

## **Inquest into the death of Bernard Ashton Davis and Byron James Crowley**

Bernard Ashton Davis died on 31 July 2015. Mr Davis was riding his motorcycle south on the Bruce Highway, when he collided with a horse and died.

Byron James Crowley died on 30 September 2015, Byron James Crowley was a passenger in a car his mother was driving south on the Bruce Highway in the same general location, he died when the car struck a dead horse on the side of the road causing a loss of control. The car left the road and struck a tree.

Coroner Kevin Priestly delivered his findings of inquest on 19 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 1a**

The Department of Transport and Main Roads as lead agency , together with the Townsville City Council and Queensland Police Service, develop and implement a trial joint management plan to manage the risk to road users from animals on the roads, addressing *roles, responsibilities and powers covering each scenario (local or state controlled road)*.

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

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

On 8 January 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:

The Queensland Government established a local working group to manage animals on roads. The working group has met fortnightly since October 2017 and consists of representatives from the Department of Transport and Main Roads, Townsville City Council, Queensland Police Service and Queensland Parks and Wildlife Service. Biosecurity Queensland and Department of Natural Resources, Mines and Energy representatives attend working group meetings as required.

Agencies' roles, responsibilities and powers for managing animals on roads were identified through the working group meetings and on-ground activities and will be documented in the trial animals on roads joint management plan. These roles, responsibilities and powers vary depending on the location of the risk, event in issue and whether the animal is feral or stock.

In addition to the established working group, a senior executive steering committee was established in April 2018 with Department of Transport and Main Roads as lead agency and Townsville City Council and Queensland Police Service as supporting agencies. This steering committee is made up of delegates with authority to directly implement recommendations from the local working group.

The focus of the trial animals on roads joint management plan are animals that pose a high risk to road users:

- horses and donkeys
- cattle
- chital deer, fallow deer, red deer, rusa deer
- camels
- pigs

Agencies' roles, responsibilities and powers will be documented in the final trial animals on roads joint management plan.

**On 2 May 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The local working group established by Queensland Government continues to meet fortnightly to manage the risk of large animals that pose a high risk to road users. The local working group clarified roles, responsibilities and powers of the participants.

The senior executive steering committee comprising delegates from Department of Transport and Main Roads, Townsville City Council, Queensland Police Service and Queensland Parks and Wildlife Service with authority to directly implement recommendations from the local working group continues to operate.

Engagement by the local working group with local governments and state agencies that sit outside the working group facilitates knowledge-sharing and resolving issues associated with large animals on roads. The Department of Transport and Main Roads are the lead agency for engagement however other stakeholders may offer to approach resources within their wider network.

Agencies' roles, responsibilities and powers identified through working group meetings and on-ground activities will be documented in the final animals on roads joint management plan.

**Recommendation 1b**

The Department of Transport and Main Roads as lead agency, together with the Townsville City Council and Queensland Police Service, develop and implement a trial joint management plan to manage the risk to road users from animals on the roads, addressing *information/data gathering, analysis and reporting protocols*.

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

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

**On 8 January 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The Queensland Government established a local working group to manage animals on roads. The working group has met fortnightly since October 2017 and consists of representatives from the Department of Transport and Main Roads, Townsville City Council, the Queensland Police Service and Queensland Parks and Wildlife Service. Biosecurity Queensland and Department of Natural Resources, Mines and Energy representatives attend working group meetings as required.

The working group developed protocols for the purposes of information gathering, analysis and reporting which will be documented in the final trial animals on roads joint management plan.

Reported sightings are able to be reported by the public to the Department of Transport and Main Roads, the Queensland Police Service and the Townsville City Council. The Townsville City Council

established a trusted user group within the working group for registering animal on roads sightings utilising a mobile data collection application. The application identifies latitude and longitude and allows input of animal type and time of sighting. For sightings reported to the Department of Transport and Main Roads and the Townsville City Council, information is reviewed and collated by the Department of Transport and Main Roads before being uploaded into the Townsville City Council application. The collated sightings are then mapped using a geographical information system. This mapping identifies cluster areas of sightings which then enable wider risk management strategies to be activated by the working group.

Information gathering, analysis and reporting processes will be documented in the final trial animals on roads joint management plan.

**On 2 May 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The local working group established by Queensland Government continues to meet fortnightly to manage the risk of large animals that pose a high risk to road users.

