



27 June 2019

Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Contact
Amy Davis
Direct Line: (08) 8128 7752
Amy.Davis@bnlaw.com.au

Principal
Michael Fotheringham

Our reference
MXF:126551-5

Attention: Ms Kate Sanderson, Coroner's Registrar

By Email: cpuresponses@coronerscourt.vic.gov.au

Dear Ms Sanderson

INQUEST INTO THE DEATH OF CHRISTOPHER JOHN STEWART
COURT REF: COR 2017 000344

1. EXECUTIVE SUMMARY

1.1 We act for ANDRA and have been instructed to respond to your correspondence dated 27 March 2019 calling for a response from ANDRA to the recommendations made by His Honour the Acting State Coroner Iain West in his finding into the cause and circumstances of the death of Mr Stewart and pursuant to section 72(3) of the *Coroner's Act (Vic) 2008* ("the Act").

1.2 We note the timeline provided for this response was within three months of the date of receipt of the abovementioned correspondence. The deadline for response was therefore 27 June 2019.

1.3 Specifically, we refer to the Recommendations made by Acting State Coroner West pursuant to section 72(2) of the Act at pages 12 and 13 of the finding –

(a) *That ANDRA:*

(i) *obtain structural engineering advice in relation to the minimum requirements for reinforcing safety barriers to provide sufficient support and structural integrity;*

(ii) *update the 2004 specification and associated documents, to prescribe the above engineer-approved structural integrity requirements as minimum standard for all ANDRA-sanctioned race tracks;*

(iii) *communicate the amended specifications and safety inspection information to all ANDRA sanctioned track owners and users and make the information available on its website; and*

(iv) *undertake to assess and/or re-assess all ANDRA sanctioned tracks within 12 months of the commencement of the new specifications, to ensure that all tracks meet the new minimum standard for safety barriers.*

2. RECOMMENDATIONS MADE BY ANDRA TO THE CORONER THROUGH THEIR FINAL SUBMISSIONS DATED 18 DECEMBER 2018

2.1 Updating the ANDRA track inspection template so as to require ANDRA facility inspectors to complete at the time of their inspection detailed information in relation to the safety barriers including the:

- 2.1.1 Material of which they are constructed;
- 2.1.2 Height;
- 2.1.3 Width;
- 2.1.4 Depth to which buried (if applicable);
- 2.1.5 Height of backing support and material of the same (if applicable);
- 2.1.6 Support, if any, around the timing boxes; and
- 2.1.7 Means (if any) by which concrete barriers (where formed not from a continuous pour) are pinned/interlocked and if not how the joins are supported.

This was implemented practically by ANDRA on 12 December 2018. A copy of updated ANDRA Facility Audit Requirements attached.

2.2 Updating the ANDRA 2004 specifications so as to include the information contained in the 2017 update and the detail referred to in recommendation one hereof.

This was implemented by ANDRA on 1 January 2019. A copy of ANDRA Minimum Track Specifications 2019 is attached.

2.3 On application by an ANDRA sanctioned facility for a track licence from ANDRA the facility is to include the date of the last track inspection. Linking the yearly track licence renewal to the last track inspection will assist ANDRA as to when it needs to schedule a track inspection and to ensure, so far as is practicable, that the track inspections occur bi-annually or as per track grading.

This was implemented by ANDRA on 18 December 2018. A copy of the Drag Racing Facility Licence Application Form as amended is attached.

2.4 ANDRA to provide training to its facility inspectors in the performance of track inspections so as to ensure their knowledge of the 2017 updated minimum track requirements and what is required in Recommendation 1 (paragraph 2.1 of this letter) hereof.

This was practically implemented by ANDRA on 12 December 2018. Copies of the ANDRA Facility Inspectors Test, ANDRA Facility Inspectors Test (Answers) and Track Inspection Competency Statement are attached.

If, as the result of an ANDRA track inspection, the facility inspector stipulates mandatory (as opposed to "recommended") alterations to the safety barriers such alterations are to be completed within a six (6) month period.

