

## **Inquest into the death of Kenneth Roland Owens and Daniel Arthur Stiller**

Mr Owens and Sergeant Stiller died within six months of each other as a result of separate traffic crashes on the Bruce Highway.

In each case the collision was associated with the escort of wide loads from southern to central Queensland. Their deaths, and other similar deaths in Queensland, established the basis for a detailed examination of the regulations and practices associated with the escort of wide loads in Queensland.

The overlap of issues and witnesses relevant to the safety questions raised by these cases made it appropriate to conduct the inquests into the deaths of Mr Owens and Sergeant Stiller concurrently.

The then State Coroner, Michael Barnes, delivered his findings of inquest on 15 March 2013.

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 1**

In view of the risk to other road users and the damage done to the road network by oversize loads, I recommend that permits not be granted to carry such loads if other forms of transport are available.

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

Responsible agency: Department of Transport and Main Roads.

On 22 September 2015, the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade and the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply responded:

Last year, a review of the Heavy Vehicle National Law was completed in light of the coroner's recommendations. Through this process, it was revealed that implementation of the recommendation is incompatible with the decision-making framework established by the current legislation.

The matters that the National Heavy Vehicle Regulator (NHVR) or a road manager may consider in granting or refusing an application are prescribed and do not include the availability of alternative modes of transport. There is currently no discretionary basis for determining a permit application on the basis of availability of other modes of transport. Any revision to the statutory decision-making framework to accommodate this recommendation would require the unanimous approval of responsible ministers for the Heavy Vehicle National Law and involve significant policy development.

The NHVR will work with the National Transport Commission, the appropriate policy development and law reform body, to determine the viability of future amendments of the Heavy Vehicle National Law to give effect to this recommendation. The next logical point for consideration of this issue is the meeting of responsible ministers in November 2015, although ministers may consider proposals

of this nature prior to this meeting. The NHVR will formally advise the National Transport Commission of the desirability of ensuring the coroner's recommendation is considered prior to, or at, the November meeting.

**On 11 February 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

The National Heavy Vehicle Regulator supports the recommendation and has advised the National Transport Commission of the coroner's recommendation. The National Transport Commission is the appropriate policy development and law reform body to progress the recommendation further.

#### **Recommendation 2**

To ensure permits are not granted for the carriage of excess dimension loads that could in fact be made smaller and therefore safer, I recommend the heavy vehicle road operations program office review the basis on which it accepts loads are indivisible.

Response and action: the recommendation is implemented.

Responsible agency: Department of Transport and Main Roads.

On 22 September 2015, the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade and the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply responded:

The Heavy Vehicle Road Operations Program Office (HVROPO) of the Department of Transport and Main Roads (TMR) considered the issues concerning indivisible loading arrangements for modular construction, mining equipment and buildings.

The HVROPO and Queensland Police Service developed a new draft operational policy for the movement of buildings, which reduces the size of loads in relation to the most populated areas and the distance the loads have to travel. The policy will determine what size, mass and travel arrangements will be applied by TMR as the road manager, on building movements in Queensland. It is expected that the policy will significantly reduce the size of buildings moved in Queensland.

Prior to finalising the policy, TMR will participate in industry training and information forums, for example the House Movers Forum planned for July 2015.

**On 11 February 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

The Department of Transport and Main Roads and the Queensland Police Service conducted a joint workshop/forum with the house and building moving industry on 13 July 2015. Concepts from the draft operation policy were presented to the forum for the purposes of consultation. The Heavy Vehicle Road Operations Program Office is still receiving feedback.

The consultation process is expected to be finalised in early 2016.

**On 8 July 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

As a result of the consultation process, it was necessary to include the outcomes from the Heavy Vehicle Zone, Critical Road and Critical Area Review (the review) into the draft operation policy. The review investigated appropriate levels of pilot and police escorting on Queensland roads.

Further consultation with the industry sector, pilots and police escorts is required and expected to be finalised by end of August 2016.

**On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:**

The Department of Transport and Main Roads reviewed the critical roads network and continues to assess indivisible loads on the basis of the load being the smallest practical size for safe movement on the road network.