Sightings of large animals near roads continue to be reported by the public and managed using a mobile data collection application. Mapped sightings are reviewed by the Department of Transport and Main Roads in consultation with the local working group to identify cluster areas. Risk management strategies are developed by the working group for these cluster areas where there is a high risk.

The final trial animals on roads joint management plan will document these processes.

**Recommendation 1c**

The Department of Transport and Main Roads as lead agency, together with Townsville City Council and Queensland Police Service, develop and implement a trial joint management plan to manage the risk to road users from animals on the roads, addressing *communications protocols including identification of key personnel and contacts, regular meetings and minutes arising.*

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

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

On 8 January 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:

The Queensland Government established a local working group to manage animals on roads. The working group has met fortnightly since October 2017 and consists of representatives from the Department of Transport and Main Roads, Townsville City Council, Queensland Police Service and Queensland Parks and Wildlife Service. Biosecurity Queensland and Department of Natural Resources, Mines and Energy representatives attend working group meetings as required.

A contact list of relevant personnel for each agency has been circulated and minutes of meetings are maintained by the Department of Transport and Main Roads.

In addition to the established working group, a senior executive steering committee was established in April 2018 with the Department of Transport and Main Roads as lead agency and Townsville City Council and Queensland Police Service as supporting agencies. This steering committee is made up of delegates with authority to directly implement recommendations from the local working group.

Communication protocols and key contacts will be documented in the final trial animals on roads joint management plan.

**On 2 May 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The Department of Transport and Main Roads maintains the minutes from meetings of the local working group for managing the risk of large animals that pose a high risk to road users. The minutes from the meetings facilitate and maintain communication between key stakeholders and provide for regular dialogue between key contacts.

The senior executive steering committee led by the Department of Transport and Main Roads continues to operate.

Communication protocols will form part of the joint management plan including a communication plan and schedule of key contacts.

**Recommendation 1d**

The Department of Transport and Main Roads as lead agency, together with the Townsville City Council and Queensland Police Service, develop and implement a trial joint management plan to manage the risk to road users from animals on the roads, addressing *risk assessment methodology to be applied*.

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

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

**On 8 January 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The Queensland Government established a local working group to manage animals on roads. The working group has met fortnightly since October 2017 and consists of representatives from the Department of Transport and Main Roads, Townsville City Council, Queensland Police Service and Queensland Parks and Wildlife Service. Biosecurity Queensland and Department of Natural Resources, Mines and Energy representatives attend working group meetings as required.

The working group uses a risk assessment methodology incorporating likelihood and consequence to make decisions about what action should be taken to respond to the risk of animals on roads for a particular event. Improved communication, data collection and reporting has provided clarity about inputs for the risk assessment, and findings have been documented.

The risk assessment methodology and findings of the local working group will be documented in the final trial animals on roads joint management plan as a decision making tool.

**On 2 May 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The local working group established by the Queensland Government continues to meet fortnightly to manage the risk of large animals that pose a high risk to road users.

The working group uses a risk assessment methodology incorporating likelihood and consequence to make decisions about what action should be taken to respond to the risk of animals on roads for a

particular event. Improved communication, data collection and reporting has provided clarity about inputs for the risk assessment, and findings have been documented.

Risk assessment methodologies continue to be investigated by the working group, led by the Department of Transport and Main Roads and will be incorporated in the final trial animals on roads joint management plan as a decision making tool.

#### **Recommendation 1e**

The Department of Transport and Main Roads as lead agency, together with Townsville City Council and Qld Police Service, develop and implement a trial joint management plan to manage the risk to road users from animals on the roads, addressing *a stratified/escalating approach to control measures commensurate with the assessed risk.*

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

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

On 8 January 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:

The Queensland Government established a local working group to manage animals on roads. The working group has met fortnightly since October 2017 and consists of representatives from the Department of Transport and Main Roads, Townsville City Council, Queensland Police Service and Queensland Parks and Wildlife Service. Biosecurity Queensland and Department of Natural Resources, Mines and Energy representatives attend working group meetings as required.

The working group uses a risk assessment methodology incorporating likelihood and consequence to make decisions about what action should be taken to respond to the risk of animals on roads for a particular event, including selection of appropriate control measures.

Relative to the level of risk, these actions and control measures include information signage, variable message signs, speed reduction opportunities, landowner engagement, local law development, biosecurity policy, community engagement, humane euthanasia, rehoming and fencing.

Control measures will be documented in the trial animals on roads joint management plan with guidance for selecting control measures based on the assessed risk.

