



OFFICE OF THE STATE CORONER

FINDING OF INQUEST

CITATION: **Inquest into the death of
Caitlin Hanrick**

TITLE OF COURT: Coroner's Court

JURISDICTION: Brisbane

FILE NO(s): COR 3333/06(0)

DELIVERED ON: 17 July 2009

DELIVERED AT: Brisbane

HEARING DATE(s): 1 April 2009, 18-22 May 2009

FINDINGS OF: Mr Michael Barnes, State Coroner

CATCHWORDS: CORONERS: Police pursuits

REPRESENTATION:

Counsel Assisting:	Mr Justin Harper & Mr Peter Johns
Family of Miss Hanrick:	Ms Paula Morreau & Mr Scott McDougal (instructed by Caxton Legal Centre)
Sgt Jeffrey Bruyensteyn, Const. Damien Ghensi, Const. Dwaine Jones, Const. Joanne Erridge, Sgt Damien Chapman, Const. Troy O'Meagher & Sgt Robert Lindsay:	Mr Steve Zillman (instructed by Gilshenan & Luton Lawyers)
QPS Commissioner:	Mr Alan MacSporran SC (instructed by QPS Solicitors Office)
Ms Adrielle Coolwell:	Mr Andrew Hoare (instructed by Callaghan Lawyers)
Dept. Of Education, Dept. of Transport & QPS Commissioner:	Mr Tim Ryan (instructed by Crown Law)

Table of contents

Introduction	1
The investigation	2
The evidence	3
Social history	3
Background to the pursuit	4
The Commodore comes to police attention	5
The pursuit	7
Redcliffe Parade	7
Passed the school the first time	8
Oxley Avenue	9
The collision	11
The aftermath	12
The autopsy	13
The investigation findings	13
Findings required by s45	14
Concerns, comments and recommendations	14
QPS pursuit policy	14
When can a pursuit be commenced and continued?	15
The responsibility of the “pursuit controller”	17
Training in the new policy	18
Did this pursuit comply with the policy?	18
Was the commencement of a pursuit justified?	18
Did the pursuit proceed in compliance with the policy?	19
Conclusion	21
Road safety at Redcliffe State High School	22
The regulatory framework	23

The *Coroners Act 2003* provides in s45 that when an inquest is held into a death in custody, the coroner's written findings must be given to the family of the person who died, each of the persons or organizations granted leave to appear at the inquest and to various officials with responsibility for the justice system including the Attorney-General and the Minister for Police and Corrective Services. These are my findings in relation to the death of Caitlin Myfanwy Hanrick. They will be distributed in accordance with the requirements of the Act and posted on the website of the Office of the State Coroner.

Introduction

At lunchtime on 4 December 2006, Caitlin, a 13 year old, grade 8 student at Redcliffe State High School, was traversing a pedestrian crossing on Oxley Avenue that dissects the school grounds. As she stepped from the median strip into the southbound lanes, she was struck by a stolen Holden Commodore as it sped through red traffic lights at the crossing while being pursued by two police vehicles. She died the next day as a result of the injuries she sustained when hit by the car.

These findings:-

- establish the circumstances in which the fatal injuries were sustained;
- confirm the identity of the deceased person, the time, place and medical cause of her death;
- consider whether the pursuing officers acted in accordance with the Queensland Police Service (QPS) policies and procedures then in force; and
- consider whether the road safety of students at Redcliffe State High School was adequately provided for at the time of Caitlin's death.

As this is an inquest and not a criminal or civil trial, these findings will not seek to lay blame or suggest anyone has been guilty of a criminal offence or is civilly liable for the death.

This is the seventh inquest in a series that has looked into police pursuit deaths that occurred between 5 June 2005 and 5 December 2006. Consistent with my practice in those earlier inquests, I will in these findings determine whether the police officers involved in the pursuit complied with the QPS policy in place when Caitlin was killed. In a later bracket of evidence consideration shall be given to whether any changes to current policies or practices concerning police pursuits would reduce the likelihood of deaths occurring in similar circumstances in the future.

As the death followed a police pursuit and the incident was investigated by other police officers, the findings also critique the quality of that investigation.

The investigation

The coronial and disciplinary investigation was conducted by the QPS Ethical Standards Command (ESC) and a detailed report was prepared by Detective Inspector Brendan Smith.

An investigation of criminal offences arising from the incident was conducted separately by officers of the Redcliffe CIB. Only one of the three occupants of the Commodore at the time of the collision participated in a record of interview with those officers.

Detective Inspector Smith and other officers from the ESC assisting him interviewed the four officers in the pursuit vehicles, the off duty officer initially involved in surveillance of the Commodore, the radio communications staff, and the pursuit controller.

Statements were provided by those officers who attended the scene after the collision and, in a significant undertaking, almost 100 civilian witnesses to the pursuit and its aftermath provided statements after being interviewed by police.

Breath and urine samples were taken from the four officers in the marked pursuit vehicles. Those tests revealed none was affected by alcohol or drugs.

A blood sample was obtained from the driver of the pursued vehicle. A specialist opinion was obtained concerning the significance of the toxin levels detected.

A Redcliffe District Accident Investigation officer attended the scene of the collision on the afternoon of the crash and prepared a detailed forensic map of the area.

A Redcliffe Scenes of Crime officer attended on the same day to examine both the Commodore and the area surrounding the crash site. A series of photographs was taken of that vehicle and of the police vehicles involved in the pursuit. The following day a forensic examination was conducted on items seized from the Commodore.

The records on QPS computer systems relating to the Commodore involved in the pursuit were recovered and analysed.

Records were obtained from the then Department of Main Roads in relation to the timing sequences of the traffic signals on Oxley Avenue outside Redcliffe State High School and those at the intersection of Klingner Road and Oxley Avenue.

Training records relating to the implementation of a trial QPS pursuit policy in the Redcliffe Police District were obtained and the training materials used were accessed.

A qualified QPS Vehicle Inspections Officer conducted a mechanical inspection of the Commodore.

Statements were obtained from medical specialists who treated the deceased after the collision.

An autopsy examination was conducted on Caitlin's body on the day following her death and relevant aspects photographed by a Scenes of Crime Officer.

As can be readily appreciated, whenever a death is connected with police action it is essential the circumstances be thoroughly investigated to allay any suspicions that inappropriate action by the officers may have contributed to the death. It is also desirable that the general public be fully apprised of the circumstances of the death so they can be assured the actions of the officers have been appropriately scrutinised. The police officers involved also have a right to have an independent assessment made of their actions so there can in future be no suggestion there has been any "cover up".

