



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Leigh Mackey, Coroner, having investigated the death of Bailey Matthew Grant Seabourne

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

- a) The identity of the deceased is Master Bailey Matthew Grant Seabourne. He was 16 years old when he died. In these findings I will refer to him as Bailey;
- b) Bailey died from head and neck injuries suffered by him as a result of being ejected from a motor vehicle which rolled after travelling at speed. He was a rear, unrestrained, passenger in the vehicle;
- c) Bailey's cause of death was head and neck injuries; and
- d) Bailey died on 9 May 2022 at Wesley Vale, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Bailey'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;
- Tasmania Ambulance VACIS records;
- Statutory Declaration of Paula Seabourne;
- Statutory Declaration of Kim Holm;
- Statutory Declaration of Rhys Travers;
- Statutory Declaration of Olivia Gillespie;
- Statutory Declaration of Brooke Guard;
- Statutory Declaration of Dylan Vetesi;
- Statutory Declaration of Paige Bilson;
- Statutory Declaration of Jordy Wall;
- Statutory Declaration of Jamie Rowell;

- Statutory Declaration of Richard Lawson;
- Statutory Declaration of Darryl Castles;
- Statutory Declaration of Justin Cousens;
- Statutory Declaration of Shaye Barker;
- Statutory Declaration of Zavier Bowden;
- Statutory Declaration of Seth Townsend;
- Statutory Declarations of Seth Brown;
- Statutory Declaration of Sarah Brown;
- Statutory Declaration of Michael Brown;
- Statutory Declaration of Senior Constable Windfeld-Peterson and body worn camera footage;
- Affidavit of First Class Constable Dean Wotherspoon and photographs;
- CCTV footage Devonport Bluff;
- Statutory Declaration of Senior Constable Sven Mason, Crash investigator, and body worn camera footage;
- Affidavit of Mr Evan Transport Safety and Investigation officer; and
- Medical report dated 12 October 2022.

Background

Bailey was born and raised in the Northwest region of Tasmania. Bailey lived with his grandmother and attended Latrobe High School. On the day of his death he had been working at a local car smash repair business for work experience. He was engaged in this work two hours a day for two days a week. Bailey was fit and healthy.

Seth Brown (Brown) is a resident of Devonport. He was, at the time of the accident, a novice driver and was licensed at PI level. As such his licence to drive was subject to conditions including that he drive with no more than one peer passenger aged between 16 to 21 years of age in the vehicle. On 9 May 2022, and contrary to his PI licence conditions, Brown drove with four others in his vehicle. Mr Xavier Bowden (Bowden), who was 19 years of age at the time, was seated in the front passenger seat. Mr Seth Townsend (Townsend) was seated on the rear passenger seat directly behind Bowden. He was 18 years of age. Ms Shayla Barker (Barker), Townsend's partner, was seated in the middle of the back seat. She was 15 years of age. Bailey was seated in the rear passenger seat behind Brown.

Brown had no record of driving offences or infringements prior to the accident. He was driving a red 1995 Nissan Navara Utility (Navara). He had bought the vehicle from his grandfather. Examination of the Navara after the accident was undertaken by Transport Inspector Mr Evans

who found it to have been in a sound and roadworthy condition prior to the accident. The inspection of the Navara did not identify any aspect that contributed to the accident.

In the hours prior to the accident Brown drove his vehicle in a foolhardy and reckless manner around Devonport. At times he was speeding, performing burnouts and drifting in suburban streets and around public playgrounds and carparks. The manner of his driving posed a significant risk to himself, those present in his vehicle as well as to the public generally.

In the period shortly prior to the accident Brown made three stops. The first was at an address in Burrows Crescent in Devonport where a dog owned by Townsend and Barker was left, a second at a petrol station, and the third stop was at the house where Bailey lived with his grandmother. Townsend recalls not feeling “*too unsafe*”¹ in the vehicle despite the manner of Brown’s driving. Nevertheless, given the circumstances it is surprising that the occupants of the Navara remained and travelled as passengers despite the opportunity to leave at any one of the three stops. The decision making of Brown as driver of the vehicle and of his passengers who remained when they were aware of the risks he was taking with his driving, is indicative of a lack of common sense and maturity of those present and endorses the sense behind the PI restriction for peer passengers.

Toxicology tests undertaken in respect of blood samples obtained from Bailey after his death and from Brown revealed neither to be affected by illicit, non-prescribed drugs or alcohol at the time of the accident.

Seatbelts

Brown and Bowden, the driver and front seated passenger in the vehicle were both wearing seatbelts. Of the three rear seated passengers, Townsend and Bailey were not restrained by seatbelts at the time of the accident. Townsend claimed that he was secured by his seatbelt however he was ejected from the vehicle as it flipped and on examination after the accident his seatbelt was found to be fully retracted and jammed suggesting the seatbelt had not been worn by him at the time of the accident.

