

IN THE CORONERS' COURT OF THE NORTHERN TERRITORY

Rel No: A0040/2024

Police No: 24 80561

CORONERS' FINDINGS
ROAD DEATH 43 OF 2024

Section 34 of the Coroners Act 1993

I, Elisabeth Armitage, Coroner, having investigated the death of a **41 year old Aboriginal female** and without holding an inquest, find that she was born on **5 December 1982** and that her **death occurred on 16 August 2024, at intersection of Newhaven Access and Mt Wedge Access Roads, Nyirripi in the Northern Territory.**

Introduction:

These findings concern the 43rd road death on Territory roads in 2024. 2024 was a particularly lethal year on our roads.

A 62 year old sober mother was driving her 41 year old daughter and other family members to Papunya for a funeral. They crossed a remote intersection at a speed of about 60kph, under the speed limit of 110kph, and collided with another vehicle travelling at 100kph. The failure to notice the other vehicle was due to inattention. Tragically the deceased was not wearing a seatbelt and was killed in the roll-over.



Figure 5 -Image facing Four Ways intersections looking south on Yuendumu/Papunya Road.

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 collision (passenger)**

Following an autopsy on 21 August 2024, Forensic Pathologist, Dr Salona Roopan commented:

Summary of main pathological findings

- Post-mortem CT scan main findings were:
 - Depressed skull fractures of the right parietal bone with a fracture extending through the left temporal bone and parietal bone.
 - Bilateral zygomatic arch fractures, with complex fractures through the orbits and sinuses, and bilateral mandible fractures with depression of the midface.
 - Extensive pneumocephalus with extensive blood posterior to the skull.
 - Crush fracture of the 6th thoracic vertebra.
 - Bilateral pneumothoraces and pneumopericardium but no displaced rib fractures.
 - Extensive decomposition changes with extensive subcutaneous gas, extensive free peritoneal gas, gastromalacia and retroperitoneal gas.
 - Limbs were grossly intact.

Comments

- The opinion as to the cause of death is based on the available police and medical information, and a post-mortem examination including ancillary investigations.
- On external examination, the decedent was an obese female with significant blunt force head injuries and degloving scalp injury. There were blunt force injuries present on the shoulder, chest and upper abdomen, which may be in keeping with restrained-related/seat-belt injury. Toxicological analysis showed a metformin level of 240 mg/L and trimethoprim was detected. Although the metformin level is higher than therapeutic levels, the results need to be interpreted with caution because of the possible effects of post-mortem drug redistribution, decomposition, the long post-mortem interval (5 days) and possible pre-existing medical conditions.
- I have no reason to believe that the information available and the findings made during external examination of the body that the death was due to any other cause than a reported motor vehicle collision as a passenger.

Background:

The deceased grew up in Western Australia. She had a mother and siblings and was married with three children. She was employed as a teacher's aide. She was a traditional woman of strong Warlpiri values. She was an elder in her community, was greatly admired, and her loss to her family and community is of both personal and cultural significance. She is mourned and missed.

Circumstances:

On Friday 16 August 2024 the deceased was one of a number of passengers in a Mitsubishi Pajero being driven by her mother (the defendant). The Mitsubishi Pajero crashed with another vehicle at a remote intersection and rolled. The deceased died in this crash and the defendant was charged with careless driving, driving an unregistered and uninsured motor vehicle and not ensuring her passengers were restrained with seat belts.

On 10 January 2025 the defendant pleaded guilty to the charges in the Alice Springs Local Court and the agreed facts of the incident were read onto the record as follows:

The defendant ... was a 62-year-old woman from Lajamanu. The victim in this matter ... was a 41-year-old woman from ... Western Australia. The victim is the daughter of the defendant.

Around lunchtime on Friday 16 August 2024, [the defendant] has left Yuendumu, bound for Papunya, driving an unregistered green 2000 Mitsubishi Pajero, Northern Territory registration.... Beside the defendant in the front passenger seat sat the victim, who was not wearing her seat belt. Before leaving Yuendumu, the defendant did not ensure the victim had her seat belt on...

[The defendant] drove the Nyirripi Road, and then turned left and drove south on the Yuendumu-Papunya Road, which later turns into the Mount Wedge Access Road, at an intersection known locally as Four Ways. [The defendant] drove the vehicle around 30 kilometres, until she came to the Four Ways intersection. [Two of her passengers] estimate her speed on this road to be around 60 kilometres per hour. At the same time, [two persons] were travelling west on the New Haven Crest Road bound for the New Haven Wildlife Sanctuary. They were travelling in a 2023 Toyota Prado, Northern Territory registration

At around 1 pm, the defendant has approached Four Ways. The first indication of the intersection is a road sign on the left-hand side of the road, 150 metres from the centre of the intersection. This sign was facing as a warning to southbound traffic, and visible to the defendant as she drove. The next sign at the edge of the intersection is a stop sign to stop southbound traffic. This is on the left-hand side and visible to the defendant. The defendant slowed the vehicle down marginally but did not stop and drove through the sign at a speed less than 60 kilometres per hour.