In his interviews with some police officers, Inspector Smith played an audio recording of police radio communications during the pursuit prior to obtaining the interviewee's recollection of events. There was some suggestion in the questioning of him at the inquest that this was inappropriate. In my view it would be preferable in nearly all such cases for a version of events to be obtained before any recording is played to the interviewee. However, in this case there is no indication any of the officers adapted their answers to more favourably align with the contents of the communications tape. The process does though provide this opportunity and, just as importantly, may create a perception, unfairly to the officer, that such manipulation has taken place.

As will become evident, I do not agree with all of the conclusions reached by the investigating officer. However, I am satisfied this matter has been thoroughly and professionally investigated and all sources of relevant information have been accessed and analysed. I commend Inspector Smith for his considerable efforts in what was a substantial investigation.

The evidence

I turn now to the evidence. Of course I can not even summarise all of the information contained in the exhibits and transcript but I consider it appropriate to record in these reasons the evidence I believe is necessary to understand the findings I have made.

Social history

Caitlin was born in Brisbane on 17 December 1992, the youngest of three daughters of Richard and Jenny Hanrick. Early in life she had the opportunity to live with her family in Malaysia and the United Kingdom and to travel with them through Europe, the United States and South East Asia.

In 2000, she returned with her family to Brisbane and attended school at Forest Lake College. After her parent's separation she moved with her mother

to Redcliffe and attended Redcliffe State High School as it offered opportunities to pursue her passion for music and sport. Her mother fondly remembers Caitlin returning from an induction day at the school and excitedly announcing that she had made '*seventeen new friends*'.

Caitlin played piano, saxophone and cello and was the youngest student in the school's stage band. During the course of her studies in 2006, she qualified for school awards in academic, cultural and sporting domains. Tragically, she did not live to receive that recognition.

Caitlin was close to her two sisters and remained so even after the move to Redcliffe. She was clearly well thought of by staff and students at Redcliffe State High School and very much loved by her parents, siblings, extended family and friends. The principal of the school, Ms McKinlay, spoke glowingly of Caitlin and the devastating effect her death had on the school community.

Jenny Hanrick has described Caitlin as '*her ray of sunshine*'. The immense pain and loss that Caitlin's death and its circumstances have generated for her family is entirely understandable. I offer them my sincere condolences.

Background to the pursuit

In 2006, Aimee Hall was a full-time student at Griffith University. She had a part-time job at the Sunnybank Hotel where she met an Irish tourist who was about to return home. In October 2006, he sold her a 1991 white Commodore sedan with the registered number 426INY for \$200. It was still registered in the name of the person from whom the Irishman had acquired it. The registration ran out a couple of weeks after Ms Hall bought the car. She knew she could not transfer the registration without having repairs undertaken and she was planning to do this when she had the necessary funds. She says the vehicle was in "*fair condition*". She had bought new brake pads but she had not had them fitted. According to Ms Hall, the existing ones, while obviously worn, were still serviceable.

Ms Hall parked the vehicle in the Griffith University parking lot at Nathan on 25 November 2006 and was not aware it had been taken from there until police contacted her after the car struck Caitlin.

In December 2006, Adrielle Coolwell was 19 years of age. She had never held a driver's license. On or about 1 December, she and/or a member of her cohort took Ms Hall's Commodore from the university car park. The car was involved in a "*drive off*" from a petrol station at Mt Gravatt in the early hours of that morning; a break and enter of a shop at Salisbury an hour or so later; and the attempted theft of liquor from a storage container at Bald Hills the next day. In none of these incidents were the occupants of the car identified other than as young Aborigines or Torres Strait Islanders. It will become relevant that some details of these incidents were entered onto the QPS computer system.

Ms Coolwell spent the evening of 3 December 2006 and the morning of 4 December 2006, drinking alcohol, smoking cannabis and sniffing paint with friends in Bethania. Included in the group were her cousins and friends Nancy Carlo, then aged 16, Peter Mickelo, 18, Jeffrey Logan, 16 and Gary Chapman, 18.

On the morning of 4 December 2006, the group went in the Commodore to Redcliffe. There was a suggestion at the inquest their intention was to have a swim before dropping Ms Carlo back to her residence at Caboolture. Ms Coolwell drove. She and some of the other occupants of the car continued to drink alcohol and/or smoke cannabis. I have no doubt they all knew the car was stolen. The vehicle was in poor mechanical condition. The foot brake was essentially ineffective requiring the driver to use the handbrake to slow the vehicle. It can only be luck that enabled Ms Coolwell to drive the vehicle from Woodridge to Redcliffe, seemingly without incident.

The Commodore comes to police attention

In December 2006, Sergeant Damian Chapman was the officer in charge of the Redcliffe Dog Squad. At about 1.00pm on 4 December, he was off duty and driving his private vehicle, a black BMW X5 4WD, east along Klingner Road approaching the intersection with Prince Edward Parade when the Commodore passed in front of him, travelling north along Redcliffe Parade.

Sergeant Chapman's initial impression was the vehicle contained five or six Aboriginal juveniles. He turned left to follow the vehicle and watched as it cut in front of another vehicle while turning right into Steven Street, and then performed a "u" turn, mounting the gutters as it did so. At the inquest Sergeant Chapman said he relied on these erratic actions as augmenting his initial suspicion and prompting him to call Redcliffe police communications on his mobile phone to check the registration of the Commodore.

Ms Jan Ryan, a civilian operator at Redcliffe police communications centre in the Redcliffe Police Station took the call and interrogated the QPS computer system "*Query vehicles by registration no*". The check revealed the name and address of the registered owner and that it was a vehicle of interest because "*Poss stolen, B/E and drive off*". In a comments field was entered "*Veh used in B/E and drive off 01/12/2006.*"

This information, or a version of it, was relayed to Sergeant Chapman who requested a police vehicle to attend with a view to intercepting the Commodore. He didn't tell the radio operator he thought the occupants were all juveniles and he wasn't asked about them.

The Commodore continued south onto Redcliffe Parade and into the central business district of the town where it pulled over and Ms Carlo and Mr Chapman alighted. Sergeant Chapman went past them and then also pulled over. When the Commodore continued along Redcliffe Parade and turned left into what is known as the lagoon car park, Sergeant Chapman resumed following it.

Sergeant Robert Lindsay was rostered to perform duty as the shift supervisor at Redcliffe Station from 6.00am to 2.00pm. Shortly before 1.00pm he entered the communications room and overheard a conversation between Ms Ryan and the communications co-ordinator (comco), Sergeant Jeffrey Bruyensteyn. As a result he became aware of Sergeant Chapman's situation. He gave evidence that Sergeant Bruyensteyn told him the vehicle Sergeant Chapman was following was stolen, "*and they'd been doing break and enters*".

