

Inquest into the death of Christine Leonardi and Samuel Leonardi

Mrs Christine Leonardi and her 6 year old son, Samuel Leonardi, died as a result of being struck by a Franna AT-20 crane on a public road on Monday 16 September 2013. Mrs Leonardi died at the scene, whilst Samuel died two days later at the Mater Children's Hospital in Brisbane. Mrs Leonardi's two other children aged 9 and 11 were also in the vehicle at the time of the collision. They were critically injured, but survived.

Coroner John Hutton delivered his findings of inquest on 11 October 2017.

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 3a

All state and territory road regulators support an urgent amendment by the National Heavy Vehicle Regulator to the National Class 1 Special Purpose Vehicle Notice to:

- i. impose a speed restriction of 60km/h on all mobile articulated steering cranes (until such time as electronic stability control systems are developed and fitted)
- ii. restrict access to mobile articulated steering cranes on roads and motorways where it is assessed that a speed restriction of 60km/h will be unsafe for other motorists.

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

Responsible agency: Department of Transport and Main Roads.

On 27 May 2019 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads is working with the National Heavy Vehicle Regulator (NHVR) to address this recommendation.

While the coroner recommended that the speed limit for these vehicles be reduced to 60km/hr, based on previous testing carried out on these vehicles, a national speed limit of 80km/hr was imposed. The Department of Transport and Main Roads supported the amendment by the NHVR and the revised speed limit commenced on 25 April 2018.

The NHVR advise the reduced 80km/h speed limit is intended as an interim measure until work relating to recommendation 3b is completed.

The Department of Transport and Main Roads will continue to support the NHVR as it continues with research and development of a testing program to determine an appropriate safe maximum operating speed for steerable articulated cranes. The department will await the outcome of recommendation 3b before finalising its response to this recommendation.

Recommendation 3b

All state and territory road regulators support a proposed amendment to the Heavy Vehicle National Law to ensure that internal speed limiters are set to 60km/h on all mobile articulated steering cranes (or 80km/h when fitted with electronic stability control).

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

Responsible agency: Department of Transport and Main Roads.

On 27 May 2019 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads is working with the National Heavy Vehicle Regulator (NHVR) to address this recommendation.

The NHVR will review all operating conditions, including speed limits, for articulated steering cranes before determining its position in response to this recommendation. While the coroner recommended the imposition of a speed limit, the NHVR is taking a more comprehensive approach to this review.

The NHVR will undertake the review through the creation of a computer model of an articulated steering crane utilising the technical data provided by the vehicle's manufacturer. This model will be used to simulate the performance of the vehicle on a range of on-road scenarios to determine the operating limitations of this vehicle type. Additionally, it may also identify scenarios where assessment by simulation is limited and where physical testing of a vehicle is necessary. Based on the outcomes of this, the NHVR will then determine if the current operating conditions are appropriate and whether new operating requirements are required to ensure these vehicles can operate on roads in the safest manner.

The NHVR anticipates that this review work will be completed in late 2019.

The Department of Transport and Main Roads will support the NHVR as it continues its work to determine an appropriate maximum safe operating speed for articulated steering cranes. The department will await the outcomes of this testing before finalising its response to this recommendation.

Recommendation 3ci

All state and territory road regulators support an amendment by the National Transport Commission to the national licensing scheme so that before a driver is authorised to drive a mobile articulated steering crane on a public road, they must undergo *a practical assessment on a public road in a mobile articulated crane*.

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

Responsible agency: Department of Transport and Main Roads.

On 27 May 2019 the Minister for Transport and Main Roads responded:

The National Transport Commission (NTC) is the body responsible for making changes to national licensing requirements. Individual states and territories (for example Queensland) are unable to amend the national licensing requirements for training and assessment in mobile articulated cranes.

The Department of Transport and Main Roads agrees that drivers of mobile articulated cranes should be required to undertake a practical assessment before being allowed to drive this type of crane on a public road, however, disagrees that an amendment to the national driver licence scheme is the best way to achieve this outcome.

An amendment to the national licencing scheme would require national agreement and approval from all state and territory regulators and governments. This is impractical because obtaining national agreement and approval takes significant time, sometimes years, and there may be issues for other jurisdictions that are insurmountable. Implementation would also require significant investment from all state and territories for what is a relatively small and industry-specific group of drivers. As such, the department will not pursue changes to the national licensing scheme by the NTC.

The coroner's intent can be achieved more efficiently and effectively by mandating assessments outside of the national driver licensing scheme. The Queensland Government believes a more efficient way to meet the coroner's intent to deliver a national solution is with the approval from national workplace health and safety regulators. The Office of Industrial Relations will progress a paper to Heads of Workplace Safety Authority (made up of representatives from health and safety regulators across Australia and New Zealand) and Safe Work Australia (an Australian Government body which develops workplace health and safety and workers' compensation policy) to promote discussion on a national approach to implementation. The paper will propose inclusion of a mandated practical assessment for on-road operation in the national high risk work licensing framework based upon the preferred option identified by the Department of Transport and Main Roads and the Office of Industrial Relations for implementing the coroner's recommendation.

