

IN THE CORONERS' COURT OF THE NORTHERN TERRITORY

Rel No: D0124/2024

Police No: 24 48352

CORONERS FINDINGS

ROAD DEATH 22 OF 2024

Section 34 of the Coroners Act 1993

I, Elisabeth Armitage, Coroner having investigated the death of a **44 YEAR-OLD CAUCASIAN MALE** and without holding an inquest, find that the deceased was born on **21 November 1979** and that his **death occurred on 16 May 2024, Borroloola Health Clinic following a crash at the intersection of Bing Bong Road and Batten Road, North of Borroloola in the Northern Territory.**

Introduction:

These findings concern road death 22 of 2024.

An experienced, licenced and sober 44 year-old cement truck driver was driving a fully laden cement mixer. He made a right hand turn from Bing Bong Road into Batten Road, Borroloola. His speed was likely too fast for the conditions. He went up on two wheels and the truck leaned to the left and tipped over onto a culvert. The cement culvert crushed the cabin and the driver was partially ejected through his open window.

Cause of death:

- | | | |
|------|---|--|
| 1(a) | Disease or condition leading directly to death: | Crush injury of the torso |
| 1(b) | Morbid conditions giving rise to the above cause: | Reported industrial incident (concrete agitator roll over) (heavy vehicle driver) |

Following an autopsy on 20 May 2024, Forensic Pathologist, Dr Marianne Tiemensma commented:

- The decedent was a 44-year-old adult male truck driver who was reportedly involved in a roll-over collision on the morning of 16 May 2024.
- Scene and autopsy observations showed significant crush injury of the torso.
- I have no reason to believe that the decedent died from any other cause than the injuries sustained during the roll-over collision.

Background:

This experienced truck driver owned and operated a civil construction business. He was father to two children and lived with his de facto partner. He was a generous and community minded man and donated to many causes. His death is a tragedy for his family and community, and he is mourned.

Circumstances:

At about 5.00am on 16 May 2024 the driver drove an eight-ton cement truck fitted with an agitator, carrying an unconfirmed 13-ton load of wet concrete, which was at or near the maximum capacity for the truck.

As the truck completed a right-hand turn from Bing Bong Road onto Batten Road, the right-hand (driver) side wheels of the truck lifted from the ground. The vehicle continued to tip, eventually tipping off its wheels. The truck rolled over and the top of the cab hit a concrete culvert which crushed the cab. The truck came to rest on its right (driver) side and the driver was found partially hanging out of the driver side window.

Three witnesses were following the truck in a separate vehicle. One said the truck was travelling at about 15 kph when it made the turn and tipped, one said it was travelling at about 25 kph hour as it went around the corner, and the third said that it had almost stopped.

Report and medical assistance:

The crash was reported at about 7.15am by the driver in the following vehicle. The Borroloola Health Clinic ambulance and local police attended. The driver was not breathing and had some blood on his face. He was placed in the ambulance and CPR continued throughout the trip to the clinic.

On arrival the clinic staff took over and continued CPR and other resuscitation attempts. After about 21 minutes, when they were not successful, they ceased their efforts and pronounced him deceased at 8.18am.

Location of Crash, Road Features and Conditions:

The crash occurred at the T intersection of Bing Bong and Batten Road, north of Borroloola Township - GPS coordinates -15.91280, 136.33083.

Bing Bong road is in good condition and is sealed. The road is three lanes wide. Two lanes head north with one southbound. There is no right turn bay into Batten Road, but with two northbound lanes, any traffic turning right onto Batten Road can do so safely. There is a double centre line leading up to the intersection that stops short of the intersection. Batten Road is sealed at the intersection and changes to a dirt road 50 metres along the road. The seal is in good condition on both roads.

There is a speed limit of 110 kph on both roads. Batten Road is controlled by a Give Way sign.

At the time of the crash, it was after dawn and the lighting was good. The weather was dry, fine and clear with no wind.

Northern Territory Motor Vehicle registry inspection:

The truck was a 1989 Ford Louisville truck fitted with a Cement Agitator. The driver held a Multi Combination open licence, so could legally drive the truck.

An on-scene inspection by MVR was conducted on 16 May 2024 by a Motor Vehicle Registry Inspector who travelled from Katherine.

The vehicle appeared to be in good order and working at the time of the crash.

Tests and/or Calculations Conducted:

The Local Police OIC is experienced in crash investigation having been an NT Police Officer from 2012 to 2016, then having worked as a NZ Police officer, before returning to NT Police in 2023.

The OIC measured and photographed the yaw marks at the scene. This information was provided to the Major Crash Investigation Unit. From the measurements a speed calculation was completed. The calculated speed the truck was traveling at the time it left the yaw marks is 45.60 kmh.





Selected photographs courtesy of OIC Kerry Lane.

Northern Territory WorkSafe investigation:

NTWS did not attend the crash site, or the Borroloola based civil construction operations plant.

Opinion as to the Cause of Crash:

There is a discrepancy between the speed calculation and the eye-witness estimates of speed which is not easy to resolve. However, it is the investigator's opinion that the truck was traveling too fast for the conditions to safely make the right-hand turn from Bing Bong Road in Batten Road. As the truck travelled through the turn, the right-hand wheels lifted. The

investigator opines that the load of wet concrete likely shifted with momentum, adding an extra force to push the truck over.

The investigator noted that cement agitators by design have a high centre of gravity, even unloaded. When loaded the centre of gravity is fluid making it even less stable. The rotation of the drum, with concrete mix on board, moves the centre of gravity as the mix is pulled up the inside of the drum by internal fins. This can make turning, stopping and uneven terrain more difficult to navigate.

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. 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.