It was agreed that Sergeant Lindsay would go and try to intercept the Commodore, based on the information about its location being relayed via Ms Ryan. He took Constable Troy O'Meagher with him in a marked police vehicle with a radio call sign '410' and headed south from the police station along Redcliffe Parade.

At about this time, Constables Dwaine Jones and Damien Ghensi were returning to the station from another job, in a marked police vehicle with the call sign '411'. They were also directed to assist Sergeant Chapman. Officers Jones and Ghensi were informed only that Sergeant Chapman was with some '*suspects*' and they were to proceed to the lagoon car park with a view to locating the Commodore.

Shortly after this direction was given to car 411, Sergeant Lindsay "booked on" at about 12.57pm and confirmed over the radio he was heading there too.

On entering the car park, Sergeant Chapman noticed the Commodore stop and one of the males enter a public toilet. Sergeant Chapman pulled up some distance away. He says he considered approaching the Commodore to question the occupants, but before he could do so it drove off with a screech of tyres, the male in the toilet apparently having returned to the vehicle. Ms Coolwell confirmed that by this stage they were aware of the black vehicle following them, although did not suspect it was a police officer. If it was not yet apparent to Sergeant Chapman that the occupants of the Commodore were aware of him, it soon became so, as the Commodore travelled on a circuitous, seemingly purposeless route through nearby streets before returning to Redcliffe Parade and travelling north. The officer continued to relay the location of the Commodore and his observations to Ms Ryan via his mobile telephone.

This information was broadcast over the police radio for the benefit of the officers in the two patrol cars.

In the centre of the shopping strip the Commodore turned left into Baker Street that leads to shops and a car park immediately behind the main shopping precinct. As Sergeant Chapman went to follow, he noted an off duty colleague, Constable Joanne Erridge, walking nearby. On the urging of Sergeant Chapman, Constable Erridge got into his 4WD and took over the role of relaying information to the Redcliffe Communications Centre.

The two vehicles continued along several narrow streets and through a small car park before again traversing Baker Street; this time in an easterly direction. The Commodore had continued to travel at or below the speed limit throughout this period although, on Sergeant Chapman's evidence, the driver was not indicating or giving way appropriately to other traffic.

The pursuit

The course of the pursuit is shown on the map annexed to these findings.

Redcliffe Parade

Sergeant Lindsay was informed of these movements and so he turned left into Baker Street from Redcliffe Parade just as the Commodore was exiting. The street is narrow and a collision was only narrowly avoided. The Commodore turned left onto Redcliffe Parade, heading north with the black 4WD of Sergeant Chapman remaining close behind. Officers Lindsay and O'Meagher reversed back onto Redcliffe Parade switched on the police car's lights and sirens and followed.

The three vehicles travelled along Redcliffe Parade at around 60km/h until the Commodore slowed and veered onto the incorrect side of the road, as it approached the two former occupants of the vehicle, Mr Chapman and Ms Carlo. It is unclear what Ms Coolwell's intentions were at this point, but she was waved on by the two bystanders and continued along the incorrect side of the road as she neared a roundabout. At around the same time Sergeant Chapman pulled over to allow the marked police vehicle to pass him. This resulted in it being directly behind the stolen Commodore, which ignored the obvious direction to stop and drove on. The pursuit had commenced.

The Commodore entered the roundabout on the wrong side and travelled in a counter-clockwise direction onto the Humpybong Esplanade which runs at right angles to Redcliffe Parade. It remained on the wrong side of the road for about 100 metres, until it came to another roundabout which it also negotiated the wrong way, before swerving back onto the correct side of the road after the second roundabout as it entered Irene Street.

The pursuing officers say there were no other cars on the street at this stage. However, in an affidavit prepared for use in opposing the granting of bail to Ms Coolwell when she was before the Court in connection with these events, Plain Clothes Constable Lutz claimed that when the Commodore went around the first roundabout it caused "*cars coming in the opposite direction to brake hard to avoid crashing*".

Constable Lutz was not involved in the pursuit and he therefore obtained all his information about it from the officers who were or other eye witnesses. It is unclear who gave him this version of events. As will become apparent, it may be the reference to the other cars having to take evasive action, in fact relates to an incident that occurred further on in the pursuit. It is clear that none of these manoeuvres were relayed over the police radio as required by the QPS pursuit policy.

Constable O'Meagher did however tell the comco, shortly after the pursuit had passed the second roundabout, a passenger in the back seat of the Commodore had thrown a bottle at the police car. When interviewed he said a male juvenile eased his upper body out of the window opening until he was seated on the window sill, from where he threw the projectile that smashed on the road.

Oxley Avenue is a four lane major arterial road with a 60km/h speed limit. Irene Street intersects with it approximately 250 metres on from the second roundabout referred to earlier. The Commodore was seen to slow as it approached this intersection and it negotiated a right hand turn without incident.

Passed the school the first time

The Commodore then travelled north along Oxley Avenue towards the intersection with Klingner Road. In doing so it passed between the divided campuses of the Redcliffe State High School and over a pedestrian crossing about 75 metres south of the intersection that is predominantly for the use of students moving around the school. The lights facing it at both the pedestrian crossing and the Klingner Road intersection were green.

The pursuit occurred during the school lunch break. As a result numerous students reported hearing and seeing the convoy. Indeed, a group of them gathered near the fence on the western side of Oxley Avenue and reacted in the noisy and boisterous manner one might expect of teenagers, causing the school principal, Ms Shona McKinlay, to go to the area to "shoo" them away or move them on. She had seen the Commodore and police car go past (she thought there were two marked cars but I accept she was mistaken). She estimated the Commodore was travelling a little faster than the speed limit.

Constables Jones and Ghensi had followed the progress of the pursuit over police radio and they positioned their vehicle on Klingner Road, at the intersection with Oxley Avenue, facing west, correctly anticipating the Commodore to approach from the left. At this time the only further information they had received in relation to the Commodore or its occupants was that conveyed via police radio. The officers were therefore not aware of the basis for the pursuit. They knew only that the vehicle being pursued contained "4 *aboriginals*" who had earlier been described as "*suspects*".

In statements they prepared for the criminal proceedings arising from the pursuit, Jones and Ghensi both state they saw the Commodore travel through the intersection at "*high speed*". In their interviews and at inquest they stated that, in fact, the Commodore only began to accelerate beyond 60km/h, or at most 70km/h, after it had passed through the intersection.

They turned right onto Oxley Avenue and followed the other vehicles. Although they say they did so with a view to providing "back up" to the first pursuit vehicle, it was acknowledged by both they had joined the pursuit and

were thus subject to the obligations placed on them by the QPS pursuit policy. The pursuit controller was not notified at any time of 411's involvement in the pursuit.