#### **On 2 May 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

The local working group established by the Queensland Government continues to meet fortnightly to manage the risk of large animals that pose a high risk to road users.

The working group continues to implement the risk assessment methodology when making decisions about commensurate responses to the risk of animals on roads, including signage, policy and local law development and other control measures.

The trial animals on roads joint management plan will provide guidance for selecting control measures based on the assessed risk.

### **Recommendation 1f**

The Department of Transport and Main Roads as lead agency, together with Townsville City Council and Qld Police Service, develop and implement a trial joint management plan to manage the risk to road users from animals on the roads, addressing *processes for engaging with landowners and other stakeholders*.

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

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

On 8 January 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:

The two agencies are undertaking landowner and stakeholder engagement as part of the trial animals on roads joint management plan. Townsville City Council's animal management and communications teams engage with landowners and local communities, with all other stakeholder engagement led by Department of Transport and Main Roads' communication team. Processes for early engagement and the level of engagement required depend on the level of risk. The implementation of a communication strategy is being reviewed for additional opportunities.

A final consultation plan for engagement with stakeholders will be developed and included in the trial animals on roads joint management plan.

**On 2 May 2019 the Minister for Transport and Main Roads and the Minister for Police and Minister for Corrective Services responded:**

Townsville City Council's and the Department of Transport and Main Roads' communications and animal management teams continue to engage with landowners, local communities and other stakeholders in developing the trial animals on roads joint management plan. The two agencies are reviewing a communication strategy to identify further opportunities for engagement.

The trial animals on roads joint management plan will include the finalised consultation plan for engagement with stakeholders.

### **Recommendation 2**

The Department of Transport and Main Roads consider the outcomes from the trial and the potential for wider application of like arrangements throughout Queensland.

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

Responsible agency: Department of Transport and Main Roads.

On 8 January 2019 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads is developing draft guidance tools for the management of animals on roads which includes preliminary learnings and outcomes from the working group in Townsville and their application in other local government areas.

The outcomes and learnings from the trial animals on roads joint management plan will be used to develop a policy and guidance tools for managing the risk of large animals on roads, for implementation across the state. The department will engage with key stakeholders including Local Government Association of Queensland, Department of Natural Resources, Mines and Energy,

Department of Environment and Science, and Department of Agriculture and Fisheries to seek support for the policy from all organisations that have a role in its implementation. Local procedures will be developed in conjunction with key stakeholders to facilitate implementation of the policy at a local government level.

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

The Department of Transport and Main Roads is progressing the development of a formal policy, supported by guidance tools, including a risk assessment framework, for the management of animals on roads.

The Department of Transport and Main Roads will seek support of the policy and guidance tools from all organisations that have a role in managing the risk of large animals on roads. The department will engage with stakeholders, including local government, to implement the policy and actions outlined in the guidance tools at the local level.

**Recommendation 3**

Queensland Parks and Wildlife Service review the potential for a separate line of funding, or better criteria and weight in an existing line of funding, so that risk of harm to people on roads adjacent to land it manages is mitigated appropriately. As a road manager, Transport and Main Roads or council should share its information and risk assessments, fixing Queensland Parks and Wildlife Service with relevant knowledge of the risk emanating from its land and collaborate on developing, funding and implementing controls measures to mitigate that risk.

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

Responsible agency: Department of Environment and Science supported by the Department of Transport and Main Roads.

On 8 November 2018 the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts, and the Minister for Transport and Main Roads responded:

The Department of Environment and Science, through the Queensland Parks and Wildlife Service, implemented a revised model for allocation of strategic pest management program funding commencing in the 2018-2019 financial year.

Under the revised model, annual regional funding allocations from the strategic pest management program will be directly aligned to priorities derived from an assessment which integrates consideration of the risk posed by pests to key park values, the agencies legal and good neighbour obligations and the scale and complexity of pest management. The model ensures the Queensland Parks and Wildlife Service allocates funding to optimise its ability to meet both its responsibilities under the Nature Conservation and Forestry Acts and its obligations under the Biosecurity Act. The business rules associated with the strategic pest management program funding were also revised to provide increased discretion to allocate funding to address legal and good neighbour obligations including the risk of harm to people on roads adjacent to Queensland Parks and Wildlife Service managed estate resulting from free ranging feral livestock.