- 3.4 Amongst Dr Troutbeck's accomplishments are –
- 3.4.1 Fellow of the Institute of Engineers Australia;
 - 3.4.2 Independent Adviser to Australian Road Agencies (collectively) on the appropriateness of safety barriers for use on Australian roads;
 - 3.4.3 Chairman of the Australian Standard Committee for Road Safety Barriers and Devices;
 - 3.4.4 Chairman to the Australian Standards working group on Risk Management in Motor Sport;
 - 3.4.5 Holds position of Emeritus Member of the US Transportation Research Board Committee on Roadside Safety Design in the United States of America (only one other non US person holds such a position worldwide);
 - 3.4.6 Adjunct Professor at the Centre for Accident Research and Road Safety at QUT;
 - 3.4.7 Awards –
 - 3.4.7.1 Institution of Engineers Transport Medal;
 - 3.4.7.2 Ken Stonex Award for Services to and Excellence in Roadside Safety (United States);
 - 3.4.7.3 Roads Australia Award for Technical Excellence
- 3.5 Dr Troutbeck has been provided with extensive materials including documentation and photographs. He has given an indication that he will be able to commence this project in mid July 2019 and anticipates having it completed by mid August 2019.
- 3.6 Upon completion and final submission of his report to ANDRA, we would be happy to provide a copy to your office if so desired by you.
- 3.7 It is the clear intention of ANDRA to receive Dr Troutbeck's report and any recommendations he may make openly and in the expectation that they will then reflect those recommendations in their policies and procedures and look to implementing them in a practical sense at each of the ANDRA sanctioned tracks in Australia where applicable.

4. CONCLUSION

- 4.1 We apologise for not being in a position to provide the report of Dr Troutbeck at the time of this deadline however we trust that the assurances made by ANDRA through this correspondence and the advice that a report is being obtained from a suitably qualified Engineer will suffice to show the Court that ANDRA are responding proactively and in a very serious fashion to the findings and recommendations of the Coroner.

If they are either (a) not completed in that timeframe and an Event Permit is applied for, the permit will not be issued by ANDRA; or (b) if an Event Permit is applied for inside of that six (6) month period then the track will have to show that it has completed the alterations and this will have to be inspected and approved by ANDRA before a permit will be issued. This is to be included in all track inspection reports and in the updated minimum track requirements from January 2019.

This was implemented practically by ANDRA on 31 January 2019.

- 2.5 ANDRA is to set up a central electronic diary in order to schedule inspections and to provide reminders in advance of when each ANDRA sanctioned track falls due for its bi-annual (unless otherwise specified) inspection.

This was implemented by ANDRA on 12 December 2018.

- 2.6 Updating the ANDRA minimum track requirements to include the matters referred to in Recommendation 1 hereof (*paragraph 2.1 of this letter*), and to state that the aspirational bi-annual (or as per track grading) inspection is permitted a 'period of grace' of no more than three (3) months. This will be following a twelve (12) month 'grace period' in getting all facility inspections up to date within that twelve (12) months. If the track inspection is not completed within the 'period of grace' then ANDRA will not issue any further Event Permits for that track.

This was implemented by ANDRA on 1 January 2019.

- 2.7 That prior to ANDRA entering into an Agreement with a facility, the facility is to provide ANDRA details of the safety fences/barriers in place including photographs, diagrams and dimensions of the fences/barriers and all supporting structural components of them (where applicable).

This was implemented by ANDRA on 18 December 2018.

3. ANDRA RESPONSE TO THE FINDINGS AND RECOMMENDATIONS

- 3.1 In addition to those changes to the ANDRA minimum track requirements that were already made after Mr Stewart's death and prior to the Inquest, ANDRA have recently commissioned a Consultant Engineer to undertake provide advice in relation to issues of barrier stability, safety and structural integrity.
- 3.2 Identifying and securing a suitably qualified person has been quite difficult and time consuming. ANDRA, through their General Manager, Mr Brett Stevens, approached multiple suitably qualified persons and entities since the Findings were published in March 2019 before securing the services of Consultant Engineer Dr Rod Troutbeck.
- 3.3 Dr Rod Troutbeck, a Chartered Professional Engineer and Emeritus Professor at Queensland University of Technology (former Head of Civil Engineering), was retained on 18 June 2019 to provide the advice required for ANDRA to adequately respond to the Coroner's concerns. I **attach** a copy of his full Curriculum Vitae.

- 4.2 Once ANDRA have received Dr Troutbeck's final report, subject to consideration by the ANDRA Board and the feasibility of implementing any recommendations made by Dr Troutbeck, they anticipate –
- 4.2.1 Updating the 2004 specifications and associated documents to prescribe the above engineer-approved structural integrity requirements as minimum standard for all ANDRA sanctioned race tracks;
 - 4.2.2 Communicating the amended specifications and safety inspection information to all ANDRA sanctioned track owners and users and make the information available on its website; and
 - 4.2.3 Undertaking to assess and/or re-assess all ANDRA sanctioned tracks within 12 months of the commencement of the new specifications to ensure that all tracks meet the new minimum standards for safety barriers.

This letter is provided in accordance with section 72(4) of the Act.

If you have any queries please don't hesitate to contact the writer.

Yours faithfully
Barry Nilsson.



Amy Davis
Senior Associate

Liability limited by a scheme approved
Under Professional Standards Legislation