

CORONERS COURT OF THE AUSTRALIAN CAPITAL TERRITORY

Case Title: Inquest into the death of Alistair Urquhart

Citation: [2025] ACTCD 8

Decision Date: 21 November 2025

Before: Coroner Archer

Findings: [28], [29]

Catchwords: **CORONIAL LAW** — death and serious injury following a traffic accident — gross negligence — driving through a red light at intersection — finding of guilt after plea of guilty— public safety issues — crash avoidance technology — national regulatory responses — hold the red technology — recommendation that the Government review the outcomes of a trial in Queensland of that technology.

Legislation Cited: *Coroners Act 1997 (ACT)* ss 13, 52, 55, 58A
Crimes Act 1900 (ACT) s 29
Road Transport (Alcohol and Drugs) Act 1977 (ACT) s 20

Cases Cited: *DPP v Barrett [2023] ACTSC 260*
Inquest into the Death of Blake Andrew Corney [2021] ACTD 6

Secondary Sources Cited: Minister for Transport and Main Roads, Queensland Government, 'Road Safety Week Gives the Green Light for Hold the Red' (Media Statement, 14 May 2023)

File Number: CD 283 of 2021

CORONER ARCHER:

INTRODUCTION

1. On 15 September 2021, Alistair Colin Forbes Urquhart died from injuries sustained in a motor vehicle accident that occurred at the intersection of the Barton Highway and the Gungahlin Drive off-ramp. I will, with respect, refer to Mr Urquhart as Alistair in these findings. Alistair was 45 years of age at the time of his death.
2. The car he was driving was struck by an Iveco tow truck driven by Mr Jake Barrett (“Mr Barrett”). Mr Barrett drove through a red light at the time Alistair was effecting a right turn against a green light from the off-ramp from Gungahlin Drive, Kaleen, into the south-east bound lanes of the Barton Highway. Another vehicle, driven by Mr XY, was making the same right hand turn at the same time as Alistair.
3. The collision caused catastrophic injuries to Alistair, and he died at the scene. The driver of the other vehicle, Mr XY, was seriously injured.
4. Mr Barrett was charged with a number of offences arising out of the incident. He eventually pleaded guilty and was sentenced to a term of imprisonment.
5. I have chosen to publish my findings in this inquest as it is in the public interest to provide an accessible record of road accident deaths that occur in the Australian Capital Territory (“ACT”), so as to better facilitate consideration of road safety issues. The circumstances of Alistair’s death that emerge from the inquest I have conducted give rise to a matter of public safety in respect of which I have made a recommendation, at [38].

JURISDICTION

6. Alistair’s death was reported to the ACT Coroners Court as it appeared to be ‘directly attributable to an accident’, for the purposes of section 13(1)(g) of the *Coroners Act 1997* (“the Act”).
7. Section 13 of the Act requires me to hold an inquest into the manner and cause of Alistair’s death. In doing so, I must make findings as required by section 52 of the Act. That section of the Act relevantly provides:

52 Coroner’s findings

- (1) A coroner holding an inquest must find, if possible—
 - (a) the identity of the deceased; and
 - (b) when and where the death happened; and
 - (c) the manner and cause of death; and
 - (d) in the case of the suspected death of a person—that the person has died.

...

- (4) The coroner, in the coroner's findings—
 - (a) must—
 - (i) state whether a matter of public safety is found to arise in connection with the inquest or inquiry; and
 - (ii) if a matter of public safety is found to arise—comment on the matter

