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 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 to 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, supported by the National Heavy Vehicle Regulator.

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.
On 14 November 2019 the Minister for Transport and Main Roads responded:

The reduced 80km/h speed limit remains an interim measure as work relating to recommendation 3b continues.

**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, supported by the National Heavy Vehicle Regulator.

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.

On 14 November 2019 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads continues to support the NHVR as it determines an appropriate maximum safe operating speed for mobile articulated steering cranes. The NHVR advise that having resolved a number of legal and insurance issues, their review will commence in late 2019. The department awaits 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 (lead) supported by the Department of Education (Office of Industrial Relations) and the National Heavy Vehicle Regulator.

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

The National Transport Commission 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 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 National Transport Commission.

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.

On 14 November 2019 the Minister for Transport and Main Roads Minister for Transport and Main Roads and the Minister for Education and Minister for Industrial Relations responded:

AIS developed a unit of competency and an assessment tool that includes a theoretical and practical assessment on a road in a mobile articulated crane.

In April 2019, the Office of Industrial Relations met with the Heads of Workplace Safety Authority (HWSA) and Safe Work Australia and presented a paper to promote discussion on a national approach to implementation. At the meeting, Office of Industrial Relations obtained agreement to establish a national working group to consider mandating a theoretical and practical assessment for on road operation in the national high risk work licensing framework. The working group will also consider the impact of the change on other plant and licence types such as telehandlers and encompassed crane classes. The terms of reference require the working group to develop a decisions paper for the HWSA. The paper will seek endorsement of recommendations to progress the addition of theoretical and practical training for on-road operation of articulated mobile cranes through the high risk work licence class of CN. There are a number of other dependencies that will impact on the inclusion of this training in the high risk work framework. This includes a nationally consistent approach to the introduction of training for both new and existing CN licence holders who drive articulated mobile cranes on public or private roads.

The Department of Transport and Main Roads will assist in developing the decision paper and will await the outcome of this working group. The Department of Transport and Main Roads will support Office of Industrial Relations in addressing any issues or actions that result from this meeting.

**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 (lead) supported by the Department of Education (Office of Industrial Relations) and the National Heavy Vehicle Regulator.

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

The National Transport Commission 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 National Transport Commission.

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.

On 14 November 2019 the Minister for Transport and Main Roads Minister for Transport and Main Roads and the Minister for Education and Minister for Industrial Relations responded:

AIS developed a unit of competency and an assessment tool that includes a theoretical and practical assessment on a road in a mobile articulated crane.

In April 2019, the Office of Industrial Relations met with the Heads of Workplace Safety Authority (HWSA) and Safe Work Australia and presented a paper to promote discussion on a national approach to implementation. At the meeting, the Office of Industrial Relations obtained agreement to establish a national working group to consider mandating a theoretical and practical assessment for on road operation in the national high risk work licensing framework. The working group will also consider the impact of the change on other plant and licence types such as telehandlers and encompassed crane classes. The terms of reference require the working group to develop a decisions paper for the HWSA. The paper will seek endorsement of recommendations to progress the addition of theoretical and practical training for on-road operation of articulated mobile cranes through the high risk work licence class of CN. There are a number of other dependencies that will impact on the inclusion of this training in the high risk work framework. This includes a nationally consistent approach to the introduction of training for both new and existing CN licence holders who drive articulated mobile cranes on public or private roads.

The Department of Transport and Main Roads will assist in developing the decision paper and will await the outcome of this working group. The Department of Transport and Main Roads will support Office of Industrial Relations in addressing any issues or actions that result from this meeting.

**Recommendation 5a**

All state and territory work health and safety regulators support an amendment by Safe Work Australia to the national workplace licensing scheme, so that before a person is allowed to drive a mobile articulated steering crane on a private or public road in the course of their employment they must undergo practical assessment on road in a mobile articulated crane.

Response and action: the recommendation is agreed to. How the recommendation will be implemented is under consideration.

Responsible agency: Department of Education (Office of Industrial Relations, lead) supported by the Department of Transport and Main Roads.

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

Safe Work Australia (SWA) is an Australian government statutory body established to develop national policy relating to work, health and safety and workers’ compensation. SWA’s membership includes the Australian Council of Trade Unions, Australian Chamber of Commerce and Industry and Ai Group as well as all Australian work health and safety regulators. SWA is responsible for amendments to the national workplace licensing scheme.

The coroner’s recommendation was tabled at the SWA Work Health and Safety Strategic Group (SIG-WHS) meeting on 20 October 2017.
As discussed in the response to recommendation 3ci and 3cii, the Office of Industrial Relations will progress a paper to the Heads of Workplace Safety Authority (made up of representatives from health and safety regulators across Australia and New Zealand) and Safe Work Australia 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. To support this proposal the Queensland Government consulted with the Crane Industry Council of Australia (CIC), crane manufacturers and the Australian Industry Standards (AIS). AIS will develop a training course which could be delivered through Registered Training Organisations (RTO). As discussed in the response to recommendation 3ci, a technical advisory group will provide input into the course content and assessment tools. AIS have prepared a draft of the proposed training course and assessment instrument.

If national implementation is not supported the Office of Industrial Relations and the Department of Transport and Main Roads 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 holders and the impacts on the holders of other HRWLs that authorise articulated cranes use in workplaces.

The course will be finalised for development and considered by the Heads of Workplace Safety Authority and Safe Work Australia of the Queensland Government’s proposal for national implementation.

