



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Daniel Brian Johnson

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

- a) The identity of the deceased is Daniel Brian Johnson, date of birth 23 September 1975.
- b) Mr Johnson was 47 years of age and lived by himself in Prospect, Launceston. He was divorced and was a father of two adult children and grandfather to four grandchildren. He worked as a support worker for Anglicare.

At 10.45pm on 7 February 2023, Mr Johnson was driving alone in his Toyota Corolla sedan in the correct lane along the Bass Highway, near Deloraine, in an easterly direction. At that time, another vehicle travelling in the opposite direction, and within Mr Johnson's lane, collided head-on with his vehicle. The other vehicle, a Nissan Navara dual-cab utility, was driven by Xavier Cunnings, aged 21 years. Mr Cunnings was returning from Launceston airport. His partner, mother and sister were passengers in the utility. Mr Cunnings had driven into the opposite lane to overtake a milk truck when he crashed into Mr Johnson's vehicle. The headlights of Mr Johnson's vehicle approaching should have been visible to him. Further, an overtaking lane was available to Mr Cunnings, as signed, about two kilometres further on from the point of the crash. Both drivers of the vehicles and passengers of Mr Cunnings vehicle were then transported to the Launceston General Hospital. Mr Johnson and Mr Cunnings' partner sustained serious injuries.

Mr Johnson was assessed as having two broken legs and significant internal injuries. He remained as an inpatient, with appropriate anticoagulation medication, and was progressing well until 26 February 2023. On that date, he had a cardiac arrest presumed to be due to a massive pulmonary embolism. He was resuscitated, provided with thrombolysis and transferred to the intensive care unit. However, he remained unconscious and on life support measures. He showed no signs of

neurological function following his cardiac arrest and there was no prospect of him recovering. After consultation between Mr Johnson's treating doctors and his family members, the decision was made to withdraw his life supports. Once his support measures were withdrawn, Mr Johnson passed away.

I am satisfied upon the evidence that no part was played in this crash by alcohol, drugs, road and weather conditions, or vehicle defects. Mr Johnson tried to avoid the crash by swerving but he could not have done anything more.

- c) Mr Johnson's cause of death was pulmonary thromboembolism due to deep vein thrombosis caused by multiple injuries (chest, abdominal, and limb) occurring in the crash. After conducting an autopsy upon Mr Johnson, the State Forensic Pathologist, Dr Andrew Reid, stated that he observed a massive pulmonary thromboembolism which blocked the right main pulmonary artery and caused Mr Johnson's cardiac arrest and death. Dr Reid reported that deep vein thrombosis and pulmonary embolism is a well-recognised complication of trauma. In particular, multiple injuries causing haemorrhage such as those sustained by Mr Johnson are associated with abnormal blood clotting.
- d) Mr Johnson died on 27 February 2023 at Launceston, Tasmania.

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

- The Police Report of Death for the Coroner;
- Hospital Report of Death for the Coroner;
- Affidavit confirming identity;
- Opinion of the State Forensic Pathologist following autopsy;
- Toxicology report of Forensic Science Service Tasmania;
- Ambulance Tasmania record of attendance;
- Tasmanian Health Service records for Mr Johnson;
- Analysis of blood sample report for Xavier Cunnings;
- Affidavit of Robyn Johnson, mother of Mr Johnson;
- Statutory declaration and dash-cam footage of the truck driver;
- Affidavit of Melissa Black, partner of Mr Cunnings;
- Affidavit of Casey Perkins, transport inspector regarding inspection of the Nissan Navara and the Toyota Corolla;

- Four affidavits of attending and investigating police officers, together with photographs, body worn camera footage and drone footage;
- Police record of interview of Xavier Cunnings;
- Weather observations for the time of the crash;
- Tasmania Police records relating to Mr Johnson and Xavier Cunnings; and
- Court of Petty Sessions documentation relating to the charges against Xavier Cunnings.

Comments and Recommendations

I am satisfied that a thorough investigation has taken place in respect of Mr Johnson's death.

Mr Cunnings was charged with and pleaded guilty before Magistrate Edwards to causing Mr Johnson's death by negligent driving contrary to section 32(2A) of the *Traffic Act 1925*.¹

On 20 June 2024, Magistrate Edwards convicted and sentenced Mr Cunnings to six months imprisonment, wholly suspended for 12 months on the condition that he not commit another offence punishable by imprisonment during that period. Mr Cunnings was also disqualified from holding or obtaining a driver's licence for a period of 9 months.

I am satisfied upon the evidence that Mr Johnson's death was caused solely by Mr Cunnings driving in the lane for vehicles travelling in the opposite direction whilst attempting to overtake a truck. The overtaking manoeuvre was both unnecessary and unsafe. As a driver holding a P2 licence, inexperience may have played a role in his decision. Tragically, this act of driving caused Mr Johnson's death.

I further comment that no issues arise in this investigation regarding the medical treatment of Mr Johnson at the Launceston General Hospital following his crash.

I extend my appreciation to investigating officer Constable Naomi Davey for her investigation and report.

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

¹ He also pleaded guilty to one count of Causing Grievous Bodily Harm by negligent driving, relating to the injuries suffered by his partner. The sentence related to both charges.

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

Dated: 14 October 2024 at Hobart, in the State of Tasmania.

Olivia McTaggart
Coroner