PROCEDURAL HISTORY

7. In the process of coronial referral, a police report was prepared outlining the circumstances of the accident. On the basis of that report and the outcome of the early investigation of the circumstances of Alistair's death, I referred the circumstances of Alistair's death to the Director of Public Prosecutions ("the DPP") for consideration of bringing criminal proceedings against Mr Barrett.
8. Criminal proceedings against Mr Barrett were commenced in the ACT Magistrates Court by summons. The charges were eventually committed to the Supreme Court for trial. A 'transfer charge', alleging driving with a prescribed drug or oral fluid or blood (drug driving, cannabis traces) contrary to section 20(1)(i) of the *Road Transport (Alcohol and Drugs) Act 1977*, travelled with those offences.
9. On 30 March 2023, Mr Barrett pleaded guilty to two charges:
 - a. Culpable driving causing death contrary to section 29(2) of the *Crimes Act 1900*; and
 - b. Culpable driving causing grievous bodily harm contrary to section 29(4) of the *Crimes Act 1900*.
10. He was sentenced by Her Honour Justice Loukas-Karlsson on 15 September 2023.¹
11. In respect of the charge of culpable driving causing death, Mr Barrett was convicted and sentenced to 2 years, 7 months and 6 days imprisonment commencing on 15 September 2023 and ending on 20 April 2026.
12. In respect of the charge of causing grievous bodily harm, Mr Barrett was convicted and sentenced to 1 year, 8 months and 24 days imprisonment commencing on 22 December 2025 and ending on 14 September 2027.
13. These sentences of imprisonment were to be suspended after Mr Barrett had served 20 months' imprisonment upon entry into a Good Behaviour Order for 3 years, commencing on 14 May 2025.

¹ *DPP v Barrett [2023] ACTSC 260*.

14. The charge dealing with the presence of cannabis was dismissed.
15. After the criminal proceedings were finalised the process of coronial investigation resumed.

EVIDENCE

16. The findings that follow are made based on material received by me during the inquest. That material available to me reflected the evidence produced to the DPP for the purposes of the prosecution of Mr Barrett. In addition, I had available an analysis of the road safety aspects of the accident prepared by the principal Australian Federal Police (“AFP”) investigator.
17. In making factual findings based on the information available to me I am conscious of the constraint placed upon me by the operation of section 58A of the Act. Specifically, section 58A(2) of the Act prohibits a Coroner from making findings that may be ‘inconsistent with the judgment or verdict of the court that finally determined the guilt or innocence of the person for the related indictable offence’. Her Honour’s findings with respect to the circumstances of the collision were thorough and provide an adequate foundation for the manner and cause findings that section 52 requires me to make.
18. Her Honour relevantly found:
 - (a) Mr Barrett had been a truck driver for about two years and had driven the Iveco truck a number of times.
 - (b) On the day of the accident Mr Barrett had started his shift at about 0700 hours. He undertook several trips in the ACT and in nearby NSW dropping off and picking up vehicles and machinery. At the time of the accident, he had an excavator on the back of his truck, and his truck was near to load capacity.
 - (c) His journey to deliver the excavator took him to the Barton Highway and, at about 1117 hours, he was travelling north, approaching the Gungahlin Drive overpass.
 - (d) Her Honour described the configuration of the road in these terms at paragraphs [11] to [13] of Her Honour’s judgment;

That section of the Barton Highway is a four-lane, two-way stretch of road with a posted speed limit of 80kmh.

On the approach to the Gungahlin Drive overpass, the northbound stretch of Barton Highway expands into three lanes. The left lane is an exit lane, which directs the driver in a loop onto Gungahlin Drive. The middle (now left) and

right lanes continue on Barton Highway. Approximately a further 100 metres to the northwest, those lanes intersect with a Gungahlin Drive offramp. That intersection is controlled by a set of traffic control devices.

The Gungahlin Drive offramp is a two-lane, one-way road. Motorists travelling east on the offramp are required, in accordance with the relevant traffic signals, to turn right onto the southbound lanes of Barton Highway. The traffic control devices that control the intersection are traffic lights.