There will be an ongoing review of the critical roads network during 2017.

**On 26 February 2018 the Minister for Transport and Main Roads responded:**

The Department of Transport and Main Roads reviewed the critical roads network as recommended by the coroner. Following this review, the department updated its procedure for reviewing and refining the critical roads framework. Further review will carefully consider restrictions and access on Queensland's critical road network to determine whether engineering considerations and road improvements over time may influence Queensland's future critical roads framework. However, there is a nationally agreed definition of 'indivisible load' within the National Heavy Vehicle Law, which TMR adopts when granting access to excess dimension loads, based upon the premise that the item *can not be divided without extreme effort, expense or risk of damage to it*.

**Recommendation 3**

In view of the obvious dangers of transporting loads that protrude into adjacent lanes on single lane highways in the dark, I recommend that the practice generally be limited to the metropolitan areas and dual lane carriageways.

Response and action: the recommendation is not implemented.

Responsible agency: Department of Transport and Main Roads.

The Heavy Vehicle Road Operations Program Office mapped the over size and/or over mass movement footprint across all state roads. A draft report on the mapping is in progress. Early indications are that limiting over size and/or over mass movement to metropolitan areas will have a severe economic and well-being impact on Queensland well beyond the risk of further accidents.

**Recommendation 4**

I am of the view that the reduced visibility of motorcycles and the increased risk of death or serious injury to the rider should a crash occur make them unsuitable for use as wide load escorts. Accordingly, I recommend that the heavy vehicle road operations program office review their continued use.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

The Queensland Police Service reviewed the use of motorcycles for wide load escorts, the outcomes of which were considered by the Queensland Police Service senior executive.

The review found police motorcycles are a valuable resource for the purpose of escorting wide loads and enhancing the safety of both the wide load and other road users. The review recommended police motor cycles should not be used as a lead escort vehicle and were only to be utilised as a secondary support vehicle.

A memorandum was issued in April 2014 by the Acting Deputy Commissioner (Regional Operations) advising police motor cycles may be utilised for wide load escorts as a secondary support vehicle. *The traffic manual* was updated on 12 December 2014 to reflect the contents of this memorandum.

### **Recommendation 5**

In view of the dangers inherent in moving some oversized loads and the increasing frequency with which this will be happening in many parts of Queensland in coming years, it is essential the activity is well managed. The evidence to this inquest indicates there is substantial room for improvements. The National Heavy Vehicle Regulator is the appropriate body to consider how this could best be achieved. Accordingly, I recommend it has regard to the evidence put before this inquest when developing regulations or guidelines for the management of wide loads by escorts.

Response and action: the recommendation is implemented.

Responsible agency: Department of Transport and Main Roads.

On 22 September 2015, the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade and the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply responded:

The Austroads Research Report *Harmonisation of Pilot and Escort Vehicle Driver Requirements: Stage 2* was delivered in March 2015. The coroner's findings and recommendations were provided by the National Heavy Vehicle Regulator (NHVR) for consideration in developing this document, which is likely to form the basis of national policy in the areas of pilot accreditation, exemptions, licensing checks and traffic control powers. The amount of legislative drafting, and the timeframe within which ministers will vote on any consequential legislation, are currently unknown. Subject to advice from the Commonwealth Office of Best Practice Regulation, any new legislation may need to be accompanied by a Regulatory Impact Statement. It is therefore impractical to indicate a timeframe for implementation at present.

The NHVR is likely to undertake a significant review of its statutory guidelines, including the guideline regulating access decision-making in 2016/17 at the latest. The coroner's recommendations will be taken into account in this review.

The NHVR reviewed and amended its own internal decision-making processes and procedures (LRSP-0005 *Preparation of Statutory Instruments*) to ensure that sufficient attention is being paid to oversized loads to identify significant risks to public safety arising from these vehicle movements under initiatives.

The NHVR is also consolidating and harmonising a number of priority national authorisations related to the movement of classes of vehicles that may require pilots or escorts under the Heavy Vehicle National Law via the Conversion and Transitional National Notices Initiative. The findings of this

inquest will also be considered in this process (for example, to determine the appropriateness of conditions governing the movement of oversized vehicles). This commitment is set out in objective 1.2 ('Continuous improvement towards a safer and more productive road network access') in the NHVR Corporate Plan for 2015-16 to 2017-18.