Oxley Avenue

Shortly after the pursuit commenced, Sergeant Chapman decided to return to his residence to get his police dog and police vehicle. The obvious route to his residence was via Oxley Avenue and this explains, he says, why he kept up with the pursuit until shortly after the Klingner Road Oxley Avenue intersection. At this point he and Constable Erridge decided a more immediate priority was to return to the Redcliffe Parade area to attempt to locate the two passengers who had alighted from the Commodore before the pursuit commenced. Sergeant Chapman therefore pulled over a short way along Oxley Avenue, allowing Constables Jones and Ghensi to pass. Their car then took up position behind the police car driven by Sergeant Lindsay.

The Commodore gained speed rapidly along Oxley Avenue. Constable O'Meagher advised the communications centre they were doing "*120 in a 60 zone*". He also advised there was "*nil traffic*" and the road was dry. Very shortly after this, Constable O'Meagher advised the Commodore was slowing and "*The vehicle is on the wrong side of the road travelling north on Oxley Avenue.*" He then revised his previous comment about the traffic flow to "*We have still got light traffic*"

It was established during the investigation and inquest that the above quoted radio transmissions related to the movements of the Commodore when it veered through a gap in the median strip and continued to travel north, in the southbound lanes, over a distance of approximately 85 metres before turning right into James Street. The police vehicles continued past James Street to the next gap in the median strip, where both performed a u-turn and then turned left into James Street to follow the Commodore.

As these manoeuvres were being performed, Terrence Cosgrove and Alina Parsons were driving separate vehicles southbound on Oxley Avenue in the vicinity of its intersection with James Street. They both gave statements to police and gave evidence at the inquest.

Mr Cosgrove was travelling in the left hand, southbound lane. He saw the Commodore and the police cars coming northwards. In his statement he said, "*the commodore swerved over to my side of the road causing me to pull close to the curb. I thought this vehicle might hit me*". Pressed in cross examination, he was unwilling to concede the Commodore had missed him by a more significant margin; "*I wouldn't have wanted to have (had) my arm out of the window,*" he said.

Ms Parsons was travelling in the right hand, southbound lane when she saw the Commodore travelling towards her, in her lane, on the wrong side of the road. She braked and stopped. For a moment she thought the Commodore

was going to collide with her vehicle before it turned in front of her into a side street we now know was James Street.

Both motorists agree the police cars remained on the correct side of the road. Mr Cosgrove did not see where any of the cars went immediately after they passed him. Ms Parsons saw the police cars make a “u” turn and pass behind her into the same side street the Commodore had taken.

The Commodore went around the block and emerged back onto Oxley Avenue at the next street south of James Street. The streets it negotiated were all narrow, residential streets but fortunately no other traffic or pedestrians were sighted. The Commodore was unable to reach a speed of greater than about 60km/h over the short distances between the corners and the pursuit vehicles kept close behind. It is now known Ms Coolwell was slowing for the turns with the assistance of only a handbrake.

Ms Parsons continued slowly along Oxley Avenue aware, she says, the Commodore may return to that road from her left. Her prediction proved correct and when she saw it approaching Oxley Avenue she was again forced to brake, as was a vehicle to her left, as the Commodore turned left in front of her. She clearly observed Ms Coolwell at this point and recalls hearing loud music coming from the vehicle. She allowed the two police vehicles to pass in front of her before continuing southbound.

The officers in the lead police vehicle and Sgt Bruyensteyn all state they were aware at this point the pursuit was travelling back towards Redcliffe State High School. Constable O’Meagher called a speed of “90 in a 60 zone” as the Commodore travelled back towards the Klingner Road intersection. A number of eye witnesses to the pursuit give differing accounts of the speed of the Commodore and the proximity of the pursuing police vehicles. Constable O’Meagher stated at the inquest they may have been as close as 20-30 metres behind the Commodore during this stretch while Sergeant Lindsay stated they were never closer than 50 metres.

As the Commodore travelled towards Klingner Road, Constable O’Meagher made contact with the pursuit controller to request further information on the status of the Commodore. In particular he sought confirmation it was in fact stolen. I accept his evidence that this request was made on the direction of Sergeant Lindsay.

The Commodore travelled at speed through a red light at the Klingner Road intersection. If it slowed at all it was only to veer around cars stationary at the lights and to swerve between cars travelling across its path on Klingner Road. There is conflicting evidence as to whether the lead police vehicle stopped at the intersection. I accept that, whatever the situation, it at least slowed appreciably and in any case negotiated the intersection safely. At this point, it seems the lead pursuit vehicle was 50 - 80 metres behind the Commodore.

Nicole Hartley turned right from Klingner Road into Oxley Avenue and was heading south when the Commodore swerved around her car. She says it was followed by the two police vehicles, which also passed her before the Commodore struck Caitlin. Other witnesses, including the officers, say by the time the police vehicles crossed Klingner Road, Caitlin had already been hit.

All four pursuing officers claim the pursuit was not unacceptably dangerous until the Commodore travelled through the red light at Klingner Road. When interviewed, Sergeant Lindsay said at this juncture he was considering abandoning the pursuit. When he gave evidence he said he had actually made a decision to terminate the pursuit but there was no time for him to act on it or communicate his intention to anybody.

The collision

As mentioned earlier, the Redcliffe State High School Principal, Ms McKinlay, had responded to the tom foolery the pursuit provoked among some students when it passed the school the first time, by going to the western campus and moving those students away from the fence line. She said she at first dismissed the possibility of the pursuit returning to the vicinity of the school. However, she had second thoughts, and was making her way towards the pedestrian crossing when she realised the increasing volume of the police sirens meant her fears were well founded.

At about 1.03pm, there were a number of students crossing Oxley Avenue. Many more students and teachers say they heard the approaching police sirens and saw the speeding white Commodore.

Caitlin was crossing Oxley Avenue from west to east. The pedestrian traffic light facing her was green; the light facing the traffic was red. She had reached the median strip in the middle of the road and was about to step onto the roadway when two students who had crossed the other way say they realised she was in danger and called on her to stop. A boy who was crossing in the same direction as Caitlin saw what was about to happen and reached out to try and pull Caitlin back. In a harrowing account, Ms McKinlay described running towards the crossing; seeing Caitlin on the median strip and screaming at her to "Stop! Don't walk!"

Their efforts were in vain. For reasons no one can explain, Caitlin did not seem to hear those trying to save her or the sound of the approaching police cars. Two southbound cars were stopped at the lights but the Commodore swerved to the right of both and smashed into Caitlin just as she stepped from the median strip. She was propelled more than 20 metres. Ms McKinlay ran to her. It was immediately apparent Caitlin was seriously injured. The first police officer who approached the pair shouted at Ms McKinlay to move away.