- (e) According to GPS data from his truck, as Mr Barrett's vehicle travelled along the Barton Highway towards the intersection, his vehicle reached 79 km/h in an 80 km/h zone.
- (f) At 1117 hours, Mr XY was stationary in his vehicle in the left lane of the Gungahlin Dive off-ramp. Alistair pulled up beside him in his car. When the light they faced turned green, they each proceeded into the intersection.
- (g) At that moment, Mr Barrett was, as described in the sentence proceedings, "eyes down" (without his eyes on the road) and had been for a period of between 8 and 11 seconds before the collision.² He did not see the lights change from green to yellow to red. He did not see Alistair's and Mr XY's vehicles enter the intersection.
- (h) There was no or minimal braking immediately before the accident.
- (i) Mr Barrett's truck impacted the side of Alistair's car at about 79 km/h. Alistair's car was severely impacted, causing him catastrophic injury. He was ejected from his vehicle. Despite attempts made to revive him, he died at the scene from the injuries he sustained.
- (j) The impact forced Alistair's car into Mr XY's vehicle. Mr XY sustained very serious injuries and was in intensive care for 5 days. His injuries included multiple fractures. He suffered permanent scarring, ongoing pain, reduced mobility in his right shoulder, and psychological injury.
- (k) Traces of cannabis were found in Mr Barrett's blood. It was not possible to find that he was impaired by the cannabis and (consistent with the submission of the prosecution and defence) the presence of cannabis did not contribute to the accident.
- (l) Mr Barrett had no previous traffic record.

² *DPP v Barrett* [2023] ACTCS 260 at [217].

- (m) The mechanical condition of Mr Barrett's truck did not contribute to the accident.
 - (n) The configuration and repair of the road did not contribute to the cause of the accident.
 - (o) The post-mortem process confirmed that the sole cause of Alistair's death were the various serious injuries he suffered in the collision.
19. Her Honour engaged with, but could not resolve the issue of why, Mr Barrett was not paying attention to the road for as long as he was.
 20. It was put on behalf of Mr Barrett that the period of inattention was "momentary". Her Honour rejected that assertion, although found that Mr Barrett's conduct did not amount "to a total abandonment of responsibility".³
 21. Mr Barrett also asserted to investigating police (inconsistently) that, in a period before the collision, an alarm went off in the cabin of the truck, causing him to be distracted. Her Honour noted that the mechanical inspection of the truck that occurred as part of the police investigation addressed that possibility. The finding of the expert (which she accepted) was that there was a long-standing fault that would have led to a warning light illuminating on the dashboard. However, the state of the truck after the collision meant "it cannot be said with certainty that no alarm sounded".⁴
 22. Her Honour was not invited to consider the possibility that Mr Barrett fell asleep or was so tired that he was not able to concentrate on his manner of driving.
 23. I adopt Her Honour's findings. I observe that Mr Barrett, by his plea, accepted that his driving departed from the standard of care that a reasonable person would have observed in the circumstances to an unjustifiable and gross degree.
 24. Alistair was completely without fault in the collision.
 25. Further investigations conducted by the AFP confirmed the timing sequence of the traffic lights at the intersection. The traffic lights are separated into two phases: Phase 'A', which is green for both directions of Barton Highway, and Phase 'B', which is green for traffic of the Gungahlin Drive northbound off-ramp. The time it takes for the traffic lights to cycle from Phase 'A' to Phase 'B' is 7 seconds. Including the 2.9 seconds between when Mr XY took his foot off the brake to impact, a total of no less than 9.9 seconds elapsed between when the traffic lights facing the defendant changed to yellow and the defendant's impact with Mr XY's grey coloured Toyota Landcruiser. The traffic lights

³ *DPP v Barrett* [2023] ACTCS 260 at [62].

⁴ *Ibid* [28].

facing the defendant were red for 4.9 seconds before the defendant impacted with Mr XY's grey coloured Toyota Landcruiser.

26. At a constant speed of 79 km/h, this equates to the defendant being 208.34 metres away from the intersection when the traffic lights changed to yellow and 89.71 metres from the intersection when the traffic lights facing the defendant changed to red.

DECISION NOT TO CONDUCT A HEARING

27. Pursuant to section 34A of the Act, I am able to dispense with a hearing if I am satisfied that the manner and cause of death are sufficiently disclosed and a hearing is unnecessary. I was so satisfied.

