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15 January 2013

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Ms Kylie Keating  
Coroners Registrar  
Coroners Court of Victoria  
Level 11, 222 Exhibition Street  
MELBOURNE VIC 3875

Dear Ms Keating

**Court ref: COR 2011 002635 – Investigation into the death of Justin Daniel Smith**

I refer to your letter dated 15 November 2012 regarding the inquest findings along with the Coroner's recommendations relating to the death of Justin Daniel Smith.

East Gippsland Shire Council is responsible for the maintenance of 2978km of roads within the municipality. In accordance with the requirements of the *Road Management Act* 2004 the arterial road network throughout the municipality is the responsibility of VicRoads.

Following receipt of the Coroner's Inquest Findings Report a review of all signage requests was undertaken. The review indicated that all known and reported signage matters relating to wildlife and livestock have been assessed. The review also identified that appropriate advance wildlife warning signs have been installed, on Council's roads, at known problem sites.

Council is satisfied that at present there are currently no outstanding matters relating to the reporting, supply or installation of wildlife or livestock warning signage. Council is also satisfied that in the future, if presented with requests for additional signage, that there are well established processes to assess, prescribe and install such signs.

The Coroner's recommendation part (a) relevant to Local Government, has previously been implemented on Council's local road network.

East Gippsland Shire Council has had, for several years, a well established process for the reporting, reviewing, installation and replacement of road signs. This process covers all signage and includes advance symbolic wildlife and livestock signs.

Council has an electronic data capture, recording and tracking system. Through internal staff, customer requests and community engagement processes, Council is able to ensure that requests for new or replacement signs are actioned in a timely manner. When assessing locations for both new or replacement signage Council Officers use the following documents:

- VicRoads Traffic and Engineering Manual Vol 2 – Signs and Markings; and
- Australian Standards 1742.2 – Manual of uniform traffic control devices Pt 2 – Traffic Control Devices for General Use

The above guidelines contain well established processes and criteria to ensure the prescribing and installation of signs is consistent with the required standards.

Council's Road Management Plan (available on Council's website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)) mandates the periodic inspection of Council's entire road network. Inspection frequency is dependent upon road hierarchy with the timeframe for each road classification detailed in the plan. The inspections are designed to identify hazards within the road environment including damaged or missing signage.

Should defective signage be identified as a result of inspections undertaken as part of Council's obligations under the Road Management Plan, then the item is recorded and forwarded through to the appropriate officer for action. Should the responsible officer consider that a formal site assessment is necessary this evaluation is undertaken using the appropriate standards identified above.

Council's Community Laws Unit is responsible for regulating and managing applications for and approval of both livestock crossing sites and road reserve grazing on Council managed roads. Approved locations where livestock are allowed within the road reserve are required to have appropriate advance warning signs that are consistent with the appropriate standards.

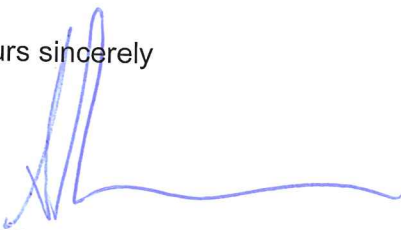
Approval for implementation of livestock crossings and road reserve grazing is completed via a renewable permit process. Permits are issued for a 12 month period, renewed annually on 1 July if required. As part of the renewal process Council's Community Laws Officers are required to inspect each site to ensure that the installed signage complies with the appropriate standards.

Further to Council's previous work and the Coroner's recommendation an audit of wildlife and livestock signage will be incorporated into the routine Road Management Plan inspections undertaken during 2013. The incorporation of the audit will help ensure that the signage currently installed on Council's road network is suitable and meets the appropriate standards. Any defective or missing signs will be replaced as part of Council's ongoing maintenance program.

Much of Council's local road network is contained within a rural and/or bush environment. When considering section 17A of the *Road Safety Act* it is reasonable to expect that a normal, prudent driver should expect the random presence of wildlife within the road environment. As detailed above, while Council has processes in place to ensure that warning signage is installed in accordance with the requirements of the applicable standards, Council is unable to guarantee that conditions will not change over time requiring alteration to the installed signage.

If you have any queries relating to this matter please contact Council's Road and Traffic Technical Officer, Daryl Townsend, the above telephone number.

Yours sincerely



**ASHLEY HIGMAN**  
**Asset Maintenance Engineer**