The Commodore continued on. The pursuit controller was immediately notified of the collision and an ambulance requested. The lead pursuit vehicle approached the crossing and according to Sergeant Lindsay and Constable O'Meagher they stopped momentarily. Constable O'Meagher went further at

inquest to suggest he exited the vehicle to check Caitlin although this differs from earlier versions given by him and the accounts of all other witnesses. In any case Sergeant Lindsay says he was satisfied the officers in the second pursuit vehicle who arrived at the scene seconds later would attend to Caitlin. He decided to continue south along Oxley Avenue in order to obtain more information about the direction the Commodore was taking. They lost sight of it. The flashing lights and sirens on Sergeant Lindsay's vehicle were turned off and very shortly afterwards Constable O'Meagher confirmed with the pursuit controller they had terminated the pursuit.

Based on the force with which she had been struck, Constables Ghensi and Jones assumed Caitlin was dead. Constable Jones checked Caitlin for a pulse with negative results. He then covered her with a blanket. There is no suggestion any medical attention that could have been offered by the officers at this stage would have assisted Caitlin. It is therefore not a matter in which there is any utility in pursuing from a public safety perspective. I do however share the concerns expressed in the submissions made on behalf of Mrs Hanrick that Caitlin was left alone in this state. The officer who roughly demanded Ms McKinlay move away from Caitlin would have been better advised to allow her to remain with her critically injured student. I accept however that he would have been distressed by what he had just seen and was likely to have been acting on impulse.

The aftermath

A few minutes later Ms Coolwell lost control of the Commodore and collided with a tree in Alfred Street, Woody Point. The three occupants were uninjured and walked towards the southern part of the peninsula.

The officers involved in the pursuit secured the scene until other officers from Redcliffe Station attended and the officer in charge, Senior Sergeant Keys, took control.

Documents obtained from the Queensland Ambulance Service indicate they were notified of the incident at 1.06pm and attended at 1.09pm. Caitlin was treated at the scene before being transported to hospital where she underwent surgery and was later placed on life support.

The three occupants of the Commodore were located by police a short time later. Sergeant Chapman's description of the other two passengers who had alighted before the pursuit, Mr Chapman and Ms Carlo, had been broadcast. At 2.18pm, they were also arrested while walking along the esplanade.

Requests were made for scenes of crime and accident investigation officers to attend the scene and the Ethical Standards Command was notified.

Caitlin remained on life support with severe spinal and head injuries until she was pronounced dead at 12.55pm the following day.

Adrielle Coolwell was charged with dangerous driving causing death and convicted of that offence, among others, in the District Court at Brisbane on 26 September 2006. She was sentenced to 9 years imprisonment.

The autopsy

Caitlin's father identified her to police on 5 December 2006. The next day an autopsy examination was conducted by an experienced forensic pathologist, Dr Nathan Milne.

Dr Milne found injuries consistent with those documented in the hospital medical notes including a skull fracture, severe damage to the brain, a tear in the right carotid artery, lung bruising and fractures of the pelvis. He noted the injuries to the brain as being the most significant with diffuse swelling and changes associated with increased pressure.

No significant pre-existing natural disease was found and an autopsy certificate was issued stating the cause of death as:

- 1(a) Multiple Injuries, due to, or as a consequence of
- 1(b) Motor vehicle accident (pedestrian)

The investigation findings

Scenes of Crime officers inspected the Commodore and were able to determine from the location of Caitlin's body and the nature of impact marks on the vehicle (in particular on the windscreen) that the impact had occurred while the vehicle was in a state of acceleration or a constant speed, rather than deceleration.

A mechanical inspection of the Commodore revealed the brakes to be in an unsatisfactory condition. When the brake foot pedal was applied as far as possible, all disc rotors could still be turned by hand. The handbrake was found to be able to lock both rear wheels.

An inspection of the rear tyres revealed marking consistent with wheel lock up and excessive spin. Three of the four tyres had insufficient tread. The inspection officer concluded the vehicle was in a dangerous mechanical condition.

Dr Elizabeth Culliford, a qualified medical practitioner from the Clinical Forensic Medicine Unit of Queensland Health provided comment on the toxicology results of blood taken from Adrielle Coolwell at 3.00pm on the date of the collision. It revealed recent cannabis use. In her opinion, the levels of THC recorded would have caused impairment in a driver similar to that caused by a blood alcohol content of 0.10 – 0.15%. The samples taken from the officers involved in the pursuit showed no irregularities.

Findings required by s45

I am required to find, as far as is possible, who the deceased was, how she died, when and where she died and what caused the death. As a result of considering all of the material contained in the exhibits and the evidence given by the witnesses, the material parts of which I have summarised above, I am able to make the following findings.

- Identity of the deceased -** The deceased person was Caitlin Myfanwy Hanrick.
- How she died -** Caitlin died as a result of injuries sustained on 4 December 2006 when she was crossing Oxley Avenue, Redcliffe and was struck by a stolen car that was being pursued by police officers.
- Place of death -** She died at Royal Children's Hospital, Herston, in Queensland.
- Date of death -** Ms Hanrick died on 5 December 2006.
- Cause of death -** She died from traumatic brain and internal injuries.

Concerns, comments and recommendations

Section 46, in so far as it is relevant to this matter, provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

Ms Hanrick's death was one of seven that followed a police pursuit in the period June 2005 to December 2006. Inquests have now been held in relation to all seven deaths. In relation to each, the conduct of the officers involved was judged against the QPS policies in force at the relevant time. Those policies changed significantly during that period. As with the previous six inquests, I shall refrain from making any recommendations for further change until the evidence from all seven inquests has been considered and the impact of the changes are evaluated.

In these findings I shall summarise the relevant policies in force at the time, and assess whether they were complied with.

QPS pursuit policy

On 1 October 2006 the QPS initiated the trial of a new pursuit policy in the Redcliffe and Toowoomba police districts.

As with the previous policies there are two layers of controls. The first requires the senior officer in the pursuing vehicle to apply a set of risk assessment

criteria to determine whether a pursuit should be commenced and continued. The second requires the pursuing officers' actions to be overviewed by another officer who is kept informed of developments via the police radio. That second officer has authority to direct the pursuers to terminate the pursuit. I will deal with the two components separately.

When can a pursuit be commenced and continued?

