



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Gregory Stephen BONANNO**

TITLE OF COURT: Coroner's Court

JURISDICTION: Rockhampton

FILE NO: 2010/1842

DELIVERED ON: 11/10/2011

DELIVERED AT: Rockhampton

HEARING DATE: 17/05/2011

FINDINGS OF: Mrs Annette Hennessy, Coroner

CATCHWORDS: Motor vehicle accident on country road following resurfacing roadworks, whether signage at roadworks was sufficient, whether loose surface on road, whether training sufficient for traffic control operators.

REPRESENTATION:

Counsel Assisting: Mr J Clarke

Family: Mr & Mrs Bonanno (Not legally represented)

Bundaberg Regional Council: Mr G Crow (inst/by Baker O'Brien Toll)

Dept of Transport and Main Roads: Ms K Philipson, Crown Law

These findings seek to explain, as far as possible, how the motor vehicle incident of the 1ST June 2010 occurred in which Mr Bonanno died. As a result of the evidence in this matter, recommendations may be made regarding matters connected to the death with a view to improving public safety and reducing the likelihood of deaths occurring in similar circumstances in the future.

I express my sincere condolences to the family and friends of Mr Bonanno.

THE CORONER'S JURISDICTION

1. The coronial jurisdiction was enlivened in this case due to the death of Mr Bonanno falling within the category of “*a violent or otherwise unnatural death*” under the terms of s8(3)(b) of the Act. The matter was reported to a Coroner in Rockhampton pursuant to s7(3) of the Act. A coroner has jurisdiction to investigate the death under Section 11(2), to inquire into the cause and the circumstances of a reportable death and an inquest can be held pursuant to s28.
2. A coroner is required under s45(2) of the Act when investigating a death, to find, if possible:-
 - the identity of the deceased,
 - how, when and where the death occurred, and
 - what caused the death.
3. An Inquest is an inquiry into the death of a person and findings in relation to each of the matters referred to in section 24 are delivered by the Coroner. The focus of an Inquest is on discovering what happened, informing the family and the public as to how the death occurred, but not on attributing blame or liability to any particular person or entity.
4. The coroner also has a responsibility to examine the evidence with a view to reducing the likelihood of similar deaths. Section 46(1) of the Act, authorises a coroner to “*comment on anything connected with a death investigated at an inquest that relates to – (c) ways to prevent deaths from happening in similar circumstances in the future.*” Further, the Act prohibits findings or comments including any statement that a person is guilty of an offence or civilly liable for something.
5. Due to the proceedings in a Coroner’s court being by way of inquiry rather than trial, and being focused on fact finding rather than attributing guilt, the Act provides that the Court may inform itself in any appropriate way (section 37) and is not bound by the rules of evidence. The civil standard of proof, the balance of probabilities, is applied. All interested parties can be given leave to appear, examine witnesses and be heard in relation to the issues in order to ensure compliance with the rules of natural justice. In this matter, the family of Mr Bonanno, Bundaberg Regional Council and Department of Transport and Main Roads were represented at the Inquest.

6. I will summarise the evidence in this matter. All of the evidence presented during the course of the Inquest and the exhibits tendered have been considered even though some aspects of the evidence may not be specifically commented upon. I have also given full consideration to the submissions of the parties represented at the Inquest.

THE ISSUES

- A. The identity of the deceased, when, where and how he died and what caused the death;
- B. Whether the condition of the Mount Perry Road following roadworks was safe;
- C. Whether the signage around the site of the roadworks was adequate to warn motorists of the roadworks; and
- D. Whether the manner of driving of the deceased contributed to the incident.

