



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased, family, friends, youths and others by direction of the Coroner pursuant to s57(1)(c) of the Coroners Act 1995)

I, Olivia McTaggart, Coroner, having investigated the death of KQ

Find, pursuant to Section 28(1) of the Coroners Act 1995, that

- a) The identity of the deceased is KQ, date of birth 3 August 1958.
- b) KQ was aged 64 years at his death and lived with his wife in Ulverstone. He spent the majority of his life working at the Burnie Pulp Mill as a fitter and turner. KQ has two adult sons with his wife and a stepson. He was a licenced, experienced driver with a reasonable driving record.

On 11 May 2023, KQ was collected from his home by two friends from the Ulverstone Men's Shed. Together, the trio spent the day sailing and fishing. Sometime in the afternoon, another friend from the Men's Shed invited them to his home at Turners Beach for a social get together. KQ returned home briefly before driving to Turners Beach in his silver Holden Commodore utility. The four men spent about two hours together, during which time KQ consumed a longneck bottle of beer (750ml) and "a couple" of shots of whisky. His friends stated in their affidavits that he did not appear to be intoxicated.

At approximately 7.30pm that evening, KQ left the Turners Beach address and drove lawfully in a westerly direction a short distance along Clayton Road East. He then proceeded left into a short curved part of the road which acted as a turning circle or truck stop. This circular road re-joined Clayton Road East. However, at that intersection, vehicles are prohibited from continuing on Clayton Road East in a westerly direction as the road becomes a dual lane off-ramp from the Bass Highway for vehicles travelling in an easterly direction only. In the turning circle road, KQ was seen by a witness to stop or park his vehicle for a reason that cannot be determined. A short time later, he proceeded to

the intersection with Clayton Road East and made a left hand turn in order to travel in a westerly direction. Travel in this direction was prohibited by very clear signs at that intersection and further along the road that ought to have been visible to KQ.

KQ travelled along the off-ramp in the wrong direction, contrary to the signage, and then entered the dual east bound lanes of the Bass Highway. At that time, Mr Dean Emmerton was lawfully travelling east in the left hand lane of the Bass Highway in his Mazda BT50. His lights were on low beam and he was travelling at or just below the sign-posted speed limit of 110km/h. Mr Emmerton saw the headlights of an oncoming vehicle approaching him at close distance. This was the Commodore utility driven by KQ. Mr Emmerton braked and moved to the left in order to try and avoid a collision. However, he did not have time to do so and the right side of both vehicles collided in an off-set head-on position. Police and ambulance were called to the scene, where KQ was declared deceased. Fortunately, Mr Emmerton received only minor injuries.

KQ was not wearing his seat belt. There is evidence to suggest that his vehicle was poorly illuminated shortly before the crash, possibly only by park lights or very dull headlights. Furthermore, toxicological analysis reveals that KQ had a very high blood alcohol concentration of approximately 0.200g/100mL. I am satisfied that his ability to drive would have been significantly impaired due to the effects of alcohol. The evidence suggests that KQ may have been travelling in excess of the speed limit but I cannot make a positive finding in this regard.

It appears that KQ, in his intoxicated state, became confused as to his whereabouts and direction of travel in trying to make his way home to Ulverstone. I am satisfied that he did not intentionally drive in the wrong direction on the highway nor did he have suicidal plans.

- c) The cause of KQ's death was multiple severe injuries, including skull fractures, vertebral fractures, bilateral pneumothoraces, displaced rib fractures, pelvic fractures and right femur and right tibia fractures.
- d) KQ died on 11 May 2023 on the Bass Highway at Turners Beach, Tasmania.

In making the above findings, I have had regard to the evidence gained in the investigation into KQ's death. The evidence includes:

- The Police Report of Death for the Coroner;

- Affidavits confirming identity;
- Opinion of the forensic pathologist regarding cause of death;
- Toxicology reports of Forensic Science Services Tasmania for KQ and Mr Emmerton;
- Ambulance Tasmania records of attendance at the scene of the crash;
- Tasmanian Health Service and Ulverstone Medical Services records for KQ;
- Affidavits of attending and investigating police officers, including crash investigation and forensics officers, together with body worn camera footage, drive-through footage, drone footage, and photographs;
- Affidavit of transport inspector, Mr Caleb Davies;
- Tasmania Police information, including licencing and traffic offence records;
- Affidavit of LR, wife of KQ;
- Affidavit of MT, friend of KQ;
- Affidavit of CE, friend of KQ;
- Affidavit of JM, friend of KQ;
- Affidavit of Jye Howard, who saw KQ driving shortly before the crash;
- Affidavit of Julia Hill, driver of a vehicle at the crash scene; and
- Affidavit of Dean Emmerton, driver of the Mazda BT50.

Comments and Recommendations

I extend my appreciation to investigating officer Senior Constable Sven Mason for his investigation and report.

The circumstances of KQ's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of KQ.

Dated: 4 December 2023 at Hobart, in the State of Tasmania.

Olivia McTaggart
Coroner