The principles underpinning the policy are outlined in the Operational Procedures Manual (OPM). Those of particular relevance to this case are:

- (i) *Pursuit driving is inherently dangerous. In most cases the risk of the pursuit will outweigh the benefits.*
- (ii) *Pursuits should only be commenced or continued where the benefit to the community of apprehending the offender outweighs the risks.*
- (iii) *If in doubt about commencing or continuing a pursuit, don't.*

The policy assures officers that suspects who fail to stop when directed will still be the subject of law enforcement action, but less dangerous means than high speed pursuits will be utilised. It says:-

The revised pursuit policy seeks to shift the manner of apprehension of people who fail to be intercepted from pursuits into other strategies. The Service will continue to apprehend offenders who fail to be intercepted but pursuits will not be the principal means of effecting apprehension.

The policy stipulates that a pursuit commences when an officer driving a police vehicle gives a direction to the driver of another vehicle to stop; the vehicle fails to stop as soon as is reasonably practicable and the officer believes on reasonable grounds that the driver of the vehicle is attempting to evade police; and the officer continues to attempt to intercept the vehicle.

The policy specifically excludes some matters from being sufficient on their own to justify the commencement of a pursuit. These are termed "*non-pursuit matters*"

The policy creates three categories of circumstances which may justify a pursuit. The categories vary in terms of the seriousness of the suspect's conduct and the degree of certainty that the suspect has committed or is about to commit offences. So far as the differences are relevant to this case they may be summarised as follows.

To be a category 1 pursuit, there must be "**reasonable grounds to believe**" the driver or occupant of the vehicle "**will create an imminent threat to life; has or may commit homicide**" or has issued threats to kill with an apparent capacity to carry out the threat.

A pursuit category 2 exists where the driver or occupants of a vehicle are ***known to have committed an indictable offence.***

Pursuit category 3 relates to circumstances where the driver or occupants of a vehicle are only “***reasonably suspected***” of having committed an indictable offence.

As the seriousness of the possible offending and the reliability of the information indicating the offences have been committed by someone in the car increases, the taking of greater risks can be justified. Conversely, as the pursuit category moves from 1 to 3 there is a lower tolerance of risk permitted by the policy.

Whatever the category, safety remains the paramount consideration and a risk/benefit assessment must always be undertaken. The policy sets out a number of factors which should be considered when undertaking that assessment. Of relevance to this case are the following:-

(a) the safety of all persons (i.e. police officers, members of the public and suspect persons) is paramount;

(b) the possible consequences (e.g. the death of, or serious injury to, any person and/or damage to property);

...

(d) whether the police vehicle is marked and has flashing warning lights and siren fitted

(e) the manner in which the pursued vehicle is being driven, including the speed of both vehicles;

...

(g) whether the driver and occupant(s) of the pursued vehicle have been identified or are likely to be able to be identified and whether the suspect person needs to be apprehended without delay;

(h) the known or suspected age of the driver and occupants of the pursued vehicle. The risk factor may increase with inexperienced or young drivers;

...

(j) the existing visibility and lighting;

(k) environments with high usage (e.g. school zones, entertainment precincts with high pedestrian traffic, shopping centre car parks and industrial estates); and

(l) any other relevant circumstances, such as road, weather, and other traffic conditions;

The risk must be continually re-assessed during the pursuit and if anyone is exposed to “*unjustifiable risk*”, it must be immediately abandoned. The same test that is applied when considering whether a pursuit should be commenced is apposite.

The implementation of the trial policy also coincided with the introduction of an evade police offence and a requirement for the rigorous investigation of offences either giving rise to the pursuit or arising from the pursuit itself.

As can be seen, the policy requires the pursuing officers to balance the utility of a pursuit against the risks it generates. The utility is gauged by considering the consequences of failing to intercept the pursued – the seriousness of the offences the person fleeing may have committed and the strength of the evidence indicating they have committed those offences. In this balancing exercise, issues of safety are to weigh more heavily than has been the case under earlier policies.

Immediately an officer initiates a pursuit, he/she must ensure the local police communications centre is advised and the pursuer must provide details of the incident including the identity of the unit involved; the reasons for the pursuit; the pursuit category; the location, direction and speed of the vehicles involved; and “*any other relevant details*”. The information must be updated as the pursuit proceeds. The information is relayed by the communications operator to the pursuit controller who is able to listen into the broadcast as it occurs. I shall now outline the responsibilities of the pursuit controller.

The responsibility of the “pursuit controller”

The driver of a pursuit vehicle is not the only officer who has a responsibility to undertake the risk assessment and the balancing of likely outcomes I have described. In recognition that junior officers caught up in a chase can have difficulty making objectively reasonable assessments, the QPS has in its procedures added a second layer of control that gives the primary responsibility for continuing a pursuit to the duty officer at the closest police communications centre. That officer is designated the “*pursuit controller*”.

When the officer who has initiated a pursuit advises the nearest police communications centre that a pursuit is under way, the officer or staff member who receives that radio broadcast advises the pursuit controller who then monitors the chase as it is described by the officer in the pursuing vehicle. The officers in the pursuing vehicle are obliged to comply with any directions given by the pursuit controller who is obliged to undertake the same risk assessment and balancing of risk and utility I have already described. He/she must order the termination of the pursuit if he/she considers it poses an unacceptable risk to the safety of anyone who might be affected, having regard to the criteria I have already referred to.

The trial policy expanded the explanation of this role. The new policy makes the requirements of the controller more explicit and leaves no doubt as to the

responsibility of that officer to consider the category of pursuit being contemplated and to apply the risk assessment process to the unfolding situation.

In so far as is relevant to this matter, the policy provides:-

Pursuit controllers are accountable for their actions and decisions in allowing a pursuit to continue.

In deciding whether to allow a pursuit to continue, pursuit controllers should:

- (i) confirm the pursuit category relied on by the officers involved in the pursuit;*
- (ii) conduct an ongoing risk assessment of the pursuit;*
- (iii) assess whether the pursuit is permitted in accordance with this Circular; and*
- (iv) if appropriate, direct the abandonment of the pursuit.*

During a pursuit the pursuit controller is responsible for:

- (i) identifying and assigning other available resources to assist in the pursuit (e.g. a backup unit to assist in the pursuit....)*

Training in the new policy

One of the officers who designed and delivered the training package in the two districts where the trial was conducted gave evidence at the inquest. The teaching materials used during the training were tendered. That evidence seems to indicate a comprehensive training program was implemented. Training records show all officers involved in the pursuit that culminated in Caitlin's death had received training in the new policy only three or four months before the incident.

Did this pursuit comply with the policy?