THE EVIDENCE

7. Mr Bonanno died on 1 June 2010, aged 22, as a result of multiple injuries sustained when his vehicle left the Gin Gin – Mount Perry Road, Moolboolaman, collided with trees and was incinerated, at approximately 7.00pm. He was the sole occupant of his vehicle, a 2008 Holden V8 SS Commodore utility.
8. Police investigations into the death had established that there were no witnesses to the incident, nor were there any witnesses who had observed Mr. Bonanno's manner of driving on that afternoon/evening. Investigations concluded that he had left his parent's business premises, "Berajondo Earthmoving" North Bundaberg at approximately 6.30pm and was travelling to the home of Ms. Dingle (to whom he had proposed marriage the evening before) at Arvale Road, Mount Perry. Ms. Dingle expected Mr. Bonanno to arrive within about one hour of departure.
9. The investigation conducted by Snr Const Russell White (who had completed the basic Traffic Accident Investigation Service course) excluded lighting, weather, vehicle defect, intoxication or fatigue as potential contributing factors to the traffic incident. He concluded that the speed of operation of the vehicle and the freshly repaired road surface Mr. Bonanno drove over immediately before losing control of his vehicle were the obvious contributing factors.
10. It appears from the evidence of the investigating police that Mr. Bonanno's vehicle travelled through the start of the repaired road (which was of a length of approximately 28 metres), and applied his brakes, engaging his Anti-lock Braking System. Striations consistent with that braking system at the western end of the patch were evident on

inspection of the scene. Mr. Bonanno's vehicle then appears to have left the road to the left/passenger side, before returning to the road and going into a broadside 'yaw'. The friction tyre marks are consistent with the vehicle then sliding sideways with the passenger side prominent, travelling over the double white lines, and leaving the road on the immediate left hand bend. It was apparent that little or no appreciable effective braking of the vehicle occurred, with the vehicle having lost control when the brakes were applied in the loose surface.

11. There was no definitive evidence able to be obtained about the speed at which Mr. Bonanno was operating his vehicle. Evidence about how long it had taken him to reach that point in the road on that night, or the fact he had been detected speeding on other occasions, does not provide clear evidence about the speed he was travelling at when he encountered the repaired patch. However, it should be noted that Snr Const White also referred to the catastrophic damage caused to the vehicle in the impact with the trees, and the evidence of other drivers who were able to maintain control of their cars at speeds of 100-110 km/hr on that road.
12. In the circumstances of this inquiry, it is clear that the issues requiring examination are the extent to which the factors of speed, the changed traffic conditions, and the adequacy of the signage alerting a driver in Mr. Bonanno's position to the changed road surface, contributed to the incident.

Roadworks and Signage

13. On 1 June 2010 a road maintenance crew of the Bundaberg Regional Council who conducted repairs of the road near the incident site, in accordance with the Council's 2009-2010 Road Maintenance Performance Contract (RMPC Scheme) with the Department of Transport and Main Roads.
14. The RMPC scheme is used by the Department to assist in its delivery of routine maintenance requirements for Queensland roads. The scheme provides for standard requirements for various types of road maintenance work. The contracts are traditionally given to local government authorities and RoadTek although private contractors are also used.
15. Work commenced at 6.30 am under Mr. James Watson who was the leading hand/supervisor of the crew. The work involved resurfacing a patch of the westbound lane towards Mount Perry. The existing road was excavated, filled, compacted, sprayed with bitumen emulsion, rolled, wet and swept with hand brooms to remove loose stones/gravel. Clause 14.6 of the Main Roads Specification (MRS) 11.11 required "all excess aggregate to be lightly swept an/or vacuumed from the pavement surface without dislodgment of the embedded aggregate".

