

IN THE CORONERS' COURT OF THE NORTHERN TERRITORY

Rel No: A0012/2024

Police No: 24 21251

CORONERS FINDINGS

ROAD DEATH 11 OF 2024

Section 34 of the Coroners Act 1993

I, Elisabeth Armitage, Coroner, having investigated the death of **A 57 YEAR OLD ABORIGINAL MALE** and without holding an inquest, find that he was born on **10 March 1966** and that his **death occurred on 28 February 2024, at South Terrace, Alice Springs in the Northern Territory.**

Introduction:

60 people lost their lives on Territory roads in 2024. The highest road toll in over a decade and by far the highest in the country. These findings concern the death of a rear seat passenger in a car crash in Alice Springs, road death 11 of 2024.

The Fatal 5 factors which are considered to give rise to the greatest risk of road crash deaths or serious injury are:

- Drink/drug driving
- Failure to wear a seatbelt
- Excessive speed
- Distraction (e.g. mobile phone use)
- Fatigue

This death involved 3 of the Fatal 5. The driver (Driver 1) of a Holden Commodore was:

- Highly intoxicated with a blood alcohol reading of 0.233% (and the rear seat passenger was also intoxicated).
- Not wearing a seatbelt (and neither was his rear seat passenger).
- Driving 9 kph over the posted speed limit.

Driver 1 was so affected by alcohol or so reckless that he drove down the wrong side of the road and collided with a vehicle travelling in its correct lane.

Driver 1 suffered comparatively minor injuries. His rear seat passenger died (the deceased) and his front seat passenger was severely injured. The driver of the vehicle he collided with suffered serious and life altering injuries.

This was another preventable collision with horrific consequences.

Cause of death:

- | | | |
|------|--|---|
| 1(a) | Disease or condition leading directly to death: | Blunt force head injury |
| 1(b) | Morbid conditions giving rise to the above cause: | Reported motor vehicle crash (passenger) |
| 2 | Other significant conditions contributing to death but not related to the condition causing death: | Chronic alcohol intoxication |

Following an autopsy on 7 March 2024, Forensic Pathologist, Dr John Rutherford commented:

The deceased was a 57 year-old male who had been found in a moribund position on the rear seat of a Commodore sedan motor vehicle that had collided with a Nissan Micra.

When St Johns ambulance crew arrived shortly afterwards, they could not identify a pulse and commenced cardiopulmonary resuscitation. Defibrillation procedures were deployed but, after 28 minutes of attention, life was pronounced extinct at 22.48 hours of the same day.

Summary of main pathological findings

- Severe blunt force head injury
- No evidence of natural disease but might have accounted for, or contributed to, death.
- Unpreserved femoral blood Alcohol 0.29 %
- The rib fractures were consistent with heavy resuscitation attempts.
- I am satisfied the death was from blunt force injury to the head.
- The pattern was such as to suggest very heavy impact or even crush forces.

Background:

The deceased was married with 4 children. He lived in community with his family and worked on nearby cattle stations. He was known to be a good stockman and a hard worker. He played football and coached the local team. He is remembered by his family and friends as a good bloke, a loving husband to his wife and a good father to his children. He is deeply mourned and his loss has caused profound grief and difficulty to his family.

Circumstances:

On the afternoon of Wednesday 28 February 2024, Driver 1 travelled with his 44 year-old wife from Laramba, north of Alice Springs in a registered Holden Commodore.

At about 5.30 pm, the couple pulled off the Stuart Highway into the Aileron Roadhouse to refuel. Whilst there, the couple noticed Driver 1's 54 year-old cousin-brother (the deceased) who requested a lift to Alice Springs.

The group travelled to a residence in Alice Springs. They consumed large amounts of alcohol, including, Jim Beam and VB beer. During the afternoon, a disturbance broke out and the group, plus another couple, decided to leave the residence and find somewhere else to continue drinking.

Driver 1 continued to drive and the group travelled to a well-known drinking spot on Charles Creek, behind Mount Nancy camp. They purchased more alcohol.

The group were highly intoxicated when they departed Charles Creek at about 7.00 pm. Driver 1, his wife and the deceased continued to drive other family around and no-one was wearing seat belts.

At 10.17 pm, the Holden Commodore was captured on the Quest Hotel Apartments CCTV, travelling north along South Terrace towards the CBD. The vehicle was travelling on the incorrect side of the road, with its passenger side tyres on the centre line.

At approximately 10.17 pm, the Holden Commodore continued north along Gap Road in the vicinity of the Lemon Tree Apartments, still on the incorrect side of the road. It collided head-on with a Nissan Micra, driven by Driver 2, who was travelling in his correct lane.

The Holden Commodore struck the Nissan Micra with such force that it was projected backwards. Both the Commodore and the Nissan Micra, rotated to the eastern side of the roadway, coming to rest facing the Todd River.

Residents on the upper floor of the Lemon Tree apartments, directly opposite the crash scene, heard a loud bang and watched from their balconies. Bystanders nearby also rushed to the crash scene to assist. Three witnesses saw Driver 1 climbing from the Holden Commodore's driver's door and one witness videoed this on her mobile phone.

An off-duty nurse saw the deceased lying motionless on the rear seat of the Holden Commodore. He was unconscious with severe injuries. She called 000 at 10.19 pm.

Witnesses found Driver 1's wife trapped in the front passenger seat of the Holden Commodore, and she was calling for help. She had serious injuries.

Witnesses observed Driver 2, trapped in the driver's seat of the Nissan Micra, and heard him calling out for help.

