



18 December 2012

Coroners Court of Victoria
Level 11
222 Exhibition Street
MELBOURNE VIC 3000

Dear Sir / Madam

**INVESTIGATION INTO THE DEATH OF JUSTIN DANIEL SMITH –
COURT REF: COR 2011 002635**

I am writing in response to the recent Coroners Court recommendation relating to the death of Justin Daniel Smith *“That Local Government Bodies within Gippsland carry out an audit of the number of signs in the region advising motorists of the possibility of the presence of animals on the road and consider whether an increase in the number of signs is necessary.”*

Council would respectfully like to advise that;

The *Road Management Act (2004)* designates Coordinating Road Authorities and Responsible Road Authorities for certain roads. Road Authorities must inspect, maintain and repair Public Roads for which they are the Responsible Road Authority. The road on which Mr Smith’s accident occurred, Maffra Rosedale Road, was an arterial road, where Vicroads is the Responsible Road Authority.

Within the region of Gippsland there are multiple Responsible Road Authorities, including Vicroads, Municipal Councils and the Department of Sustainability & Environment. Recommendation (a) makes specific reference to Gippsland Councils undertaking road related activities on all roads within the geographical location of Gippsland regardless of the Responsible Road Authority designation under the *Road Management Act 2004*. Wellington Shire Council does not consider municipal Councils have the authority to inspect roads of other Responsible Road Authorities.

Wellington Shire Council does not consider it is best placed to consider the suitability of the standard application of traffic control devices, such as in the case of warning signs relating to animals. It is suggested that any consideration of the suitability of traffic control devices within Australia be made by the applicable Australian Standard committee. Any issues specific to the State of Victoria should be considered by Vicroads in the publication of Traffic Engineering Manual – Volume 2 – Signs and Markings.

.../2

Civic Centre: Port of Sale

70 Foster Street (PO Box 506), Sale Victoria 3850
Telephone 1300 366 244 • Facsimile 03 5142 3499 • TTY-PRS 03 5142 3377
enquiries@wellington.vic.gov.au • www.wellington.vic.gov.au • DX 85008

Service Centre: Yarram

156 Grant Street, Yarram Victoria 3971
Telephone 03 5182 5100

NATIONAL
AWARDS
FOR LOCAL GOVERNMENT



Wellington Shire Council would support the review of any applicable Codes of Practice, Australian Standards or Vicroads guidance publications with regard to warning motorists of hazard animals on Public Roads. Wellington Shire Council would support the audit of roads for which it is the Responsible Road Authority and a comparison of this audit to Australian Standard 'AS 1742.2-2009: *Manual of uniform traffic control devices – Traffic control devices for general use*' and the 'Vicroads *Traffic Engineering Manual – Volume 2 – Signs and Markings*'.

Yours sincerely

A handwritten signature in black ink, appearing to be 'V. Ebsworth', followed by a long horizontal line extending to the right.

VANESSA EBSWORTH
Manager Organisation Development

Our ref: ve:ss
ECM: 1605907