The NHVR has committed to implementing recommendations from coronial inquiries as initiative 2.3 of the NHVR's 2015-16 to 2017-18 Corporate Plan.

The Conversion of Transitional National Notices Initiative is an ongoing project. The NHVR will continue to report on the extent to which the recommendations have been given effect through this project.

**On 11 February 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

The NHVR advises implementation of the recommendation has not progressed since September 2015.

The Conversion of Transitional National Notices Initiative is an ongoing project. The NHVR will continue to report on the extent to which the recommendations have been given effect through this project.

**On 8 July 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

The Conversion of Transitional National Notice Initiative is ongoing.

**On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:**

The Heavy Vehicle National Law (HVNL) provisions governing the movement of heavy vehicles under pilots and escorts came into force in February 2014. At the time of Mr Owen's and Mr Stiller's deaths and when the findings were handed down, heavy vehicle movements in Queensland were governed by the previous Queensland law, guidelines and procedures.

Under the HVNL, the National Heavy Vehicle Regulator (NHVR) and its delegates must assess safety as a part of any decision to grant an access authority. Where the grant of access has a requirement for a pilot or escort, the guidelines and procedures for the relevant road authority for that jurisdiction are applied. In the case of Queensland, this means procedures managed by the Department of Transport and Main Roads (TMR) and the Queensland Police Service (QPS).

At the time these findings were handed down, it was envisioned the NHVR would perform a much more direct function in managing escorts and pilots. As the organisation became operational, the administration of these activities was retained by the relevant state authorities that conduct the day to day management of pilot and escort training and accreditation.

Nonetheless, since February 2014, the NHVR has driven or contributed to, reforms aimed at improving pilot and escort procedures and making them more consistent nationally. These reforms take into consideration the findings of coronial inquiries across the country, as well as recommendations from peak road research bodies.

Key reforms that address this recommendation include:

- **Harmonization of Pilot and Escort Requirements:** Led by Austroads and commenced in 2013, this is a review of national pilot and escort requirements to which the NHVR is a contributor. The coroner's findings and recommendations at this inquest were provided in developing the initial program. This review specifically considered the Queensland Form 7 Guideline for Pilot and Escort Vehicles and Drivers which was the relevant guideline at the time of the incidents and was the subject of this inquest. This process reached stage 2 in 2015, which produced recommendations that includes a graduated pilot accreditation and driver licencing background checks. Implementation of the recommendations is in progress.
- **Oversize and Overmass Escort Vehicle Driver's Scheme:** This is a New South Wales initiative to produce a more effective accreditation scheme for escort vehicle pilots that came into force in March 2016. This scheme addresses escort driver training and vehicle requirements. One of its aims is to transfer escort duties from uniformed police to accredited escort drivers. The NHVR contributed to and endorses the scheme. The scheme may be used as a pilot for all jurisdictions under the HVNL.
- **Replacement of Queensland Form 7 Guideline for Pilot and Escort Vehicles and Drivers:** When the HVNL came into force, existing guidelines and codes of practice were incorporated into the HVNL or republished as conditions to legislative instruments under the HVNL. The revision and modification of pilot and escort provisions are an ongoing process, reflecting work done in the Austroads harmonization process and jurisdictional initiatives such as the NSW escort vehicle driver scheme. These revisions are performed under the provisions of the internal work instruction LRSP-0005 Preparation of Statutory Instruments.
- **Specific Pilot and Escort Related Instruments in Queensland:** During 2016, the NHVR in conjunction with TMR and QPS produced a series of mass and dimension exemptions that modified pilot and escort arrangements for the movement of categories of heavy vehicles in certain parts of the state. These exceptions, which were produced after an extensive trial period and were based on QPS and industry experience, were produced in order to improve escort requirements in selected local government areas.

In addition to these initiatives, the NHVR monitors coronial decisions nationally and ensures that findings and recommendations are taken into consideration when drafting legislative instruments, and developing guidelines for access decision making. This includes, through 2017, an extensive dedicated program of harmonization for current statutory instruments that will include, among other things, a complete review of agricultural vehicle movement including the escort and pilot requirements.