16. At the time, it was a matter of discretion for the contractor (in this case the Council), after conducting a risk assessment, to determine whether signage, including a speed restriction, was required at the site of the works. Mr. Watson was required to inspect the completed works and conduct the risk assessment. He did this by conducting a “drive through” in his Ford Courier utility. The utility had 4WD capability, but the vehicle was not being driven in four wheel drive at that time. Mr Watson gave evidence that he was satisfied with the repair and that there were no bumps or indications of a loose surface.
17. Contractors performing traffic control duties, under Mr. Watson’s supervision, during repairs had erected signage, including reduced speed limit signs to 40 km/hr. Those signs were removed at the completion of the work, and Mr. Watson took over the responsibility of making a determination about the appropriate signage to be displayed to warn motorists of the changed surface. The normal speed limit otherwise applied to the open stretch of roadway of 100 km/hr when Mr Watson’s crew departed.
18. Mr Watson caused a “Loose Stones” sign [guidelines provided in clause 3.7, Manual of Uniform Traffic Control Devices Part 3 (MUTCD)] to be placed approximately 120 metres either side of the approach of the repaired road, before returning to his work depot. The crew were to return to the site the following day to undertake similar repairs to the adjacent eastbound lane.
19. There is clear conflict in the evidence about the state of the repaired road. Both Mr Watson and his supervisor Mr. Trevor Chapman (Road Maintenance Co-ordinator) gave evidence there was an acceptable amount of loose stone, and that the signage which had been erected was both appropriate and sufficient.
20. The parents of the deceased operate an earthmoving and haulage business, and actually have experience in conducting road repairs as a contractor in Road Maintenance Performance Contracts with the Department of Transport and Main Roads, similar to the Bundaberg Regional Council. Mr. Salvatore Bonanno attended at the scene on the night of the incident and again the following day and gave evidence that, in his opinion, there was an excessive amount of loose stone on the road. He said he would not have left that job in that condition.
21. Snr Const White also gave evidence that he observed a considerable amount of loose stone. He gave evidence that he would not have liked to have travelled over that patch of repaired road, if he had been called to attend an urgent police enquiry, and would have not driven above the speed limit given the surface. He also gave evidence that he would be concerned about the ability of a motorcyclist to travel safely over that repaired patch. Snr Const White did not consider the signage to be adequate having regard to the condition of the road, and said it would

have been appropriate to have a reduced speed limit sign erected together with “Slippery Surface” signs.

22. Sgt Marrinan was and is the officer in charge of the Gin Gin police station. He has undertaken the basic and advanced Traffic Accident Investigation courses. He was also of the view that there was an excess of loose small gravel within the area of the repaired patch, which he said he was able to freely move about with his boots. He concurred with the conclusions reached by Snr Const White.
23. There were a number of other road users who came forward to Police after the incident regarding the road on that afternoon/evening. Mr. Briggs drove his 2009 Holden Commodore anniversary model utility across the patch at about 6pm that night. His car appears to have been similar to Mr. Bonanno’s ute. He had his cruise control set at 98km/hr but says that it may have picked up speed going down the incline leading up to the repaired patch. He said he felt his back end ‘kick’ out before he regained control. He saw his digital speedometer was registering 99 km/hr. In his statement he had stated he felt like he was driving on sand. He gave oral evidence that when he got home he warned his wife, as she would be travelling over that part of the road. He said he had driven over other repaired patches with no problem, and this one was appreciably different. He said the “Loose Stones” sign would not cause him to slow.
24. Mrs. Angela Muir was driving a Subaru sedan and was behind other vehicles: a four wheel drive and a Toyota utility. She was travelling at 80 km/hr and said that at about 5pm when she went over the repaired patch and it felt as though she was caught in the ruts left by the vehicles in front of her. She felt her car move or veer and was heading towards a tree before she was able to correct it to regain control. She did not see any signage.
25. Ms Rachel Bonanno (the deceased’s cousin) was driving her late model Mazda 3 sedan from her workplace in Hervey Bay, heading toward a point west of the incident site. At about 6pm she passed over the repaired patch, causing her car to “fishtail”. She managed to regain control of her vehicle. She had been travelling at approximately 110 km/hr when she drove over the repaired road, having slowed because she considered the left bend difficult to negotiate after coming down the sloping road. Ms. Bonanno’s statement reflects that she did not consider the “Loose Stones” signage to be adequate, and noticed more signs on the road the following day.
26. Unfortunately, it seems that no road users contacted police or the Council about concerns with the state of the road surface. Sgt Marrinan gave evidence that there have been no recorded car accidents on that road in the 8 years he has been stationed in the area, and he did not consider the road a hazardous road.

