Inquest into the deaths of Master Carr and Jaylen

On 27 August 2020 Coroner Christine Clements delivered her findings of inquest into the deaths of two youths referred to as Master Carr and Jaylen.

Master Carr and Jaylen died on 21 April 2018 in a single vehicle car crash on the Gore Highway, 35 kilometres north of Goondiwindi.

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 1**

On 21 April 2018 the capacity to communicate via phone from Wyaga Creek rest stop, 35 kilometres north of Goondiwindi on the Gore Highway, was extremely limited. It was difficult to contact emergency services. It is recommended that phone coverage be reviewed and improved. In the interim, if there is no signage at the rest stop providing information of the direction and distance to the nearest place to seek help, this should be provided.

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

Responsible agency: Department of Transport and Main Roads.

On 31 March 2021 the Minister for Transport and Main Roads responded:

The Queensland Government responds to coronial recommendations directed to Queensland Government departments. The Queensland Government is unable to address the coroner’s comment relating to telecommunications coverage, however, the Department of Transport and Main Roads will pursue the second aspect of the recommendation relating to rest stop signage.

A Wyaga Creek Rest Area Upgrade project has been nominated by Southern Queensland Region under the recently announced Department go Transport and Main Roads Queensland road safety program (rest area mass actions) tranche 2. The intent of the project will be to investigate signage at the rest area as per the coroner’s recommendations.

Nominations for this program are assessed internally within the department but are subject to approval by federal authorities. Successful inclusion of the project in the program will only be confirmed after delivery of tranche 1 of the program (approximately 30 June 2021). If the project is not approved, the region will continue to look for funding opportunities in future programs.

While the Department of Transport and Main Roads awaits approval of the project in the Road Safety Program, Southern Queensland Region will seek separate funding for preconstruction activities to ensure project readiness and scoping requirements. This funding is also dependent on approval within competing statewide priorities but can be allocated from state funds and reimbursed by federal authorities.
On 1 December 2021 the Minister for Transport and Main Roads responded:

Directional signage showing the direction and distance to the nearest place to seek help (Goondiwindi 34 km to the South) has been installed directly opposite the rest area as recommended as part of the Road Safety Program Tranche 1.

No further action is required by the Department of Transport and Main Roads as all necessary actions required to implement the elements of this recommendation that are within the scope of its responsibility have been completed.

**Recommendation 2**
Evidence from the Department of Transport and Main Roads informed the inquest that maintenance and improvement of the Gore Highway rests with the Commonwealth. The Gore Highway is remote, running through arid bush which is also prone to intermittent flash flooding with associated damage to the road surface. Experienced frequent drivers of the Gore Highway described it as a very, very bad, bumpy road with every varying conditions requiring cautious driving to those conditions. Transport and Main Roads recorded four incidents occurred at the Wyaga Creek crossing over a five year period including this double fatality. Although the existing Wyaga Creek Rest Stop crossing complies with the Brownfield standard, the safety of the driving public requires the following improvements to occur:

(i) prioritisation of Commonwealth funding for upgrading the (multiple) Wyaga Creek crossings, including the Wyaga Creek Rest Stop crossing
(ii) installation of signage indicating the road narrows through the creek crossing
(iii) widening of the road (iv) Installation of an emergency contact point, and
(iv) review of the speed limit applicable to Wyaga Creek Crossings.

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

Responsible agency: Department of Transport and Main Roads.

On 31 March 2021 the Minister for Transport and Main Roads responded:

As the asset owner and steward of the Gore Highway as part of the National Highway Network across Queensland, the Department of Transport and Main Roads as lead agency is responsible for identifying, planning, prioritising and delivering upgrades and maintenance of the Gore Highway, within available funds agreed to by the federal government.

The Department of Transport and Main Roads advocated the proposed project priorities of the Toowoomba to Seymour - Roads of Significant Importance Corridor (Gore Highway) to the federal government. The highest of the project priorities being infrastructure funding for the Wyaga Creek Floodway Upgrade Project, which includes a proposed upgrade of the Wyaga Creek rest area. The Queensland Government funded preconstruction activities which commenced in late 2020 and is scheduled to be completed late 2021. The Department of Transport and Main Roads will finalise preconstruction activities for project readiness, and will continue to proactively advocate to the federal government for the remainder of infrastructure funding.

The Department of Transport and Main Roads will undertake a speed limit review and present the recommended speed limit to the Speed Management Committee for endorsement.