#### Recommendation 6

I recommend that wording on wide load warning signs be reviewed to ensure they more effectively communicate to other road users the size of the load and what is required of them.

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

Responsible agency: Department of Transport and Main Roads.

On 22 September 2015, the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade and the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply responded:

The specifications for warning signs are contained in the *National Transport Commission (Road Transport Legislation — Oversize and Overmass Vehicles Regulations) (2006)*. All jurisdictions have adopted and implemented these standards with a view to national conformity of warning signs.

As part of the wider transport legislative review program managed by Austroads, a project on Management of Oversize and Overmass Movements is planned. Queensland, as a participant in the project, will put forward these recommendations for the updating of warning signs nationally as part of the project's scope.

Austrroads Work Project FS1893-Management of Oversize and Overmass Movements was scheduled to commence in 2015-16. Austrroads has now postponed the commencement of the project until 2016/17 subject to the National Heavy Vehicle Regulator completing its portion of the preliminary work.

**On 11 February 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

The Department of Transport and Main Roads is waiting for the commencement of the Austrroads Management of Oversize and Overmass Movements to progress this recommendation further.

**On 8 July 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply and the Minister for Transport and the Commonwealth Games responded:**

The National Heavy Vehicle Regulator commenced work on Austrroads Work Project FS1893-Management of Oversize and Overmass Movements, however the focus of this work project is currently the National Mass Assessment Guideline. While this project will have an outcome of improved Oversize and Overmass Movements safety through greater compliance, it does not relate to oversize warning signs.

The Department of Transport and Main Roads will raise this recommendation again with Austrroads through the Freight Task Force to ensure it is addressed.

**On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:**

The specifications for oversize warning signs are now contained in the *Heavy Vehicle National Law Act 2012* and *Heavy Vehicle (Mass, Dimension and Loading) Regulation*. This matter is no longer included in the Austrroads forward work program and a more appropriate approach to address it is being investigated.

The Department of Transport and Main Roads is investigating alternate avenues to address this issue, including writing to the National Transport Commission to propose changes to warning signs be considered for inclusion in the next Heavy Vehicle National Law maintenance package.

**On 26 February 2018 the Minister for Transport and Main Roads responded:**

The Department of Transport and Main Roads wrote to the National Transport Commission requesting that the specifications for oversize warning signs are considered for review. A copy of the coronial report was provided with this correspondence.

The department will follow-up with the National Transport Commission regarding the proposed body of work concerning oversize warning signs for potential inclusion within the Heavy Vehicle National Law.

**On 26 February 2019 the Minister for Transport and Main Roads responded:**

The National Transport Commission responded to the Department of Transport and Main Roads' correspondence recommending a review of the specifications for oversize warning signs and advised they will address the recommendation as part of the Heavy Vehicle National Law (HVNL) maintenance program. This item was discussed at the HVNL Vehicle Standards Maintenance Advisory Group meeting in Melbourne on 21 February 2018.

The National Transport Commission will now take this matter up with the National Heavy Vehicle Regulator and/or the Oversize Overmass Advisory Panel, to have the issue considered as part of Heavy Vehicle Mass, Dimension and Loading regulatory amendments.

The Department of Transport and Main Roads will continue to liaise with the National Transport Commission.

**Recommendation 7**

I recommend that in conjunction with the development of more useful and communicative signs, a public awareness campaign be undertaken to explain the new regime of signs to motorists and make them aware of their obligations when confronted by a wide load.

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

Responsible agency: Department of Transport and Main Roads.

The Department of Transport and Main Roads is developing a campaign called Share the road which aims to develop a more harmonious culture between various road users, including motorists, heavy vehicles, cyclists, pedestrians and motorcyclists, with messages about driving safely together on the road.

The campaign which aired in October 2014, did not focus solely on heavy vehicles, however messages regarding what motorists and other road users can do to stay safe when using the road around heavy vehicles was part of the campaign. Messages regarding wide loads in particular have been included in the social media aspect of this campaign.