Barker remained in the vehicle during the accident. She was removed from it by Townsend after the accident. Barker believed that her seatbelt was not operational however testing undertaken of the seatbelt following the accident demonstrated it to be functional. She recalls telling Brown that neither she nor Bailey were able to use their seatbelts as they “*wouldn’t clip in*”.² Bowden recalls it was Bailey that told Brown that he was unable to put his seatbelt on and it was jammed. Townsend recalls both Bailey and Barker told Brown that they were unable

¹ Statutory Declaration of Seth Townsend declared 21 May 2022.

² Statutory Declaration of Shaye Barker declared 21 May 2022.

to use their seatbelts. It is not certain as to whether Barker had her seatbelt on or off at the time of the accident.

Bailey was not wearing a seatbelt. He was ejected from the vehicle onto the roadway during the accident. He landed on the roadway a distance of 7.8 metres from the resting place of the vehicle, 23.3 metres from the first gouge mark and 9.4 metres from the final gouge mark. The gouge marks reflect the impact of the vehicle's tyre rims with the road surface as the vehicle flipped. Bailey's seatbelt was twisted in the buckle and jammed and could not be extended to meet the receiving end. The seatbelt was unable to be tested after the accident due to the damage sustained to the vehicle.

Speed

Brown drove east on Pardoe Road from the Brooke Street/Pardoe Road/Port Sorell Road roundabout to the site of the accident on Mill Road just past the airport turnoff. The road was subject to a 100 km/hour speed limit. Shortly after the turn off to the airport the road had a bend which was signposted with a 65 km/hour speed advisory sign.

The Navara was fitted with a digital speedometer attached to its dashboard. It reflected a speed reading onto the windscreen. Some of the passengers in the vehicle were able to read the speed reading. Bowden was not able to read the speedometer reading but believes that as Brown drove along Pardoe Road he was travelling at between 90-100 km/hour and at 70-90 km/hour as he started driving around the bend just past the airport turnoff. He bases this assessment on how it felt to him at the time. Townsend recalls that Brown was travelling at about 120 km/hour along Pardoe Road and as he got to the corner past the airport turnoff he was travelling at 127 km/hour as he attempted to drift the car around corner. He bases the assessment of the speed of the vehicle on the readings of the digital speedometer which he could clearly see. Barker states that the Navara was travelling at speeds of 120 km/hour on Pardoe Road and 127 km/hour on Mill Road immediately prior to the accident. She bases this on seeing the readout of the digital speedometer.

Testing was conducted by Tasmanian Police on the accuracy of the speedometer by comparing its speed readings to police radar readings. As a result of that testing the speedometer was found to overstate the speed of the vehicle by approximately 6% such that a speedometer reading at 140 km/hour was recorded on radar at 132 km/hour or at 120 km/hour was recorded by radar at 112 km/hour.

Moments before the accident Mr Lawson was driving himself and his wife East on Pardoe Road toward the turnoff to the airport. As he slowed to make the turn into the airport his vehicle was overtaken by the Navara. This is the first time he had seen the vehicle behind him on the

roadway leading him to the conclusion that it must have been travelling at a fast speed to have caught up to him between the roundabout on Pardoe Street and the airport turnoff. As he turned into the turnoff, he remarked to his wife that “*they seemed to be in a hurry*”.³ He estimated the speed of the Navara as being just over the 100 km/hour speed limit.

Mr Rowell was driving a Kenworth prime mover towing a laden semi trailer west along Pardoe Road. As he drove just past the turn off to the Devonport Airport he saw the Navara drive toward him. He recalls the Navara as driving quickly and felt that it needed to slow down because it was going too fast for the corner coming up just past the airport turn-off.

Mr Castles was driving west on Old Mill Road after playing a round of golf at the Port Sorrell Golf Club. As he drove toward the airport turnoff he saw the Navara come suddenly into view heading in an easterly direction toward him. It appeared to him that it was travelling “*quickly, over the speed limit and I thought something bad was going to happen*”.⁴ He saw the Navara go wide on the road, its back wheels enter the gravel on the road verge before rolling at least three times. In his assessment the Navara was going at a speed that was too fast for the corner.

Senior Constable Mason, an experienced crash investigator, attended the accident scene on 9 May 2022 and undertook an investigation. He identified markings on the road surface left by the Navara. A 39.6 metre long tyre mark extended down the side of the gravel verge. It measured 1.3 metres from the edge of the bitumen surface of the road at its furthest point.⁵ Senior Constable Mason attributes this mark to the left hand rear tyre of the Navara. A second tyre mark was measured at 24.5 metres long and was in the east bound lane. This mark is attributed to the front left tyre. At the end of this mark was a long gouge which was made by the impact of the tyre rim on the bitumen surface as the vehicle rolled.⁶ A third mark, 14.5 metres long, attributed to the rear right tyre commenced at the edge of the bitumen and continued on the top of the gravel verge. The tyre marks were considered to have been made by the Navara under steering and in yaw⁷ and not by heavy braking.

