

# CORONERS COURT OF SOUTH AUSTRALIA

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## INQUEST INTO THE DEATH OF HERBERT AUGUST HARTUNG

[2025] SACC 7

Inquest Findings of his Honour State Coroner Whittle

17 April 2025

### CORONIAL INQUEST

Examination of the cause and circumstances of the death of a 53-year-old man who drowned after driving his car into the water at the West Beach boat ramp while extremely intoxicated. The inquest focussed on CCTV footage of the boat ramp.

Held:

1. Herbert August Hartung, aged 54 years of Alice Springs, died at West Beach on 4 August 2022 as a result of attributed to drowning.
2. Circumstances of death as set out in these findings.

No recommendations made.

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Counsel Assisting: MR D EVANS

Hearing Date/s: 27/11/2024

Inquest No: 43/2024

File No/s: 1899/2022

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# INQUEST INTO THE DEATH OF HERBERT AUGUST HARTUNG [2025] SACC 7

## Introduction

- 1 Herbert August Hartung was born on 5 April 1968 and died on 4 August 2022 at the age of 54 years.
- 2 Mr Hartung had suffered abuse while he was growing up at the hands of his father who had been a prisoner of war during World War II.<sup>1</sup> As an adult, he had three children and expressed a desire to be a good father to them. He was always a social drinker, but throughout his marriage he began to rely on alcohol more and more until it developed into alcoholism, which was particularly intense from about 2014.<sup>2</sup> His marriage broke down in July 2015 when he became increasingly unreasonable, abusive and demanding. He moved out of the family home to live with his mother.<sup>3</sup> He told his wife in May 2017 that he could not control his alcoholism and that he would not be returning to the marriage.<sup>4</sup> A divorce was finalised in September 2021<sup>5</sup> and the family home was sold in July 2021 with Mr Hartung receiving \$280,000.<sup>6</sup>
- 3 Mr Hartung was a licensed plumber and gas fitter but ceased working in April 2021.<sup>7</sup> In the lead up to that time, Mr Hartung's brother was trying to sell their mother's home so that she could move into a nursing home, but Mr Hartung lived in the house and was resisting it. In early 2021 their mother moved into a nursing home and Mr Hartung ceased being her carer.<sup>8</sup>
- 4 In his last two years of life Mr Hartung had been diagnosed with alcoholic hepatitis, diabetes, osteoporosis and digestive system lesions for which he had surgery in April 2022.<sup>9</sup> He had not seen medical professionals about mental health issues,<sup>10</sup> although his former wife says that she was concerned about him due to the combination of illogical thinking and that Mr Hartung had access to firearms.<sup>11</sup>

## The events prior to Mr Hartung's death

- 5 In June 2022, Mr Hartung left Alice Springs and travelled to Canberra. There he purchased a Landcruiser and meandered to Adelaide. He was living out of his vehicle or in caravan parks while he was travelling. He had ordered an off-road caravan which was being custom built for \$75,000 and he told a friend that he was going to bring it back to Alice Springs and live in it on a friend's property and do some travelling.<sup>12</sup>

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<sup>1</sup> Exhibit C5 at [22]

<sup>2</sup> Exhibit C5 at [4]; Exhibit C6 at [9]

<sup>3</sup> Exhibit C6 at [4]

<sup>4</sup> Exhibit C5 at [5]

<sup>5</sup> Exhibit C5 at [8]

<sup>6</sup> Exhibit C5 at [20]; Exhibit C6 at [6]

<sup>7</sup> Exhibit C5 at [20]

<sup>8</sup> Exhibit C5 at [21]; Exhibit C6 at [4]

<sup>9</sup> Exhibit C5 at [9]

<sup>10</sup> Exhibit C10 at [19]

<sup>11</sup> Exhibit C5 at [13]

<sup>12</sup> Exhibit C5 at [10]