At that time, [the two persons in the Toyota Prado] were driving west through the intersection. [The driver of the Toyota Prado], on seeing vehicle 1, has braked and driven to the left in an unsuccessful attempt to avoid the crash. First contact has been in the centre of the intersection. The front passenger side of vehicle 1 has driven into the rear driver's side of vehicle 2. The impact has caused both vehicles to roll coming to the rest on the southwestern side of the road. During the rollover, the victim has been killed, suffering fatal injuries to the head. No one else suffered serious injury.

On 22 August 2024, the defendant was issued with a notice to appear in the Alice Springs Local Court on 16 October 2024. Vehicle 1 was unregistered. It was last

registered until 12 January 2024. The defendant has a current driver's licence. The Yuendumu-Papunya Road, Mount Wedge Access Road and Four Ways intersection are public roads open to and used by the public. The road and intersection are made of gravel with minimal traffic. The crash occurred during daytime conditions when the road was dry. The gazetted speed limit is 110 km per hour.

In sentencing the defendant, the sentencing Judge, His Honour Judge McBride, took into account her exemplary history, and her contributions to the community. He did not record a conviction, and she was fined \$1600. He said:

What I have before me is a very tragic situation where you were driving a number of people a long distance, and with best intentions, requesting them all to secure themselves adequately with their seatbelts. Your late daughter, unfortunately, didn't, for reasons that she felt restricted, and rather than refuse to drive, you drove anyway, which, on reflection, was an error of judgment, but understood. As can so often happen - anybody - a momentary lapse of concentration can have dire consequences, and that happened for you.

There is no suggestion of alcohol, or intentional lack of attention, or speeding. It was merely that you didn't pay attention to the indicated sign to stop going through that intersection, and no doubt, there was no expectation, in any event, for other vehicles to be in that vicinity by you. But there was. And unfortunately, that vehicle did its best to avoid the collision. The collision occurred, and the vehicles rolled, and there was this tragic consequence.

I can only imagine what it is like for a mother to lose her daughter, and that is suffering that is private to you, and you will endure, no doubt, for the remainder of your life. But in the context that this was an accident, it was unfortunate. Although a breach of the rules that we're all governed by under the *Traffic Act*, you should not blame yourself, and you should move on from this tragedy, because you have such a wonderful contribution to make to your community, and you continue to do so.

Reported When and by Whom:

The crash was reported at 1.10pm on 16 August 2024, Northern Territory Police communications received a call from the Intrado relay centre, Sydney, after an Apple iPhone 16 detected a vehicle crash.

Yuendumu Community Health Centre attended. CPR commenced at 2.26pm until 2.57pm, but the deceased could not be revived and she was pronounced deceased at 2.57pm.

Location of Crash:

The crash location was 277km west of Alice Springs at the intersection of the north south Yuendumu/Papunya Road (also known as the Mt Wedge Access Road) and the east west Newhaven Access Road.

The vehicles involved

Vehicle 1: 2000 Mitsubishi Pajero, bearing Northern Territory registration. On board at the time were 10 persons.

It was believed to be travelling at approximately 60 km/h, considerably slower than the speed limit of 110km/h.

Vehicle 2: 2023 Toyota Prado, bearing Northern Territory registration, the driver and passenger required hospitalisation.

The Prado was travelling west along the Newhaven Access Road, with the vehicle set on cruise control at a 100 km/h, approaching the intersection, locally known as “Four Ways.”

Vehicle Inspection:

On 8 October 2024 an inspector from the Northern Territory Motor Vehicle Registry attended the Alice Springs Police Vehicle compound where inspections were carried out on the Mitsubishi Pajero and the Toyota Prado. The inspections found no mechanical issues which contributed to the crash and only damage caused by the crash.

Road Features and Conditions:

The collision occurred at the intersection of the Newhaven Access Road and the Yuendumu Papunya Rd (aka Mount Wedge Access Rd). Both are publicly gazetted, single laned carriageways. The surfaces are unsealed and consist of a mixture of red sand and loamy base. At the time of the crash, the road surface was dry and in a serviceable condition.

Weather and Lighting Conditions:

The crash occurred in the daylight hours and no rainfall was recorded in the 24 hours preceding the crash.

Opinion as to the Cause of Crash:

The cause of the crash was directly attributed to the defendant failing to stop at the intersection and travelling directly into the path of the Toyota Prado, causing both vehicles to crash and roll multiple times and fatally injuring the deceased.

Decision not to hold an inquest:

Under 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.