Over a distance of 30.5 metres from the end of the gouge mark made by the front left tyre to the post accident resting place of the Navara a number of gouges were on the road surface caused by the rims of the vehicle and one caused by its towbar assembly. In this area the road surface had numerous scratches and red paint transfer together with a large amount of

³ Statutory Declaration of Richard Lawson declared 20 May 2022.

⁴ Statutory Declaration of Darryl Castles declared 20 May 2022.

⁵ Statutory Declaration of Senior Constable Mason declared 5 October 2022 p6.

⁶ Statutory Declaration of Senior Constable Mason declared 5 October 2022 p6.

⁷ Yaw refers to a sideways movement of a vehicle for example when the rear of a vehicle rounding a corner slides sideways and moves from the path in which the vehicle had been moving.

shattered glass from the Navara consistent with it having rolled a number of times over that distance.

The tyre marks were used to estimate the speed of the Navara at the time of losing control on the bend on Mill Road. This analysis calculated the minimum speed of the Navara at 87 km/hour. Given the witness statements discussed previously it is unlikely that the Navara was travelling at this speed. Critical curve speeds were also conducted which found that the curve could be negotiated without going into yaw at between 102-110 km/hour. In the opinion of Senior Constable Mason, based on his examination of the scene and tests conducted, the Navara was travelling in excess of 102 km/hour when it commenced going into yaw.⁸ I accept the analysis of Senior Constable Mason and find accordingly that Brown drove the Navara at no less and quite likely a greater speed than 102 km/hour through the bend east of the airport turnoff on Mill Road.

The Accident

Brown and his passengers decided to go to Moorlands Beach after having driven around East Devonport. The accident occurred at approximately 12.55 pm on Mill Road Wesley Vale 169 metres east the Devonport Airport turnoff.⁹ The road runs generally west to east, has a bitumen surface which was in good condition and two single carriageways, one travelling east and the other west, both approximately 3.75 metres wide.¹⁰ To the left of the east bound lane was a gravel verge measuring between 600-1000 mm wide.¹¹ The weather was clear and fine.

Brown drove along the road in an easterly direction. As I have found earlier in these findings, he was driving at speed of 102 km/hour or greater as he rounded the bend on the roadway east of the airport turnoff. Whilst negotiating the bend he attempted to drift the Navara but lost control as its left rear tyre entered the gravel verge on the passenger side. The Navara flipped three to four times before coming to rest in an upright position on the west bound lane (the incorrect side) with its front end off the road and into a gutter running parallel with the roadway.

Bailey was ejected from the vehicle and landed in the east bound lane approximately 7.8 metres west from the car's final position and 23.3 metres from the end of the first gouge mark left in the road by the vehicle flipping. He was deceased by the time first emergency responders arrived at the accident. Brown suffered significant head and spinal injuries, had to be cut from the vehicle and required emergency air transport to hospital for treatment. Townsend suffered

⁸ Statutory Declaration of Senior Constable Mason declared 5 October 2022 p16.

⁹ Statutory Declaration of Senior Constable Mason declared 5 October 2022 p6.

¹⁰ Statutory Declaration of Senior Constable Mason declared 5 October 2022 p6.

¹¹ Statutory Declaration of Senior Constable Mason declared 5 October 2022 p6.

minor injuries including a laceration of the left knee. Bowden suffered a fractured collar bone, skull fracture and fracture of C7. Barker suffered spinal injury, fractured left shoulder and head laceration.

The scene of the accident was attended immediately by members of the public and then shortly after by several emergency responders including Tasmanian Police, Police Forensic and Crash Investigation, Tasmanian Ambulance and Fire Services. I have viewed the body worn camera footage of their attendance at the scene in the aftermath of the accident and commend their professionalism and their care as they attended to the needs of those there.

Comments and Recommendations

There were no factors relevant to the vehicle, road surface or the environment that might have caused or contributed to the accident. I find that the accident was caused solely by the actions of Brown driving the Navara at a speed too great for the road conditions, contrary to speed advisory signage and the speed limit, and causing the rear tyre of the Navara to enter the gravel verge both factors resulting in a loss of control of the vehicle. Bailey's death was contributed to by him not being restrained by a seatbelt.

As a result of his driving on 9 May 2022 Brown pleaded guilty to and was accordingly convicted in the Supreme Court of Tasmania of the crimes of causing death by dangerous driving and dangerous driving and was sentenced to two years and six months imprisonment with effect from 28 June 2024. He will be eligible for parole after he has served 15 months of that sentence and was disqualified for driving for three years. It was ordered that the Navara be forfeited to the State.

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

The circumstances of Bailey'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 Bailey.

Dated: 28 March 2025 at Hobart, in the State of Tasmania.

Leigh Mackey
Coroner