The Department of Transport and Main Roads will continue to proactively advocate to the Australian Government for infrastructure funding, in the interim the department will finalise preconstruction activities for project readiness.

On 1 December 2021 the Minister for Transport and Main Roads responded:

Implementation of the coroner’s recommendation is progressing as planned. Specific progress that has been made in 2021 includes:

- completion of the detailed design of the Wyaga Creek floodway upgrade
• installation of ‘road narrows’ signage at both approaches to the Creek
• speed Limit review process is underway.

Although a recommendation has been forwarded to the Speed Review Committee, it is likely that some temporary speed zones and warning signage will be installed pending the completion of works to restore/upgrade the current road situation.

Recommendation 3
Review and amendment of the Queensland Police Operational procedures manual, in association with the Department of Transport and Main Roads, to identify and keep updated all types and locations of CCTV or other camera monitoring, including flood cameras in Queensland.

Response and action: implementation of the recommendation is in progress.

Responsible agency: Queensland Police Service (lead) supported by the Department of Transport and Main Roads.

On 31 March 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services and the Minister for Transport and Main Roads responded:
The Department of Transport and Main Roads will work collaboratively with Queensland Police Service to establish processes to centrally share the locations and details of various CCTVs and camera equipment across Queensland’s road network.

The Queensland Police Services Operational procedures manual will be updated with the new processes, once developed. The Department of Transport and Main Roads will also review and update their policies and manuals.

On 1 December 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, and the Minister for Transport and Main Roads responded:
The Department of Transport and Main Roads and the Queensland Police Service are continuing to work collaboratively to finalise the process for Queensland police officers to access images and other data obtained from CCTV systems and camera equipment. As the list of assets maintained by the Department of Transport and Main Roads is constantly evolving, the Department of Transport and Main Roads and the Queensland Police Service will continue to maintain a good working relationship to ensure changes to the assets list is updated as soon as practicable.

In August 2021, the Department of Transport and Main Roads supplied a 24/7 phone number for Queensland police officers to call and request footage from state-wide assets. Call centre operators monitoring this number will have access to the current list of CCTV assets. On identification of camera/s with potential footage to assist with investigations, the investigating police will complete the Department of Transport and Main Roads’ corporate form F4961 Request for Information to approve the release of the footage.

The Queensland Police Service will update their Operational procedures manual with the new process.

Recommendation 4
Review and amendment of a memorandum of understanding or communications between the Queensland Police Service and the Department of Transport and Main Roads to assist and inform investigations of incidents occurring on the roads.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service (lead) supported by the Department of Transport and Main Roads.
On 31 March 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services and the Minister for Transport and Main Roads responded:

In June 2019, prior to the Inquest being held, the Queensland Police Service, Office of Industrial Relations and the Department of Transport and Main Roads signed a new memorandum of understanding confirming that the Queensland Police Service is the lead organisation for the investigation of all traffic incidents on gazetted roads and workplaces, and will contact the appropriate coordinating officers at Office of Industrial Relations and the Department of Transport and Main Roads within 24 hours of a fatal or serious injury incident. The agencies agreed to work together to ensure a thorough investigation is conducted.

A further review of the memorandum of understanding will be undertaken to ensure it meets the intent of the coroner’s recommendation.

On 1 December 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, and the Minister for Transport and Main Roads responded:

The Queensland Police Service and Department of Transport and Main Roads undertook a further review the existing 2019 memorandum of understanding and agreed that it meets the intent of coroner’s recommendation with no amendments required.

Recommendation 5

The Department of Transport and Main Roads review their policies to require staff to document viewing of CCTV footage, date, time, location, duration and purpose of viewing. Where the footage relates to a motor vehicle incident requiring ambulance transfer of any person, CCTV footage is to be kept for a minimum period of 60 days. If a fatality occurs, a copy of CCTV footage is to be made and retained in an identifiable and retrievable form.

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

Responsible agency: Department of Transport and Main Roads.

On 31 March 2021 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads maintains a variety of policies and procedures relating to the access, use and storage of CCTV footage.

Where the Department of Transport and Main Roads is made aware that footage relates to a specific event, such as a motor vehicle incident requiring ambulance transfer or any person, the department requires that CCTV footage be kept for a minimum of 60 days. It should be noted that the department will not necessarily be aware of incidents that occur outside the view of CCTV, nor the outcome of these incidents (such as a fatality); as such the Department of Transport and Main Roads will continue to work with other agencies such as Queensland Police to ensure that timely notification of incidents is received, such that footage can be stored.