- 6 Mr Hartung's former wife was concerned about his wellbeing and texted him every four or five days to check on him. She said that he continued to be illogical and skittish, raising ideas such as investing in a café or buying a charter boat.<sup>13</sup> He had become disconnected from his children, only speaking with them occasionally by text, although he had visited his son in Wagga Wagga after purchasing his vehicle. He had become disconnected from most of his long-term friends. One long-standing friend he remained in contact with spoke to him on 2 August 2022. He was in good spirits, speaking of his plan to return to Alice Springs soon.<sup>14</sup> He did mention that he had visited his in-laws who had asked him not to come back, which he had taken to heart.<sup>15</sup>

### **The events of 4 August 2022**

- 7 In the early hours of 4 August 2022, a witness, Mr Vicky Chopra, was parked at the West Beach boat ramp carpark.<sup>16</sup> He was travelling throughout Australia and filming his journey with a camera. Mr Chopra sat, drank whisky and listened to music while watching the water. At 1:15am, approximately 15 minutes after Mr Chopra's arrival, Mr Hartung drove to the boat ramp carpark and parked his vehicle. About 30 minutes later Mr Hartung exited his vehicle and walked down to the ramp,<sup>17</sup> approaching Mr Chopra. He asked if Mr Chopra was alright, as Mr Chopra's vehicle's hazard lights were on.<sup>18</sup> Mr Hartung said he was not a police officer and the two shared a laugh. He introduced himself to Mr Chopra and told him that he liked the music that was playing and that he had come to watch the water. Mr Chopra offered him a drink. They sat on the ramp wall and talked.<sup>19</sup> Mr Chopra's camera recorded the conversation. Mr Hartung appeared to be in very good spirits.<sup>20</sup>
- 8 Mr Chopra poured Mr Hartung three fingers of neat whisky. Throughout the conversation, Mr Hartung poured two more drinks of about the same quantity.<sup>21</sup>
- 9 After about two hours, Mr Hartung told Mr Chopra that his car would be blocking boat ramp users and that he should move it.<sup>22</sup> Mr Chopra moved his car and parked next to Mr Hartung's car. They continued chatting for another 20 minutes. They agreed to meet up the following evening.<sup>23</sup> Mr Chopra then decided to return to his cabin at the West Beach Caravan Park. As he was backing out of the car park he lost control, and the car rolled backwards down the ramp and into the water.<sup>24</sup> Mr Hartung came and asked if he was okay. Mr Hartung said he did not have any winch straps. While he was trying to get his car out of the water, Mr Chopra lost his phone. Mr Chopra then thought he would walk to the caravan park and tell reception staff that his car needed to be towed.<sup>25</sup> He left his keys in the car in case someone needed to move the car before he got back. As he left, Mr Hartung was sitting in his own car. Mr Chopra returned to the caravan park and

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<sup>13</sup> Exhibit C5 at [12]

<sup>14</sup> Exhibit C6 at [8]

<sup>15</sup> Exhibit C6 at [11]

<sup>16</sup> Exhibit C4 at [4]

<sup>17</sup> Exhibit C4 at [4]

<sup>18</sup> Exhibit C4 at [5]

<sup>19</sup> Exhibit C4 at [5]

<sup>20</sup> Exhibit C12d

<sup>21</sup> Exhibit C4 at [8]

<sup>22</sup> Exhibit C4 at [9]

<sup>23</sup> Exhibit C4 at [11]

<sup>24</sup> Exhibit C4 at [12]

<sup>25</sup> Exhibit C4 at [13]

saw that the reception was closed. He then went to his cabin and went to sleep. He said he was 'very drunk'.<sup>26</sup>

