



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Paul Thomas Gillam

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

- a) The identity of the deceased is Paul Thomas Gillam, date of birth 11 January 1950;
- b) Mr Gillam was aged 73 years at his death, was retired and lived by himself in Upper Burnie. He had never married and did not have children. For much of his working life, he had been employed as a weighbridge operator for the Burnie Pulp Mill. He had also been a talented sports person and involved in the sporting community. Unfortunately, Mr Gillam suffered some cognitive impairment which had worsened prior to his death. It appears that this condition originated from a head injury as a youth and may have been exacerbated by further head injuries, including a significant assault in 2020. In 2021 Mr Gillam's general practitioner filed an application to the Guardianship and Administration Tribunal for administration of his affairs by the Public Guardian and/or Public Trustee. Mr Gillam opposed the application, advising that he was capable of managing his affairs. However, the documented notes from health professionals indicate that Mr Gillam had almost no short-term memory, had limited insight, was repetitive in his communication, was living in squalor, and his paperwork and bills were neglected. Despite his difficulties, Mr Gillam was described by his friends as being open and friendly with a good sense of humour.

At 1.30pm on Friday 24 February 2023, Mr Gillam was walking along the east side of Wilson Street in Burnie to return to his car, which was parked in Wilson Street on the southern side of the Bass Highway. He approached the intersection of Wilson Street and the Bass Highway with a view to crossing the Bass Highway to reach his car. At this time, a Western Star Prime Mover with a fully laden trailer ("the truck") driven by David Scott was travelling east on the Bass Highway. Mr Scott drove through the intersection on a green light travelling approximately 65km/h in the 70km/h zone. At this time, Mr Gillam walked out onto the highway

using a section of the intersection without a pedestrian crossing and with no footpath on the other side. Mr Scott took evasive action to try and avoid Mr Gillam by partially mounting the curb of the highway on the right-hand side of the right lane. However, Mr Gillam was hit by the truck, with his head impacting the left side of the trailer and suffering massive injuries. He was dragged approximately 32 metres by the truck's forward momentum. He died immediately.

Mr Scott was an experienced truck driver. I find that he was driving the truck attentively and below the speed limit. He was unable to avoid contact with Mr Gillam despite reacting immediately by swerving his truck to the right and slowing down. Various defects were identified in the truck but they did not contribute to Mr Gillam's death.

The collision was entirely caused by Mr Gillam crossing the Bass Highway when it was not safe to do so. It appears that he did not see the oncoming truck or, alternatively, did not understand the risk of crossing the highway in front of it. Mr Gillam was known to cross the same section of the highway regularly without regard for his own safety. It seems that Mr Gillam's declining cognitive state caused a lack of awareness of his surroundings. I note that prior to his death a geriatrician had recommended that he be assessed in relation to his ability to retain his driver's licence. None of the evidence in the comprehensive investigation suggests that Mr Gillam had a history of suicidal thoughts or that he purposely walked into the truck with the intention of taking his own life. I am satisfied that his death was unintentional. I am satisfied that the weather conditions, road conditions, alcohol and drugs were not factors in this incident;

- c) Mr Gillam's cause of death was multiple injuries (head, neck, chest, pelvis, and limb) sustained as a pedestrian impacting with a log truck; and
- d) Mr Gillam died on 24 February 2023 at Burnie, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits confirming identification;
- Opinion of the State Forensic Pathologist, who conducted the autopsy;
- Toxicology report of Forensic Science Service Tasmania;

- Medical records for Mr Gillam from Tasmanian Family Medical and Tasmanian Health Service;
- Affidavits of four friends/associates of Mr Gillam regarding his life and background;
- Affidavits of 11 witnesses to the incident;
- Affidavit of David Scott, driver of the log truck involved in the incident;
- Affidavits of six attending and investigating police officers, including Crash Investigation Officers and Forensic Services officers, together with photographs and body worn camera footage;
- CCTV and dashcam footage;
- Vehicle registration and driver licencing information; and
- Affidavit of Safety and Compliance Officer of the National Heavy Vehicle Regulator regarding the condition of the prime mover and trailer.

### **Comments and Recommendations**

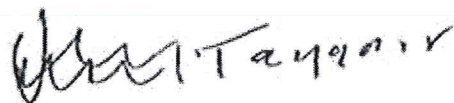
I extend my appreciation to investigating officer Senior Constable Sven Mason for his investigation and report.

The circumstances of Mr Gillam'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 Mr Gillam.

**Dated:** 15 March

2024 at Hobart, in the State of Tasmania.



**Olivia McTaggart**

**Coroner**