the *Safety in Recreational Water Activities Act 2011*.

ORDER

Officers responding to a:

- (i) drowning death; or
- (ii) missing competitor who is suspected to have drowned,

at an official surf lifesaving event are to notify the Advisory and Assessment Centre, Office of Industrial Relations through the Duty Officer, Police Communications Centre, Brisbane, or local communication centre.

The investigation of a death at an official surf lifesaving event is to be conducted in conjunction with inspectors from Workplace Health and Safety Queensland in accordance with s. 8.5.6:

‘Workplace or electrical incidents causing or likely to cause grievous bodily harm or death’ of this chapter.

The amendment requires QPS investigators to consult the Office of Industrial Relations in any investigation of a drowning at a surf lifesaving event, which is consistent with intent of the coroner’s recommendation.

The amendment will be published in the OPM.

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

The QPS published the amendment to the [Operational procedures manual](#) in July 2016.