With respect to the recommendation that policies be updated to require staff to document all viewing of CCTV footage, date, time, location, duration and purpose of viewing, this is impractical but will be adopted where feasible. The Department of Transport and Main Roads manages approximately 1500 CCTV cameras which are used for real-time monitoring of the road network, it is not feasible to require staff to document all viewing. However, the department agrees that where footage is viewed for a specific purpose, such as in supporting Queensland Police, the recommendation to update policies to record relevant details will be accepted.

The Department of Transport and Main Roads will update EP155 Policy for Road Operations CCTV to more clearly capture requirements of CCTV footage storage, and update local operational procedures to capture staff recording details of viewing footage for specific purposes.
On 1 December 2021 the Minister for Transport and Main Roads responded:
The Department of Transport and Main Roads commenced reviewing and updating the policies and supporting guidance relating to CCTV footage.

Once initial drafting is complete, the Department of Transport and Main Roads will commence internal consultation. The Department of Transport and Main Roads will work with the Queensland Police Service in implementing any process changes required.

**Recommendation 6**
Issues raised by family members expressed their elevated distress due to the police, health and coronial procedures not recognizing or attempting to accommodate cultural sensitivities. It is recommended that Queensland Police undertake a review of the *Operational procedures manual* regarding deaths reported to the coroner, and coronial investigations. The review is aimed to develop, amend, incorporate and train police, including the Ethical Standards Command, with respect to Aboriginal and Torres Strait Islander culture, especially concerning death. Such review requires consultation and inclusion of Aboriginal and Torres Strait Islander people. Reference is made to *Sad News, Sorry Business, Little Gungallida Girl* and the *Sorry Business* a guide to cultural competency and engagement between the Coroners Court of Queensland and Aboriginal and Torres Strait Islander people. (Annexure B) Additional reference is made to the requirements of the *Human Rights Act 2019*.
The review should also include Queensland Health’s involvement and processes with deceased Aboriginal and Torres Strait people whose deaths are reported to the coroner. The Coroner’s Court administration should also be included in the review.

Response and action: implementation of the recommendation is in progress.
Responsible agency: Queensland Police Service (lead) supported by the Department of Health.

On 11 May 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, and the Minister for Health and Ambulance Services responded:
In November 2020, the Queensland Police Service established the inaugural First Nations and Multicultural Affairs Unit. In January 2021, the unit commenced a service-wide system review to further embed cultural considerations and sensitivities into Queensland Police Service’s day-to-day operations and activities. The review, to be undertaken in consultation with the First Nations – Aboriginal and Torres Strait Islander Peoples, will provide a holistic approach to recognising, accommodating and integrating culturally-sensitive practices in Queensland Police Service’s education and training products, professional development and policies and procedures.
The review will address the coroner’s recommendation to amend the *Operational procedures manual* and incorporate and train police with respect to Aboriginal and Torres Strait Islander culture regarding deaths reported to the coroner and coronial investigations.
The Queensland Police Service met with representatives from Queensland Health in February 2021 and will continue to liaise with the Aboriginal and Torres Strait Islander Health Division during the review.
The Aboriginal and Torres Strait Islander Health Division will undertake planning to review *Sad News Sorry Business: Guidelines for caring for Aboriginal and Torres Strait Islander people through death and dying*.

**On 17 December 2021 the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, the Minister for Health and Ambulance Services and Leader of the House responded:**
The Queensland Police Service is continuing to work collaboratively with Queensland Health to progress the systems review to identify opportunities to enhance cultural appropriateness of systems, policies and procedures. The Queensland Police Service has continued to consult with the Aboriginal and Torres Strait...
The Aboriginal and Torres Strait Islander Health Division will commence the development of the Aboriginal and Torres Strait Islander Cultural Capability Action Plan 2022. This will include a review of the available resources such as *Sad News Sorry Business: Guidelines for caring for Aboriginal and Torres Strait Islander people through death and dying*.

The review has not commenced to date, however the Aboriginal and Torres Strait Islander Health Division notes the pertinent content and advice already contained in the guideline:

- rapport with the patients and family
- essential elements of building rapport
- working together with family members
- family interpreters
- communication following the deaths
- traumatic or sudden death.

Further consultation with the Aboriginal and Torres Strait Islander Health Division will be undertaken to guide the Queensland Police Service review.