FORMAL FINDINGS

28. I find that Alistair Colin Forbes Urquhart died on 15 September 2021 of multiple injuries sustained in a motor vehicle accident at the intersection of the Barton Highway and the Gungahlin off-ramp in Kaleen in the Australian Capital Territory.
29. I find that a matter of public safety arises in relation to Alistair's death. I discuss this in the paragraphs that follow.

PUBLIC SAFETY ISSUES

Licensing

30. The senseless death of an innocent road user when involved in an accident with a truck invites consideration of whether further regulation (licensing) could have changed the outcome. There is no suggestion that Mr Barrett was not (normally) a person who drove responsibly in the type of vehicle he drove on this day. There were no medical issues that made his ability to hold a truck licence problematic.

Crash Avoidance Technology – Heavy Vehicles

31. In a number of inquests, both in the ACT⁵ and elsewhere in Australia, consideration has been given to whether crash avoidance technology might play a role in avoiding accidents caused by driver error or inattention in heavy vehicles, noting that heavy vehicle collisions are more likely to cause fatalities. Transport NSW has, since Alistair's death, published descriptions of the various technologies that are available in heavy vehicles: see *Safety Features and Technologies for Heavy Vehicles* (March 2024). Automated driver technologies are already present and are likely to play a greater role in all forms of driving in the future.

⁵ See particularly *Inquest into the Death of Blake Andrew Corney [2021] ACTD 6*.

32. One particular technology seems relevant to the collision that took Alistair's life – autonomous early braking (“AEB”) systems. AEB systems use sensors to detect potential front-on collisions, warn the driver, and automatically apply the brakes if the driver does not respond. The aim of those systems is to prevent or lessen the severity of crashes. AEB is now mandated at a national level for most vehicles, including new heavy vehicles. It is being progressively retrofitted to older heavy vehicles.
33. In light of the uptake of this technology as part of a national heavy vehicle safety response, I do not make a specific recommendation for its adoption in the ACT.
34. Fatigue detection and distraction technology (“FDDT”) is another potentially relevant technology. This technology uses in-vehicle cameras to analyse eye closures and head position and provides auditory alerts to drivers who may be exhibiting signs of fatigue or sleepiness and who may be distracted (and not looking at the road). The use of this technology in heavy vehicles is not mandated. However, its use is becoming increasingly prevalent, and the National Heavy Vehicle Regulator (“NHVR”) has issued, in August 2024, good practice guidance material to help transport companies implement these technologies more effectively.
35. Again, in light of the involvement of the NHVR in this area, I do not make a specific recommendation for its adoption in the ACT.

Traffic Light Technology

36. Queensland's Department of Transport and Main Roads have trialled a new technology called 'Hold the Red'. 'Hold the Red' is a collision prevention system using radar technology to detect vehicles that are about to 'run' red lights. When that danger is identified, the opposing traffic lights (here facing Alistair and Mr XY) will remain red to stop drivers who may be waiting for a light to change to green. The Centre for Accident Research and Road Safety — Queensland (“CARRS-Q”) has conducted an evaluation of the 'Hold the Red' trial.⁶
37. It is not clear whether this technology would have made a difference in respect of this accident. Much will depend on the calibration and sensitivity of the installed device.

⁶ At the time of the release of the report, the Queensland Government indicated its intention to extend the use of the technology to a greater number of intersections: see Minister for Transport and Main Roads, Queensland Government, 'Road Safety Week Gives the Green Light for Hold the Red' (Media Statement, 14 May 2023) <<https://statements.qld.gov.au/statements/97730>>.

38. I recommend the Attorney-General invite the relevant agencies/bodies responsible for ACT road safety to consider the outcomes of the 'Hold the Red' trial (evaluated by CARRS-Q).

POSTSCRIPT

39. The inquest into the Alistair's death has taken too long to conclude.
40. I apologise to the family for the delay, and I extend to them my sincere condolences.

I certify that the preceding forty [40] numbered paragraphs are a true copy of the Findings of his Honour Coroner Archer.

Associate: Jacqueline Du

Date: 21 November 2025