- 10 A boat ramp user, Paul Forrest, arrived at the boat ramp at about 6am.<sup>27</sup> He saw Mr Chopra's car in the southern bay and also the roof of another car in the central bay. SAPOL were called at 6:05am, arriving at 6:15am.<sup>28</sup> They found a Mitsubishi partly submerged in the water at the southern bay, facing towards the water's edge.<sup>29</sup> The front windows were open and the keys were in the ignition. This was Mr Chopra's car. The car which was said to be in the central bay, Mr Hartung's car, was not visible by that time; it was fully submerged.
- 11 SAPOL officers found two glasses on the ground near the southern pontoon; one with drink still in it, the other empty,<sup>30</sup> a nearly empty one litre bottle of Johnnie Walker Double Black<sup>31</sup>, a bottle of Crown Lager, a lighter, a packet of cigarettes and two containers of food which were partially eaten.<sup>32</sup>
- 12 SAPOL Water Operations attended at about 8am and located Mr Hartung's vehicle in the central bay, near the end of the pontoons, at 3.7 metres depth.<sup>33</sup> It was facing away from the water's edge. Mr Hartung's body was in the driver's seat area without a seatbelt<sup>34</sup> and his feet were protruding from the driver's side window, which was mostly down.<sup>35</sup> The driver's side door was also open. The key was in the ignition and the car was in gear.<sup>36</sup> SAPOL officers put the car into neutral and closed the door. The car was then towed out of the water. Tyre marks were tracked back over the bridge and through the car park to rocks opposite the ramp.

### **Cause of death**

- 13 A post-mortem examination was conducted by Forensic Science South Australia senior specialist forensic pathologist, Dr Karen Heath,<sup>37</sup> who concluded that Mr Hartung's cause of death was drowning. His post-mortem blood alcohol concentration level was 0.42%,<sup>38</sup> which would have been lethal in an alcohol naive individual, but non-lethal in a person with significant alcohol tolerance.<sup>39</sup> None of the evidence collected throughout the investigation puts in doubt the cause of death given by Dr Heath, and I find 'drowning' to be Mr Hartung's cause of death.

### **Closed circuit television footage**

- 14 SAPOL investigators seized from the scene CCTV recorded from a camera overlooking the boat ramp mounted on the SA Sea Rescue Squadron building. The system records

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<sup>26</sup> Exhibit C4 at [15]

<sup>27</sup> Exhibit C8 at [8]; Exhibit C7 at [5]

<sup>28</sup> Exhibit C7 at [5]

<sup>29</sup> Exhibit C7 at [12]; Exhibit C8 at [4]-[5]; Exhibit C9 at [5]; Exhibit C10 at [6]

<sup>30</sup> Mr Hartung's fingerprints were later detected on the empty glass

<sup>31</sup> Both Mr Hartung's and Mr Chopra's fingerprints were detected on the bottle; Exhibit C11 at [22]

<sup>32</sup> Exhibit C6 at [6]; Exhibit C10 at [15]

<sup>33</sup> Exhibit C9 at [8]

<sup>34</sup> Exhibit C10 at [9]

<sup>35</sup> Exhibit C9 at [9]

<sup>36</sup> Exhibit C10 at [10]

<sup>37</sup> Exhibit C2a

<sup>38</sup> Exhibit C3a

<sup>39</sup> Exhibit C2a

sound, but no relevant sounds were captured. It only records when it detects motion, so is not a complete record of what occurred at the scene.<sup>40</sup> The relevant footage was played in the courtroom. The footage appears to freeze as the system stopped and started recording, but the relevant clips, which occupy about 10 minutes, show the following:

- File 01\_03 shows Mr Chopra reversing down the boat ramp with his hazard lights on at 5:01am. It then shows Mr Hartung commencing to drive slowly at 5:26 am.
- File 01\_04 shows Mr Hartung driving the front wheels of his car into the water in the central bay at 5:26am before slowly reversing up the ramp and slowly mounting a rock embankment behind a kerb at 5:32am.<sup>41</sup> The car engine began heavily steaming and the car remained sitting on the embankment.
- File 01\_06 shows, about 13 minutes later at 5:47am, Mr Hartung's car rocking forward, then dislodging from the embankment and kerb and travelling at steady speed into the water.<sup>42</sup> No attempt at escape is seen on the footage, but the image is not so clear that a great deal of detail can be made out. The car then floated away from the water's edge. The witness who called police is shown on the footage to have arrived about five minutes later at 5:53am.

