



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 Troy John Clinton Kenny

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

- a) The identity of the deceased is Troy John Clinton Kenny, date of birth 20 November 2004;
- b) Mr Troy Kenny was 18 years old at the time of his death. He lived in East Devonport, Tasmania until the age of 5 before moving to Latrobe where he lived with his father. Mr Kenny was a fit and healthy young man. He was employed full-time and regularly attended the gym. He lived an active lifestyle.

On 18 June 2023 Mr Kenny was driving from his home in Latrobe to Devonport where he intended to pick up his girlfriend Arriellah and go to the cinema to watch a screening of *The Flash*.¹ He was driving a grey Ford Falcon XR6 Sedan (Ford) and held a provisional driving licence (P2). As Mr Kenny drove the Ford along the Bass highway westbound toward Devonport Mr Dirgantara was also driving westbound on the Bass Highway in a Land Rover (Land Rover). The Land Rover was travelling at a slower speed than the Ford and Mr Kenny moved into an overtaking lane and drove past and ahead of the Land Rover.

At the same time Mr Rowe was driving a Mitsubishi Magna (Mitsubishi) eastbound on the Bass Highway. He held a provisional driver's licence (P1) and was restricted to travelling at a maximum speed of 100 kilometres per hour. Mr Rowe was observed by witnesses to be travelling at high speed and overtaking other vehicles.² As he travelled on a downhill section of the highway the Mitsubishi lost traction on the road surface, crossed double

¹ Affidavit – Lisa Wilson, Page 2.

² Affidavit – Kiesha Connolly, Page 1.

centre lines and entered the westbound lanes on the highway colliding with the Ford and then the Land Rover.

Weather conditions at the time were severe. Data obtained from the Bureau of Meteorology indicated wind speeds of approximately 61 kilometres per hour with gusts up to 82 kilometres per hour and heavy and continuous rain. Witnesses describe a significant volume of water flowing across the road surface in the area of the collision.³

The force of the impact between the Ford and Mitsubishi was significant and the damage to both the Ford and the Mitsubishi catastrophic. The force of the collision caused the rear of the Ford to lift from the road surface and its engine and dashboard propelled backward into the driver's compartment, crushing the area where Mr Kenny was seated. Due to the extent of the structural damage to the Ford, Mr Kenny required to be extricated by emergency responders and was transported by ambulance to the Mersey Community Hospital. He was diagnosed with a severe brain injury which was not survivable.

Toxicology testing of Mr Kenny's postmortem blood revealed that he was not affected by alcohol nor illicit or licit drugs. Blood/oral fluid test of a sample of Mr Rowe's blood or oral fluid also did not reveal the presence of alcohol or illicit or licit drugs other than fentanyl at a therapeutic level and ondansetron at a sub-therapeutic level. These drugs were likely administered during Mr Rowe's post-accident medical care.⁴

The collision occurred on a section of the Bass Highway 60 metres west of the entrance to Tas Freight Logistics. The speed limit for this section of highway is 110 kilometres per hour. The highway has a north-west/south-east orientation in this area with 2 lanes for traffic in each direction, the left-hand lane on each side being used as an overtaking lane. The point of collision was on the westbound lane of the highway, the opposite lane for the direction of travel of the Mitsubishi.

The accident was investigated by Western District Crash Investigation Services, Senior Constable Damian Howden, an experienced and qualified collision analyst. Senior Constable Howden concluded that Mr Rowe was travelling at excessive speed at the time of the collision. The speed of the

³ Affidavit - 1st Class Constable Wortherspoon, Page 2.

⁴ Report Mr McLachlan-Troup dated 1 August 2023.

Mitsubishi was estimated to have been excessive given the conditions, speed limit in the area and the provisional licencing conditions. The assessment of the speed of the Mitsubishi was based on the report of witnesses who had observed its travel immediately prior to the accident and the extent of the force of the collision evident in the degree of damage of the Mitsubishi and Ford.

The Mitsubishi and Ford were assessed for roadworthiness prior to the collision by Craig Shepherd, automotive mechanic and Transport Safety and Investigation Officer with the Department of State Growth. Mr Shepherd found the tread depth of both rear tyres on the Mitsubishi to be less than 1mm and not compliant with use on public streets in Tasmania. The absence of sufficient tread on the Mitsubishi reduced its capacity to clear water and other debris on the road surface and affected the vehicle's stability whilst driving through pooled water at high speed.⁵ The size of the front tyres on the Mitsubishi also did not match with the difference in rolling circumference between the tyres calculated at 64.41mm which would hamper the efficiency of the Mitsubishi's ABS braking system.

All drivers were wearing seatbelts at the time of the collision and the airbags fitted in the Mitsubishi were deployed. No airbags were deployed in the Ford. Senior Constable Howden concluded that it was unlikely that the Ford was fitted with airbags. The evidence does not disclose whether, had airbags been fitted and deployed in the Ford, this would have saved Mr Kenny's life however noting that Mr Rowe survived the impact suggests that deployment of airbags may have made some difference to the survivability of the accident for Mr Kenny. The momentum of the accident and intrusion of the vehicle components into the cabin of the Ford, were, however, so significant that the appropriate use by Mr Kenny of a seatbelt did not provide him with lifesaving support/restraint sufficient to withstand the impact.