Police and St John Paramedics arrived on the scene shortly after and provided medical assistance to Driver 2 and also to Driver 1's wife, after she was extricated by the Northern Territory Fire and Rescue Service.

Medical intervention was provided to the deceased, however, he could not be revived, and he was declared deceased at 10.46 pm.

Driver 1 was recorded on the body worn video of an attending Police Sergeant giving explanations about what had happened. He said that the "driver ran away" and that "my wife was the driver". At no time did he offer any kind of assistance to the injured persons. Driver 1 was treated at the scene for a lacerated left knee which was actively bleeding. He received further treatment at the hospital. A blood sample was taken which returned a reading of 0.233 grams of alcohol in 100 millilitres of blood.

At 10.48 pm, a crime scene was established by general duties police officers and the Major Crash Investigation Unit (MCIU) took carriage of the investigation.

Site inspection:

The vehicles were observed with extensive frontal damage facing the Todd River. A series of tyre friction marks and scrub marks were observed leading from the southern direction to the rear of the Holden Commodore.

Based upon road evidence including scrub and gouge marks and frontal damage to both vehicles, it was apparent that the Holden Commodore was travelling north in the incorrect lane, the southern bound lane, when it struck the Nissan Micra.

The Holden Commodore airbag module activated, with both frontal airbags deployed. The Holden Commodore's left side of the driver's console was damaged. The vehicle smelt heavily of alcohol with opened containers of coke mixed with spirits observed in the driver's footwell.

The Police forensics unit attended and processed the vehicles at the crime scene, taking biological swabs of the driver's airbag and the left console.

Crash location:

The crash location was on South Terrace, between Bagot and Benstead Streets, directly behind the Lemon Tree apartments.

South Terrace is a north/south orientated, single carriage way which runs parallel the Todd River. The lanes are clearly separated by white painted lane markings. The posted speed limit is 60kmh.

The weather at the time of the crash was fine and clear. It was nighttime, with no natural light, and it was dark. The only light available was white flood lighting from the Lemon Tree apartment complex.

Vehicle inspection:

The vehicles involved were a Holden Commodore sedan and a Nissan Micra.

On 14 May 2024, at the Northern Territory Police compound, a Motor Vehicle Registry inspector (MVR) carried out inspections on both vehicles.

MVR reported that the *Holden Commodore* was defectable at the time of inspection. The list of defects included cracked and damaged wheel rims, incorrect tyres, a non-functioning braking system and a broken steering rack. Except for the incorrect tyres fitted to the vehicle, the remainder of the defects are believed to have been caused during the crash event and they did not cause or contribute to the crash.

The Electronic Data recorder of the Holden Commodore revealed that it was travelling at 69kph at the time of the crash and there was no braking or swerving prior to the crash.

MVR reported that the *Nissan Micra* was defectable at the time of inspection. The defects came from the crash and are not believed to have caused or contributed to the crash.

Police investigation:

Driver 1 had two previous convictions for high range drink driving and three for mid-range drink driving. On 22 January 2022 he was disqualified from driving for 18 months backdated to 3 September 2021. The period of disqualification was followed by a 12 month period during which he could only drive with an AIL licence and an alcohol lock fitted to his vehicle. That period had not expired at the time of this crash.

Driver 2 suffered serious injuries including bowel perforations, multiple bone fractures and open soft tissue injuries. He was treated with surgical interventions under general anesthetic. It was the opinion of his treating doctor that without surgery Driver 2 could have died or been left with lifelong injuries or disabilities. He also suffered severe emotional and psychological impacts because of the crash.

It was the investigating officer's opinion that Driver 1 was highly intoxicated and a disqualified driver when he drove the Holden Commodore on the incorrect side of the road at

a speed 9 kmh over the posted speed limit. This caused the crash with the oncoming vehicle which was being driven on the correct side of the road.

Police charged Driver 1 as follows:

- 1 Drive motor vehicle causing death
- 2 Drive motor vehicle causing serious harm
- 3 Drive motor vehicle causing serious harm
- 4 Drive vehicle when not under AIL licence
- 5 Drive High Range Blood Alcohol Content

Driver 1 pleaded guilty and was sentenced on 20 June 2025 to 5 years and 3 months imprisonment backdated to 9 July 2024 with a non-parole period of 2 years and he was disqualified him from driving for 6 years. When she sentenced him, the sentencing Justice said,¹

“This is a very serious example of each of the three offences on the indictment. Your degree of recklessness was extreme. You were severely intoxicated at 0.233. You were driving 10 kilometres over the speed limit in a town area, and you were on the wrong side of the road when you collided with [Driver 2’s] vehicle.

The fact that you did not try to swerve, or brake indicates a very high degree to which you were incapable of controlling the vehicle and the extremely dangerous manner of your driving on that night. None of your passengers were wearing seat belts.

Clearly you were driving with no regard at all for the safety of your passengers or other road users. In addition, you did not have the appropriate licence to drive and the vehicle you were driving was not fitted with an alcohol ignition lock.

The death of Kumanjayi was tragic and has had a significant impact on his family as the victim impact statement... shows. The impact on the other victims was also severe.”

Decision not to hold an inquest:

Pursuant to section 16(1) of the *Coroners Act 1993* I decided not to hold an inquest because the investigations into the death disclosed the time, place and cause of death and the relevant circumstances concerning the death. I do not consider that the holding of an inquest would elicit any information additional to that disclosed in the investigation to date and the circumstances do not require a mandatory inquest because:

- The deceased was not, immediately before death, a person held in care or custody; and
- The death was not caused or contributed to by injuries sustained while the deceased was held in custody; and
- The identity of the deceased is known.

¹ SCC 22423826 20 June 2025