

**2021**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**Response to Coroner's Report into the death of Dr Teresa Erika Focé**

**Presented by  
Chris Steel MLA  
Minister for Transport and City Services  
April 2021**

# **RESPONSE TO THE CORONER'S INQUEST INTO THE DEATH OF DR TERESA ERIKA FOCE**

## **Overview**

On 24 September 2020, Chief Coroner Lorraine Walker released her findings and recommendations for the Inquiry into the death of Dr Teresa Foce.

The Inquest found that Dr Teresa Foce died after sustaining a head injury caused by a collision between the bicycle she was riding and a builder's vehicle trailer. The incident occurred at the Tharwa Drive and Mentone View roundabout in Conder in April 2018. Dr Foce was riding along Tharwa Drive in the designated bicycle lane on the side of the roadway and then entered the off-road path to navigate the roundabout when the accident occurred.

## **Coroner's recommendation and key issues**

The *Coroners Act 1997 (ACT)* requires a coroner to comment upon any matter of public safety that arises in connection with an inquest.

Chief Coroner Walker was satisfied that since the accident, the Territory has taken steps to improve public safety on this bicycle path, namely sweeping the bicycle path shortly after the accident, repairing the path and building a retaining wall, so as to ensure that gravel from the nearby reserve is unlikely to be washed on to the bicycle path again, alleviating any foreseeable future public safety matters arising from this incident.

However, given the location was previously known to have issues with debris on the path, Chief Coroner Walker recommended that the ACT Government institute a regular audit program for its off-road bicycle paths to ensure that they are appropriately maintained and there are no obstructions or risk of obstruction from the surrounding environment (such as gravel, dirt or trees). It was further recommended that if such a program exists, it be reviewed to ensure that inspections occur at sufficient frequency so as to minimise the risk that a path becomes and remains obstructed to a level that may be dangerous to persons using the path.

## **ACT Government response to the recommendations and key issues**

Community paths in the ACT consist of shared footpaths (concrete and asphalt), off-road

asphalt cycle paths, and pedestrian paving areas.

Transport Canberra and City Services (TCCS) manages over 3,177 kilometres of community paths (as at March 2021) and is responsible for the inspection and repair of community paths (including on and off-road paths, consisting of asphalt, concrete, granite or paver surfaces), as well as being responsible for asset servicing and horticultural maintenance of community paths and urban open space across Canberra. This includes the removal of weeds and rubbish and blowing/sweeping paths to remove loose debris.

TCCS has a systematic inspection and repair program for the community path network within the ACT. Suburbs are selected for this program based on the likely condition and age of their paths. Currently 32 suburbs are inspected on a proactive basis under this program. Areas with high pedestrian and cyclist movements are prioritised for a higher frequency of planned inspections undertaken by in-house inspectors, such as the city centre, town centres and community facilities. In addition, off-road and on-road cycle paths are inspected every three years. To date this program has focused on finding and reporting defects, such as trip hazards or potholes.

When locations are found with debris this is reported via the asset management system to City Presentation, which is responsible for path debris clean-up (path sweeping, path edge grading etc).

In addition to planned inspections, all requests for service received via Access Canberra and Fix My Street are addressed by TCCS officers through reactive inspections. Once reported, a team member will assess any issues at a site as soon as possible.

In general, if an issue presents an immediate safety hazard, Roads ACT will arrange for repairs to be promptly completed, typically within 10 business days. Replacement of short damaged sections of path, when not an immediate safety concern, are packaged into larger value scoped works and contracted to local companies to repair. These are typically completed within twelve to eighteen months depending on priority.

Immediately following the incident, TCCS swept and repaired the path and a retaining wall was built to prevent gravel from the nearby reserve washing on to the path. In addition, TCCS reviewed the coordinated inspection and maintenance program for community paths to respond to the Coroner's recommendations and to ensure that inspections occur at sufficient

frequency. A condition and defect inspection of all paths in the ACT was undertaken and a detailed data analysis exercise and targeted inspections to determine higher-risk sites that required attention was also completed.

The data analysis looked at factors that were identified as contributing to the incident. These included whether there is a nearby high-speed road, a pothole (defect) and/or gravel on the path caused by landscape erosion. Data sets for these factors were combined with other available data including reported crashes involving bicycles, and cyclist traffic volumes (obtained from Strava). All datasets were weighted in a model to target higher-risk locations. A map was produced to illustrate the risk of each path segment.

This data analysis and modelling exercise identified 31 potential higher-risk locations. Each site was validated in person by a TCCS asset inspector who used the information in conjunction with their technical skill and experience to determine the degree of risk each site presented. Furthermore, the sites were discussed with various stakeholders to determine if site findings matched their experience. At the time, this process confirmed that 16 sites should be targeted for upgrades. Sites that could be quickly rectified within existing maintenance budgets were undertaken at the time. The remaining sites are under various stages of design and implementation. Another round of high-risk site identification using an updated version of the model described above is planned for mid to late 2021.

The targeted inspection and maintenance program for community paths is continuing as a collaborative process between Roads ACT and City Presentation within TCCS. This will be reflected within the Operational Plan for Community Paths (Roads ACT) and the Cycle Paths Service Standards (City Presentation) and will inform future works programs. As noted above, TCCS officers have and will continue to work together to identify high risk sites that require attention. At the same time, solutions have been developed to mitigate risks. These solutions included: bollards, retaining walls, path sweeping, barriers or plantings. In many cases the path upgrade solutions aimed to prevent erosion causing sediment deposition on paths after rain events.

Six larger higher-risk sites required a more in-depth solution design. This design was procured and delivered in 2019-20. Two of these higher-risk sites are being constructed in 2020-21 as part of the Look and Feel of the City (LFOC) stimulus program at John Knight Park, Belconnen and Mirrabei Drive, Amaroo.

## **Conclusion**

The ACT Government acknowledges the tragic death of Dr Teresa Erika Foce in April 2018 and the effect that her loss has had on her family.

The ACT Government is committed to ensuring that inspections of paths occur at sufficient frequency, to ensure that paths remain as safe as possible for the community to enjoy.