27. I am satisfied on the evidence that the state of the repaired patch presented a loose surface that has resulted in the difficulties experienced by other road users on 1 June 2010 and was a factor in the incident causing the loss of life to Mr. Gregory Bonanno.

Adequacy of Signage

28. Mr. Salvatore Bonanno gave evidence that his son was in effect fastidious in his care of all vehicles he was operating, especially his ute, and surmises his son would have touched his brakes when he was on the loose surface because he would be concerned about damage to his vehicle. He said his son did take note of road signage as he had diligently undertaken duties himself in road repair work, but would not have taken as much notice of the sign actually on display, compared with other warning signs.
29. Mr. Keith Hunter is employed as a roadworks inspector and crash investigator by the Department of Transport and Main Roads. He attended at the incident site the following day, and subsequently compiled a report. He said that the first thing he noticed was the amount of loose material on the repair patch. He gave evidence that the particular geometry of the incident site with the downhill gradient leading into a left hand bend and through a cutting with some limit to visibility was important to consider.
30. Mr. Hunter confirmed that Vericon testing had established the forces on a vehicle passing through the bend did not require a reduced advisory speed limit to be posted, clearly stating that without the repaired patch, there were no issues with the road. Mr. Hunter was of the opinion that whilst the signage erected by Mr. Watson was in compliance with the guidelines under the Manual of Uniform Traffic Control Devices [MUTCD] as they then applied, it was not sufficient in this case, and he would have preferred an 80km/hr reduced speed limit sign to have been used.
31. Mr. Hunter confirmed the evidence which had been given by Mr. Salvatore Bonanno and Mr. Watson, and which was given by Mr. Chapman that the decision as to what was an appropriate sign depended on the circumstances presented in each area of roadway, and was a matter of discretion and interpretation. Mr. Watson gave evidence he had decided not to erect "Slippery Surface" signs, or speed reduction signs.
32. Mr. Hunter confirmed the MUTCD (which is drawn from accepted industry standards) is an evolving document. It is apparent from correspondence tendered by Bundaberg Regional Council [Ex 4.15] that the 30 April 2010 issue did not apply to roadworks conducted until soon after this particular incident.
33. Main Roads Technical Standard 11 [MRTS] was tendered at the Inquest, which replaced the Main Roads Standard Specification [MRS] from October 2010 [Ex F6]. Mr. Hunter drew to the attention of the Court the

requirements of the MRTS, (which are to be read in conjunction with the MUTCD), particularly at 14.6 and 14.8. The application of these standards to work similar to that conducted by Mr. Watson's crew in this case, seems to impose an obligation to erect signs reducing the speed limit to not exceed 60 km/hr for up to 24 hours and 80 km/hr for a further 24 hours after work is completed.

34. There have been significant public education programs about the need to moderate speed in roadwork areas and it is apparent that such programs need to continue.

Training in Traffic Control and Management

35. A question arose regarding the level of training provided by the Department of Transport and Main Roads to employees and contractors, to ensure that the workers undertaking road repair work are educated about changes to signage requirements. It was apparent that Mr. Watson was not aware of any changes to work practices in this regard. He clearly stated that almost a year after this incident he would not do anything differently. He said he thought he was to undergo a refresher course, which he was not sure he had done, but otherwise held a Level 2 Certification in traffic management.
36. Mr. Trevor Chapman is the co-ordinator for three work crews with the Council, each having their own leading hand/foreman such as Mr. Watson, who each decide what signage is to be put up at the completion of road repair work. Mr. Chapman told the Court he held a Level 3 Certification which he said allowed him to design a Traffic Management Plan. It was clear however that neither Mr. Chapman nor Mr Watson had gained those Certificates at the time they started discharging their duties. He seemed to have little knowledge of the changes made to the MUTCD, or to be aware of the MRTS, despite having undertaken a refresher course late last year.
37. It was submitted for the Department that training was the responsibility of the Council under the RMPC, to ensure that the workers were suitably qualified to undertake the work assigned to them. In addition to the training offered by the Department, Registered Training organisations (RTOs) also deliver traffic controller training and Level 1 and 2 traffic management training courses. The Department is the only provider of the Level 3 and 4 traffic management training courses. All of the courses are open to anyone. It was submitted that the MUTCD courses do not involve training in MRTS and it would seem beneficial to include in the training information on the parts of the MRTS which contain signage controls.
38. The Department communicates changes in its technical documents through controlled documents emailed to owners of hard copy manuals, electronically through internal daily messages, publication of changes in a change register in the manual, through the training courses and road