## Conclusions

- 15 I accept the account by Mr Chopra of his interaction with Mr Hartung, and that Mr Chopra left the boat ramp not long after accidentally and drunkenly driving his car into the water shortly after 5am. I find that by the time Mr Chopra left the boat ramp, Mr Hartung was extremely intoxicated. In his intoxicated state, for reasons unknown, Mr Hartung drove his car slowly down the ramp partially into the water, and then reversed all the way up over a kerb, where his vehicle apparently became stuck on a rocky embankment. Thirteen minutes later Mr Hartung dislodged the vehicle from where it was stuck on the embankment and it rolled down into the water, where it gradually sank in 3.7 metres depth of water. Mr Hartung did not escape from the cabin of the vehicle and drowned.
- 16 The evidence does not allow me to find on the balance of probabilities that Mr Hartung intentionally drove into the water and that he intended to take his life by drowning. He did not express to Mr Chopra any interest in taking his own life and it is not known that he had done so earlier to any person. He had plans which included completing the purchase of an off-road caravan and returning to Alice Springs to do some travelling. He had made immediate plans to meet Mr Chopra the next night.
- 17 When Mr Hartung drove his vehicle he was plainly so intoxicated as to be incapable of exercising effective control of it. There is no way of knowing what he had in mind when he first drove the vehicle partly into the water. Having reversed back out of the water Mr Hartung got the vehicle stuck on a rock embankment behind a kerb. Mr Hartung managed to drive his vehicle off the rock embankment and kerb, and the vehicle either rolled or was deliberately driven slowly down the ramp. I am unable to conclude whether Mr Hartung unintentionally allowed the vehicle to roll into the water, incapable of applying the brakes due to the effects of alcohol, or whether he deliberately drove it into

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<sup>40</sup> Exhibit C12, page 10

<sup>41</sup> Exhibit C12c, BOATRAMP-01\_03.mxd and BOATRAMP-01\_04.mxd

<sup>42</sup> Exhibit C12c, BOATRAMP-01\_06.mxd

the water. The evidence is insufficient to allow any conclusion to be drawn. When found, the driver's window was mostly down, Mr Hartung's legs were out the window and the door was partly open, which might suggest Mr Hartung was trying to escape. Even if Mr Hartung deliberately drove into the water, there is insufficient evidence to allow me to conclude that he did so intending to take his own life, rather than simply engaging in drunken, illogical behaviour with no such intention.

- 18 The standard of proof to be applied in making coronial findings is the civil standard, the balance of probabilities. In considering making findings which imply or express criticism of individuals, I am guided by the principles enunciated in *Briginshaw v Briginshaw*<sup>43</sup> and I shall not make such a finding unless the evidence leads me to a comfortable level of satisfaction that the finding should be made.
- 19 In order to make a finding that Mr Hartung died by suicide I would need to find it proved that Mr Hartung intentionally drove into the water and that in doing so he intended to end his own life.
- 20 Although Mr Hartung was an alcoholic and his former wife was concerned about his welfare, there is evidence causing me to lean to the conclusion that Mr Hartung's death was not suicide. One entirely logical explanation for what occurred is that it was a drunken accident. Neither his former wife,<sup>44</sup> nor his friend Trevor Willis,<sup>45</sup> spoke of Mr Hartung having expressed suicidal intentions. To Mr Chopra, who thought Mr Hartung seemed very happy when he left him, Mr Hartung gave no hint of being interested in taking his own life. Mr Hartung apparently had some money and had bought a custom-built caravan which he had not yet collected. He had plans to collect the van from Brisbane and go back to Alice Springs.
- 21 In conclusion, I find that Herbert August Hartung died on 4 August 2022 at West Beach in the State of South Australia after accidentally driving his car into the sea at the West Beach boat ramp whilst heavily intoxicated with alcohol, thereafter drowning when he was unable to escape the vehicle.
- 22 I make no recommendations.

*Keywords: Drowning*

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<sup>43</sup> [1938] 60 CLR 336

<sup>44</sup> Exhibit C5

<sup>45</sup> Exhibit C6