Mr Rowe's driving history included a previous single vehicle crash in wet conditions on the 11 December 2022 but did not include any driving or traffic offending. Mr Rowe pleaded guilty to causing death by dangerous driving and was sentenced to a term of three years imprisonment and disqualified from driving for 2 years to commence after his release from Prison. The circumstances of the accident and consequent death of Mr

⁵ Collision analysis report September 2023.

Kenny are accurately described in the comments on passing sentence of Jago J when sentencing Mr Rowe and I annexe those comments to these findings.

I find that Mr Rowe lost effective control of the Mitsubishi by reason of the speed at which he was travelling and the presence of water over the section of the Bass Highway immediately prior to the collision, resulting in the vehicle crossing double continuous white lines and into the oncoming westbound lanes of the Highway;

- c) Mr Kenny suffered multiple injuries, abrasions and lacerations to his head, face, abdomen, right arm, left and right leg as a result of the collision. I find that he died from multiple (head, brain, and chest) injuries due to a motor vehicle collision; and
- d) Mr Kenny died on 19 June 2023 at Latrobe, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Troy John Clinton Kenny's death. The evidence includes:

- The Police Report of Death for the Coroner;
- Affidavits confirming identity;
- Medical records of Messrs Kenny and, Rowe Dirgantara;
- Reports regarding the breath and blood testing of Messrs Kenny and Rowe;
- Affidavit of Lisa Wilson sworn on 12 July 2023;
- Affidavit of Mochamad Dirgantara, sworn on 21 June 2023;
- Affidavit of Kiesha Connolly, sworn on 6 July 2023;
- Affidavit of Megan Smith, sworn on 2 July 2023;
- Affidavit of Transport safety and Investigation officer, Craig Shepherd, sworn on 28 July 2023;
- Eyewitness Affidavits;
- Crash Investigation and forensic reports, police affidavits, reconstruction video and photographs;
- Ambulance Tasmania and hospital records;
- Opinion of the forensic pathologist, Dr Scott Reid, regarding cause of death dated 5 September 2023;
- Recorded video interview Mr Rowe;
- Comments on Passing Sentence;

- Bureau of Meteorology data;
- State Growth traffic accident statistics Bass Highway; and
- Letter from Linda Sartori 19 June 2023.

Comments and Recommendations

The area of the Bass highway in which the collision occurred is known to be prone to pooling water during rain events. Pooling of water on a road surface is a hazard for users of the road due to the potential for loss of traction and control of vehicles travelling through pooled water and a loss of visibility as vehicles throw up water spray whilst driving through the water. I acknowledge a letter received during this investigation from Linda Sartori, a passenger in a vehicle that drove through the section of the Bass Highway at which the collision occurred prior to its occurrence. She observed, at that time, a stream of water running across the surface of the highway, it was difficult to detect and a significant volume of water spray was thrown onto the windscreen as the vehicle drove through it temporarily blinding the driver. This detracts from the safe use of the highway.

The weather conditions prevailing at the time of the collision were poor. It was dark, windy and raining. These factors ought to cause a reasonably prudent driver to take care for their own safety and that of other road users in their proximity by slowing down and driving to the conditions. Mr Rowe failed to drive to the conditions and as a result of his speed, the lack of sufficient tread on the rear wheels of the Mitsubishi and the water egress onto the road surface, predictable due to the weather conditions, he lost control of his vehicle causing the collision and death of Mr Kenny. There was nothing in the manner of Mr Kenny's driving that contributed to the collision. It is possible that the absence of airbags in the Ford deprived him of some protection from the effects of the collision. Whether that protection would have been sufficient to save his life is unknown.

This accident serves as a reminder of the importance for drivers to treat the privilege of driving with respect and to be mindful of and drive appropriately to the prevailing road and weather conditions not only for their own health and safety but also for the health and safety of all other road users in their vicinity.

At the time of the accident "*Slippery When Wet*" warning signs were in place on the highway. Following the accident, further signage was erected by the Department of State Growth approximately 700ms in both directions from the point of collision stating "*Beware of Water on Road after Heavy Rain*". The speed limit in the area was also temporarily reduced from 110km/hr to 80km/hr pending completion of road works to

improve the skid resistance of and reduce the pooling of water on the road surface in the area of the collision. Following completion of resurfacing to improve slip resistance and water drainage in February 2025 the “*Slippery When Wet*” warning signs were removed and the speed limit reinstated at 110km/hr.

The circumstances of Mr Troy Kenny’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 extend my appreciation to investigating officer Sergeant Damian HOWDEN for his investigation and report and convey my sincere condolences to the family and loved ones of Mr Kenny.

Dated: 31 July 2026 at Hobart, in the State of Tasmania.

Leigh Mackey
Coroner

Addendum

These findings have been amended by an order pursuant to section 58C(1)(c) of the *Coroners Act* 1995, dated 14 August 2026, as there are mistakes in the record of the findings, namely mistakes relating to the date of the accident and the license conditions Mr Kenny was subject to.

Amendments have also been made to clarify the circumstances surrounding Mr Kenny’s upbringing.