On 14 November 2019 the Minister for Education and Minister for Industrial Relations and the Minister for Transport and Main Roads responded:

AIS developed a unit of competency and an assessment tool that includes a theoretical and practical assessment on a road in a mobile articulated crane.

In April 2019, the Office of Industrial Relations met with the Heads of Workplace Safety Authority (HWSA) and Safe Work Australia and presented a paper to promote discussion on a national approach to implementation. At the meeting, OIR obtained agreement to establish a national working group to consider mandating a theoretical and practical assessment for on road operation in the national High Risk Work (HRW) licensing framework. The working group will also consider the impact of the change on other plant and licence types such as telehandlers and encompassed crane classes. The terms of reference require the working group to develop a decisions paper for the HWSA. The paper will seek endorsement of recommendations to progress the addition of theoretical and practical training for on-road operation of articulated mobile cranes through the HRW licence class of CN. There are a number of other dependencies that will impact on the inclusion of this training in the HRW framework. This includes a nationally consistent approach to the introduction of training for both new and existing CN licence holders who drive articulated mobile cranes on public or private roads.

**Recommendation 5aii**

All state and territory work health and safety regulators support an amendment by Safe Work Australia to the national workplace licensing scheme, so that before a person is allowed to drive a mobile articulated steering crane on a private or public road in the course of their employment 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 to. How the recommendation will be implemented is under consideration.

Responsible agency: Department of Education (Office of Industrial Relations, lead) supported by the Department of Transport and Main Roads.
On 27 May 2019 the Minister for Education and Minister for Industrial Relations and the Minister for Transport and Main Roads responded:

Safe Work Australia (SWA) is an Australian government statutory body established to develop national policy relating to work, health and safety and workers’ compensation. SWA’s membership includes the Australian Council of Trade Unions, Australian Chamber of Commerce and Industry and Ai Group as well as all Australian work health and safety regulators. SWA is responsible for amendments to the national workplace licensing scheme.

The coroner’s recommendation was tabled at the SWA Work Health and Safety Strategic Group (SIG-WHS) meeting on 20 October 2017.

As discussed in the response to recommendation 3ci and 3cii, the Office of Industrial Relations will progress a paper to the Heads of Workplace Safety Authority (made up of representatives from health and safety regulators across Australia and New Zealand) and Safe Work Australia 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 for on road operation in the national High Risk Work licensing framework. To support this proposal the Queensland Government consulted with the Crane Industry Council of Australia (CIC), crane manufacturers and the Australian Industry Standards (AIS). AIS will develop a training course which could be delivered through Registered Training Organisations (RTO). As discussed in the response to recommendation 3ci, a technical advisory group will provide input into the course content and assessment tools. AIS have prepared a draft of the proposed training course and assessment instrument.

If national implementation is not supported the Office of Industrial Relations and the Department of Transport and Main Roads 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 HRWLs that authorise articulated cranes use in workplaces.

Finalisation of the course development and consideration by the Heads of Workplace Safety Authority and Safe Work Australia of the Queensland Government’s proposal for national implementation.

On 14 November 2019 the Minister for Education and Minister for Industrial Relations and the Minister for Transport and Main Roads responded:

Australian Industry Standards (AIS) developed a unit of competency and an assessment tool that includes a theoretical and practical assessment on a road in a mobile articulated crane

In April 2019, OIR met with the Heads of Workplace Safety Authority (HWSA) and Safe Work Australia and presented a paper to promote discussion on a national approach to implementation. At the meeting, the Office of Industrial Relations obtained agreement to establish a national working group to consider mandating a theoretical and practical assessment for on road operation in the national High Risk Work (HRW) licensing framework. The working group will also consider the impact of the change on other plant and licence types such as telehandlers and encompassed crane classes. The terms of reference require the working group to develop a decisions paper for the HWSA. The paper will seek endorsement of recommendations to progress the addition of theoretical and practical training for on-road operation of articulated mobile cranes through the HRW licence class of CN. There are a number of other dependencies that will impact on the inclusion of this training in the HRW framework. This includes a nationally consistent approach to the introduction of training for both new and existing CN licence holders who drive articulated mobile cranes on public or private roads.
Recommendation 5b

All state and territory work health and safety regulators support amend relevant mobile crane codes of practice to include guidance about the unique handling characteristics of mobile articulated steering cranes and emergency procedures in the event of a loss of control.

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

Responsible agency: Department of Education (Office of Industrial Relations, lead) supported by the Department of Transport and Main Roads.

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

In March 2018 the Office of Industrial Relations commenced a review of the Mobile crane Code of Practice. The review is being undertaken by an industry steering committee comprised of worker representatives, industry representatives, technical experts and the Office of Industrial Relations. The purpose of the review is to ensure the code of practice is up to date in terms of industry best practice, technological advances and is consistent with the Work Health and Safety Act 2011. The recommendation by the coroner that the code of practice include guidance about the unique handling characteristics of mobile articulated steering cranes and emergency procedures in the event of a loss of control, is being considered by the committee as part of the review.

On 14 November 2019 the Minister for Education and Minister for Industrial Relations and the Minister for Transport and Main Roads responded:

The steering committee comprised of worker and employer representatives, crane manufacturers, crane operators and government representatives met twice between January and June 2019 as part of the review of the code. Significant consultation and discussion also occurred out-of-session due to the complex nature of some components of the code. A draft code of practice has been prepared for the purpose of further consultation with the steering committee.

The Office of Industrial Relations intends to complete the review, and subsequent to the government’s consideration of the review findings, finalise amendments to the code as soon as practicable.