Sergeant Lindsay and Constable O'Meagher accept they came up behind the Commodore with their lights and sirens activated while the other vehicle was still on Redcliffe Parade. They agree that from very soon after they closed on the car, it was apparent the driver of it was aware the police officers wanted them to stop, and the driver was from this time manifesting an intention to evade police. The pursuit commenced when the Commodore was on Redcliffe Parade heading north at about 12.59pm. It was abandoned after the Commodore struck Caitlin and Sergeant Lindsay lost sight of it as it continued south from the school.

Was the commencement of a pursuit justified?

The owner of the Commodore had not reported it stolen. However, it had been seen being used by unknown persons involved in committing two indictable property offences three days earlier. When coupled with the manner in which it was being driven when being followed by the off duty Sergeant Chapman, I consider what was known of the vehicle and its occupants was sufficient to

raise a reasonable suspicion they may have committed an indictable offence. This would justify the commencement of a category 3 pursuit.

In their interviews and at the inquest, all of the officers involved in the pursuit, including Sergeant Bruyensteyn, the pursuit controller, maintained the pursuit fell within category 2. I accept that if, as Sergeant Lindsay claims, he was told by Sergeant Bruyensteyn that the car was stolen, his mistake was understandable. Sergeant Bruyensteyn's error is of more concern. It is clear from the computerised job card, Mrs Ryan accurately entered the limited information concerning the car's status which was that it was only suspected of being stolen. The pursuit controller had access to all the information on the QPS computer system that clearly showed not enough was known about the car or its occupants to justify a category 2 pursuit. He either failed to check it and assumed more than was warranted from what he was told, or exaggerated the effect of that information.

When they joined in the pursuit, officers Jones and Ghensi only knew that Sergeant Chapman had some "suspects" under surveillance. Their participation in the pursuit was therefore contrary to the terms of the policy.

It is concerning that even with the benefit of hindsight none of the officers involved in the pursuit were able to properly categorise it in accordance with the policy.

Did the pursuit proceed in compliance with the policy?

Notification of pursuit

As soon as possible after commencing the pursuit, Sergeant Lindsay, the senior officer in the pursuit car was obliged to contact the communications centre, and among other things, advise of the reasons for the pursuit and the pursuit category. He failed to do this and Sergeant Bruyensteyn failed to confirm the category as stipulated in the policy. These failures may have been due to the unusual circumstances in which this pursuit commenced with the officer who was soon to become the pursuit controller, detailing the job to the officer who was soon to commence the pursuit. Each may have assumed the other knew enough about the circumstances of the job to obviate the need for these formalities. However, adherence to the policy may have helped the officers focus on what they in fact knew about the car and may have assisted their avoiding miscategorising the pursuit.

Constables Ghensi and Jones at no stage discharged their obligation to notify the communications centre that they were joining the pursuit. Their claim they remained silent so as not to cut across transmissions from the primary pursuit vehicle is specious. The few seconds this would have taken would not have had any negative impact on the management of the pursuit.

There were other serious failures in communication. For example, as described earlier, soon after the pursuit commenced, the Commodore was driven on the wrong side of the road as it travelled between the roundabout on

Redcliffe Parade until it reached the roundabout at the intersection of Humpybong Esplanade and Irene Street. This information was not relayed to the pursuit controller. I consider this failure a clear breach of the requirement in what was then paragraph 14.34.4(viii) to ensure the pursuit controller was advised of “*any other relevant details*”. Sergeant Lindsay also failed to ensure Sergeant Bruyensteyn was advised that when the Commodore went on to the wrong side of Oxley Avenue near James Street, it narrowly avoided colliding with two cars coming the other way.

I have no reason to disbelieve the sworn testimony of the drivers of those cars. The four officers in the two police vehicles claim to have seen no other vehicles on Oxley Avenue in the vicinity of the Commodore as it travelled on the incorrect side of Oxley Avenue into James Street. That is their explanation for not mentioning these incidents in their radio reports.

As mentioned earlier, in a bail statement Constable Lutz describes the Commodore forcing other vehicles to take evasive action when the pursuit was proceeding down Irene Street (from his description it seems clear he is talking about Humpybong Esplanade). Whether he misunderstood what he was told about the location of this incident by the officers involved in the pursuit, or in fact it happened twice, I cannot ascertain, but that information was never relayed to the pursuit controller.

I am satisfied there was nothing to obstruct the view of the pursuing officers: the median strip is bare concrete for half of the relevant portion and has only very sparse vegetation for the later part. The officers all said they were anticipating the occupants of the vehicle “dumping” the car and fleeing on foot, so it seems most likely they were observing it closely. They all say they saw it divert onto the wrong side of the road and turn down James Street. In the circumstances, I find it unbelievable that none of them saw the other vehicles which were forced to take evasive action. I conclude the officers are seeking to conceal their failure to comply with the QPS pursuit policy

The on-going risk assessment

There were a number of dangerous incidents throughout the course of the pursuit, namely:-

- The vehicle travelling on the wrong side on Humpybong Esplanade as it approached a blind corner and traversed a roundabout in the wrong direction at the Sutton Street/Irene Street intersection;
- The juvenile sitting on the window sill of the rear door while throwing a bottle at the following police car;
- The pursuit proceeding between the school campuses when heading north up Oxley Avenue;
- The pursuit travelling at 120km/hr in a 60km/hr zone;
- The Commodore travelling on the wrong side of the road on Oxley Avenue forcing other vehicles to take evasive action; and
- The Commodore swerving around other vehicles and going through a red light at the intersection of Klingner road and Oxley Avenue.

Rather than viewing these incidents as evidence of the fleeing felon's propensity to drive dangerously, and drawing the logical conclusion such perilous acts were likely to be repeated, the pursuing officers seem to have concluded that because a dangerous manoeuvre passed without catastrophe, it could be ignored when undertaking the on-going risk assessment.

There was no discussion among the officers of the policy or the processes they should have been applying. They ignored the requirement to justify engaging in an activity the QPS has recognised as inherently dangerous; instead adopting the approach they could keep pursuing until circumstances forced them to abandon the pursuit. It is telling they in fact did not terminate the chase until they lost the car, after it had struck Caitlin.

The application of the principles underpinning the policy, namely safety being paramount; the presumption against pursuing and the obligation to terminate if safety is in doubt, would have led a reasonable officer to do so.

This conclusion is buttressed by the factors the officers were obliged to consider. While the visibility was good, the officers knew the locality and were in marked vehicles with flashing lights, other aspects should have highlighted to them the unacceptable risk of continuing. For example, the relatively minor offences the occupants of the vehicle were suspected of having committed; the dangerous manner in which the pursued vehicle was being driven; the possible consequences of continuing the pursuit; and the traversing of high usage areas such as the CBD and the school zone.