show briefings to Local Governments and contractors around the State. There are 100 traffic management companies and 27,000 licensed traffic controllers in Qld. Following a report by the Workplace Rights Ombudsman, a Traffic Management Registration Scheme began on 1/6/10 with a view to ensure compliance by traffic control companies with minimum quality and safety standards. Since 1/2/11, only registered organisations are permitted to work on State-controlled roads.

39. This measure should ensure that the Department is able to ensure through its contracts and the Register that all contractors are aware of training opportunities and that courses are made available as needed, and that workers have the appropriate qualifications before undertaking the work.

Speed

40. Snr Const White in his report concluded that Mr Bonanno could have been speeding at the time of the accident. The primary information this opinion was based on was the extent of the damage to the vehicle as a result of the accident. It appeared from a reconstruction of sorts that Mr Bonanno covered the distance from his workplace to the accident site in a time which would indicate speeding for at least some of the journey. Mr Bonanno was travelling to see his fiancée and was excited about their recent engagement. He was described by his mother as a young man who liked to drive quickly and he had three speeding tickets in 3 years. Whilst there is no definitive evidence of speed at the time of the accident, it is probable that some element of speeding played a part in the accident.

Findings of Fact

41. Having considered all of the evidence, I am satisfied that the accident was caused by potential speeding and the inadequacy of the signage displayed as it did not require a speed restriction or appropriately warn road users of the looseness of the surface of the road.
42. I am further satisfied that the changes made by the Department as outlined above, both to the signage guidelines and in the formation of the Register for traffic management organisations have already addressed many of the issues under discussion in this matter.

FINDINGS required by s43(2)

I am required to find, so far as has been proved on the evidence, who the deceased persons were and when, where and how they came by their death. After consideration of all of the evidence and exhibited material, I make the following findings:

Identity of the deceased persons– The deceased person was Gregory Stephen BONANNO.

Place of death –Mr Bonanno died near Gin Gin on the Mount Perry Road, Moolboolaman.

Date of death – Mr Bonanno died on 1st June 2010.

Cause of death – Mr Bonanno died from multiple injuries when the vehicle which he was driving travelled across an area of recent roadworks and skidded off the road, colliding with a tree. The vehicle containing Mr Bonanno was incinerated as a result of the collision. The accident was caused by potential speeding on the part of Mr Bonanno and the inadequacy of the signage displayed as it did not require a reduction of speed or appropriately warn road users of the looseness of the surface of the road. Mr Bonanno died from injuries sustained in the accident.

RECOMMENDATIONS

In an effort to avoid similar deaths occurring in the future and to improve general public safety on the roads, I recommend:

- 1. That the Department of Transport and Main Roads give serious consideration to including in the Manual of Uniform Traffic Control Devices (MUTCD) training and information on the parts of the Main Roads Technical Standard (MRTS) which contain regulation of signage controls.**
- 2. That the Department of Transport and Main Roads give serious consideration to the inclusion of guidelines in the Manual of Uniform Traffic Control Devices (MUTCD) in relation to the conduct of risk assessments for road works in order to ensure that a consistent and sufficiently rigorous process is followed in the interests of public safety.**

I close the Inquest.

A M Hennessy
CORONER
11 October 2011