Representatives from the Department of Transport and Main Roads, Townsville City Council, Queensland Police Service and Queensland Parks and Wildlife Service have continued to meet fortnightly since October 2017 as a local working group for managing animals on roads. This forum has facilitated improved communications, data sharing and reporting between these agencies and provided clarity about the appropriate inputs to inform a consistent approach to risk assessment. As a direct outcome of this engagement, the Department of Transport and Main Roads and the

Queensland Parks and Wildlife Service met to establish arrangements for the exchange of data to progress detailed assessments of the risk of harm to people on roads adjacent to Queensland Parks and Wildlife Service managed estate resulting from free ranging feral livestock.

Utilising data obtained from the Department of Transport and Main Roads, which includes Queensland Police Service vehicle accident data, Queensland Parks and Wildlife Service is progressing development of a risk assessment methodology to inform the identification, assessment and development of risk controls and strategies for the management of the potential livestock/motor vehicle interactions on roads adjacent to Queensland Parks and Wildlife Service managed estate. The risk assessment methodology will integrate Queensland Parks and Wildlife Service data on livestock distribution and abundance with Department of Transport and Main Roads data on road classes, traffic volumes, speed limits and TMR and QPS vehicle collision reports in a conventional risk matrix based on the principles outlined in AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines. Application of this approach will provide a rigorous basis for both the identification of site-specific risks and prioritisation of the actions needed to mitigate those risks to an acceptable level.

Queensland Parks and Wildlife Service and the Department of Transport and Main Roads will formalise long-term arrangements for the exchange of data to inform regular re-assessments of the site-specific risks in response to changes in livestock populations, road and traffic conditions and management activities.

The risk assessment methodology will be applied to all portions of Queensland Parks and Wildlife Service estate where the available data indicates there is potential for livestock/motor vehicle interactions on roads adjacent to Queensland Parks and Wildlife Service managed estate. The assessments will be used to both assign a level of risk to the current situation on each portion of Queensland Parks and Wildlife Service managed estate and to highlight management strategies that can address the estimated level of risk.

Based on the level of risk identified for individual sites through the risk assessment process, actions and control measures would be implemented on a nil tenure basis to reduce the overall risk to an appropriate level. The potential actions and control measures to be implemented would include information signage, variable message signs, speed reduction opportunities, landowner engagement, local law development, biosecurity policy development, community engagement, humane euthanasia, rehoming and fencing.

**On 4 April 2019 the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts and the Minister for Transport and Main Roads responded:**

The Department of Environment and Science through the Queensland Parks and Wildlife Service allocated state-wide funds for the 2018-19 financial year through a revised model of the strategic pest management program so that Queensland Parks and Wildlife Service can undertake control measures specifically to support implementation of this coronial recommendation.

The model for the allocation of strategic pest management program is based on a global best practice approach that guides prioritisation of Queensland Parks and Wildlife Service efforts to meet its responsibilities under the *Nature Conservation Act 1992* and *Forestry Act 1959* as part of the protection of key park values. The revised approach provides the six Queensland Parks and Wildlife Service regions the discretion to direct funds during 2018-19 to pest management control measures to manage the risk presented by wandering feral livestock, to the public users of roads adjacent to Queensland Parks and Wildlife Service managed estate.

At a local level, representatives from Queensland Parks and Wildlife Service and the Department of Transport and Main Roads met with officers from Townsville City Council and Queensland Police Service as part of a local working group to share information, align reporting and drive a consistent approach to reducing the risk from feral livestock wandering onto roads adjacent to managed lands. Queensland Parks and Wildlife Service and the Department of Transport and Main Roads continued to implement control measures to reduce the current level of risk to road users.

At a state-wide level, Queensland Parks and Wildlife Service and the Department of Transport and Main Roads exchanged information and discussed development of a risk model that identifies area of high risk to road users from feral horses on Queensland Parks and Wildlife Service managed estates.

Queensland Parks and Wildlife Service will continue to allocate state-wide funds through the revised Strategic Pest Management Program to support implementation of this recommendation.

Queensland Parks and Wildlife Service will formalise long-term arrangements with the Department of Transport and Main Roads to enable ongoing information exchange to inform the risk assessment and identification of high risk areas along the state-controlled road corridor.

Queensland Parks and Wildlife Service will improve its understanding of the risk profile associated the areas across Queensland they manage. Those areas identified with the highest risk of horse and vehicle collisions by the Department of Transport and Main Roads will be targeted for the collaborative management of site-specific risks.

Further consultation with the Local Government Association of Queensland will be necessary for Queensland Parks and Wildlife Service to be advised of risk emanating from its land to adjacent council-controlled roads.