Conclusion

I am of the view the senior officer in each of the pursuing vehicles and the pursuit controller breached the policy in the following manner.

- All three failed to confirm the category of the pursuit. Although it makes no difference in this case, the three officers say they proceeded on the erroneous belief it was a category two incident.
- Constable Jones failed to advise the communications centre he was participating in the pursuit.
- Constable Jones and Sergeant Lindsay failed to ensure the pursuit controller was advised of all matters relevant to the risk assessment they and he were required to undertake during the course of the pursuit.
- Constable Jones and Sergeant Lindsay failed to terminate the pursuit when a reasonable officer having regard to the matters the policy required a pursuing officer to consider would have concluded it was unacceptably dangerous to continue.

- Sergeant Bruyensteyn was hindered in the discharge of his responsibilities by the failure of the officers in the pursuing vehicles to adequately inform him of the risks as they occurred. However, even when told the pursuit was passing the school, was travelling at 120 km/hr or that the pursued vehicle had travelled onto the wrong side of the road, he made no comment. He was completely passive and accepting of what he was told. He did not proactively control the pursuit as envisaged by the policy.

The pursuit occurred over four minutes during which time it traversed 3.4 kms. There was ample time, opportunity and reason for it to be terminated, well before tragedy struck. There is no doubt the direct cause of Caitlin's death was Ms Coolwell's dangerous, criminal behaviour. However, the QPS has recognised the actions of its officers, even if well intentioned and lawful, can aggravate the danger created by such offending. It has attempted to minimise that risk by requiring officers to terminate pursuits when continuing to pursue is unjustifiably dangerous. The officers involved in attempting to apprehend Ms Coolwell believed they were just doing their job. However, they failed to have sufficient regard to how their actions were exacerbating the danger she posed to other potential road users. The combined effect of Ms Coolwell's dangerous driving and the failure of the officers to comply with departmental policy resulted in the death of an innocent school girl, Caitlin Hanrick.

Road safety at Redcliffe State High School

As described earlier, the Redcliffe State High School is dissected by Oxley Avenue, a busy four lane arterial road. At the time of Caitlin's death there were approximately 1000 students attending the school and 85 teachers working there. The principal indicated that most teachers and most students would need to cross the road at least once each day; some more often. Statistics proffered by the Department of Transport show that in 2005, on average, the road outside the school was used by 11,858 vehicles each day.

For at least 13 years prior to Caitlin's death, the school community had been raising concerns in relation to road safety in the vicinity of the school with various authorities. They supported their claims for more restrictive traffic management by reference to anecdotal evidence about "*near misses*" and apparent increased traffic flow. Throughout that period there was no significant improvement to the road safety infrastructure around the school.

The school had responded to the obvious risks to its students' safety in a number of ways:-

- The induction of Year 8 students included training in safely using the crossing;
- Supervision by teachers on playground duty;
- Regularly discussing road safety at school assembly;
- Disciplinary action against students who were detected not following road safety procedures; and

- Participating in Traffic Advisory Committee meetings.

The principal gave evidence the school had no funds to employ crossing monitors and she did not consider it appropriate to utilise teachers to stand at the crossing all day or even during breaks. I am satisfied the school did all that was reasonable to expect of it to manage the road safety risk to its students.

Subsequent to Caitlin's death, crossing monitors were employed throughout the day and then an overpass was built, obviating the need for students to use the crossing where she was killed. This understandably raised the question of whether the refusal of authorities to take more decisive action earlier was reasonable.

The regulatory framework

The Department of Education and Training has no statutory or administrative responsibility for the management of road traffic in and around schools; nor does it receive a budget allocation to undertake road safety initiatives. The Department obviously has a duty of care to its students but because of these administrative arrangements, it has a limited capacity to discharge its obligation in so far as it relates to road safety. The main mechanisms are participation in SafeST Committees established under the *School Environment Safety Guidelines* and Traffic Advisory Committees convened by local authorities. Surprisingly, the Department does not even have a road safety policy.

On a number of occasions prior to Caitlin's death approaches were made to the Department of Transport to create a 40 kilometre an hour school zone in the vicinity of Redcliffe State High School. These submissions, the most recent of which was made in September 2006, were rejected by the responsible Minister on advice from the Department on the basis the physical characteristics of the roads around the school did not accord with the criteria set out in the *School Environment Safety Guidelines* indicating such a zoning was appropriate.

Caitlin's family contend that when rejecting the submissions for a 40 km/hr safety zone the Department did not give sufficient consideration to alternatives such as the construction of an overpass, the employment of pedestrian crossing monitors or the use of other traffic calming devices. One of the Department of Transport officers who gave evidence in relation to this issue, Mr Blinco, accepted as much, but was adamant none of those alternatives were suitable to the prevailing circumstances if the criteria in the Guidelines were applied. He was firmly of the view the Guidelines reflected the most reliable evidence concerning school road safety and driver behaviour and they provide a sound basis on which the Department could balance its obligations to advance road safety within parameters of financial responsibility.

It is of concern however, that the development of the guidelines and the Department's application of them had regard only to injury causing incidents.

No attempt seems to have been made to gather qualitative data that may have allowed a more accurate assessment of the risk to road safety around schools.

Conversely, it is appropriate to acknowledge that the approaches to the then Department of Transport and local authorities in 2005 and 2006 did result in pedestrian fencing being installed and minor upgrades being made to the crossing on Oxley Avenue. A right turn lane and arrow was installed at the Klingner Road/Oxley Avenue intersection as requested and the sequencing of lights at that intersection and the crossing was checked by departmental staff.

Without saying as much, the departmental witnesses indicated the building of the overpass on Oxley Avenue was a political response to the outpouring of public concern following Caitlin's death and could not be used as evidence to impeach earlier decisions.

Caitlin's terrible death also caused to be undertaken a review of the other 28 split campus schools in the State. Three of those were assessed as having a similar risk factor as previously prevailed at Redcliffe State High School and the building of overpasses has either commenced, or is about to commence at each of those schools. The inquest was provided with no evidence as to what was done to re-enforce road safety around the other split campus schools.

The Department indicated traffic and speed surveys to measure compliance with speed limits around schools are planned. It is also planned to investigate responses to various measures to reduce traffic speed in school zones although the results of that action are not expected to be available until the end of 2010.

I am concerned by this delay and the continuing limited involvement of Education Queensland in the management of traffic around its facilities. However, in view of the submissions from both departments that nothing further need be done, in the absence of concrete evidence to the contrary, and with considerable apprehension, I refrain from making any recommendations about these issues.

Michael Barnes
State Coroner
Brisbane
17 July 2009

Figure 1

- Chapman
- Lindsay & Omeagher
- × Accident Site