The preferred approach is to develop a training course that will include a theoretical and practical component. In developing the preferred approach, the Queensland Government consulted with the Crane Industry Council of Australia (CICA), crane manufacturers and the Australian Industry Standards (AIS). AIS is an independent government-funded skill services organisation that supports industry through the development of training packages.

AIS will develop a course which could be delivered through Registered Training Organisations (RTO). A technical advisory group made up of representatives from CICA, RTO assessors, the Department of Transport and Main Roads, the Queensland Office of Industrial Relations and SafeWork NSW will provide input in to the course content and assessment tools. The technical advisory group and AIS have prepared a draft of the proposed training course and assessment instrument. AIS will continue to provide input into the course development until it is finalised.

As the training course will not be a requirement to obtain a driver licence, an amendment to the driver licensing scheme will not be required.

If national implementation is not supported, the Department of Transport and Main Roads and the Office of Industrial Relations will continue work to develop options for implementation in Queensland on a stand-alone basis. Implementation in Queensland alone will require further consideration to address issues such as: authorisation of assessors; mutual recognition; retrospective application of the requirement to undertake training; the impacts of regulatory change on high risk work licence holders; and the impacts on the holders of other high risk work licence that authorise articulated cranes use in workplaces.

The Department of Transport and Main Roads will support the Office of Industrial Relations will develop the training course and to address the issues relating to implementation that have been identified.

Recommendation 3cii

All state and territory road regulators support an amendment by the National Transport Commission to the national licensing scheme so that before a driver is authorised to drive a mobile articulated steering crane on a public road, they must undergo *a theoretical assessment addressing the unique handling characteristics of a mobile articulated crane and emergency procedures in the event of a loss of control.*

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

Responsible agency: Department of Transport and Main Roads.

On 27 May 2019 the Minister for Transport and Main Roads responded:

The National Transport Commission (NTC) is the body responsible for making changes to national licencing requirements. Individual states and territories (for example Queensland) are unable to amend the national licencing requirements for training and assessment in mobile articulated cranes.

The Department of Transport and Main Roads agrees that drivers of mobile articulated cranes should be required to undertake a theoretical assessment addressing the unique handling characteristics of a mobile articulated crane before being allowed to drive on a public road, however, disagrees that an amendment to the national driver licence scheme is the best way to achieve this outcome.

An amendment to the national licencing scheme would require national agreement and approval from all state and territory regulators and governments. This is impractical because obtaining national agreement and approval takes significant time, sometimes years, and there may be issues for other jurisdictions that are insurmountable. Implementation would also require significant investment from all state and territories for what is a relatively small and industry-specific group of drivers. As such, the department will not pursue changes to the national licensing scheme by the NTC.

The coroner's intent can be achieved more efficiently and effectively by mandating assessments outside of the national driver licensing scheme. The Queensland Government believes a more efficient way to meet the coroner's intent to deliver a national solution is with the approval from national workplace health and safety regulators. The Office of Industrial Relations will progress a paper to Heads of Workplace Safety Authority (made up of representatives from health and safety regulators across Australia and New Zealand) and Safe Work Australia (an Australian Government body which develops workplace health and safety and workers' compensation policy) to promote discussion on a national approach to implementation. The paper will propose inclusion of a mandated theoretical assessment of the unique handling characteristics of a mobile articulated crane and emergency procedures in the national high risk work licencing framework based upon the preferred option identified by Department of Transport and Main Roads and the Office of Industrial Relations for implementing the coroner's recommendation.

The preferred approach is to develop a training course that will include a theoretical and practical component. In developing the preferred approach, the Queensland Government consulted with the Crane Industry Council of Australia (CICA), crane manufacturers and the Australian Industry Standards (AIS). AIS is an independent government-funded skill services organisation that supports industry through the development of training packages.

AIS will develop a course which could be delivered through Registered Training Organisations (RTO). A technical advisory group made up of representatives from CICA, RTO assessors, the Department of Transport and Main Roads, the Queensland Office of Industrial Relations and SafeWork NSW will provide input into the course content and assessment tool. The technical advisory group and AIS prepared a draft of the proposed training course and assessment instrument. AIS will continue to provide input into the course development until it is finalised.

As the training course will not be a requirement to obtain a driver licence, an amendment to the driver licensing scheme will not be required.

The Queensland Government notes the coroner's suggestion that the theoretical assessment should address emergency procedures in the event of loss of control. Consideration will be given to providing suitable

guidance for safety in hazardous situations in the training course in order to achieve the safety benefit intended by the coroner. However due to the numerous variable factors that contribute to an emergency and the unpredictable nature of an emergency, not all emergency procedures will be able to be covered in an assessment.

If national implementation is not supported, the Department of Transport and Main Roads and the Office of Industrial Relations will continue work to develop options for implementation in Queensland on a stand-alone basis. Implementation in Queensland alone will require further consideration to address issues such :
authorisation of assessors; mutual recognition; retrospective application of the requirement to undertake training; the impacts of regulatory change on high risk work licence holders; and the impacts on the holders of other high risk work licence that authorise articulated cranes use in workplaces.

The Department of Transport and Main Roads and the Office of Industrial Relations will develop the training course and to address the issues relating to implementation that have been identified.