



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2017 001567

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

Findings of:	Paresa Antoniadis Spanos
Deceased:	Kevin Simon Porker
Date of birth:	4 February 1997
Date of death:	On or about 6 April 2017
Cause of death:	Multiple injuries sustained in a motor vehicle incident (driver)
Place of death:	Perdrisat Road, Maude

I, PARESA ANTONIADIS SPANOS, Coroner,

having investigated the death of KEVIN SIMON PORKER without holding an inquest:

find that the identity of the deceased was KEVIN SIMON PORKER born on 4 February 1977

and that the death occurred on or about 6 April 2017

at Perdrisat Road, Maude, Victoria 3331.

from:

I (a) MULTIPLE INJURIES SUSTAINED IN A MOTOR VEHICLE INCIDENT (DRIVER)

Pursuant to section 67(1) of the **Coroners Act 2008**, I make findings with respect to **the following circumstances:**

1. Mr Porker was a 40 year old truck driver who resided with his fiancée Stefanie Teixeira and his parents, Graeme and Cheryl Porker, on the family farm at Lowaldie, South Australia. Ms Teixeira was at 39 weeks' gestation and gave birth to their first child, a son, about 24 hours after Mr Porker's death. Mr Porker is described by those who knew him as reliable, conscientious and committed to the tasks he was required to perform.
2. Mr Porker ran a farming business from the family farm, and also ran a trucking business. He owned a 1997 Ford prime mover ('the truck') and for the three years prior to his death he was sub-contracted by K. Englefield Winegrape Services ('the company') to undertake wine grape cartage which was seasonal work predominately performed between January and March each year.¹
3. On 5 April 2017, having already done one delivery to a winery that morning, Mr Porker and Ms Teixeira went to the company's truck yard in Mildura to see if they had another load of grapes to pick up. Mr Porker was allocated a load from Robinvale for delivery to the Idyll Winery at Anakie. Mr Porker drove the truck to Mr Porker's uncle's yard in Merbein where Mr Porker checked the brakes and tyres.² Ms Teixeira accompanied him as a passenger.
4. At about 5pm, Mr Porker and Ms Teixeira left for Robinvale to collect about 35 tonnes of grapes,³ stopping for a meal at KFC on the way. When they arrived at the vineyard, they waited an hour for a crane to load the truck. Mr Porker slept in the bunk of the truck while they waited.⁴
5. At about 8.30pm Mr Porker and Ms Teixeira left Robinvale for Anakie, which they expected to be a four to five hour trip. Mr Porker telephoned other truck drivers to

¹ Coronial Brief of Evidence, Statement of Stefanie Teixeira

² Coronial Brief of Evidence, Statement of Daniel Englefield

³ Coronial Brief of Evidence, National Wine Grape Despatch Docket 152027

⁴ Coronial Brief of Evidence, Statement of Stefanie Teixeira

enquire as to the best route to Anakie, and followed their advice. However, when they arrived at Sturt Mill, Ms Teixeira used the Google Maps app on her phone to find the route to Anakie, and they followed the route suggested.

6. When they reached Meredith, Mr Porker asked Ms Teixeira to find an alternative route as he didn't like the roads they were travelling on due to the number of hills. Ms Teixeira started searching on Google Maps for an alternative route.
7. In the meantime, Mr Porker continued following the directions previously given and turned onto Perdristat Road.⁵ He felt uncomfortable driving on Perdristat Road as it was hilly and winding. The truck was gaining speed and Mr Porker was trying to change to lower gears. At one point, he almost stood over the steering wheel in an attempt to control the truck going through the bends. According to Ms Teixeira, Mr Porker was not wearing his seatbelt.⁶
8. Ms Teixeira felt the rear trailer swing out and the truck become airborne before landing on its roof. When the truck came to rest, Ms Teixeira called out to Mr Porker and tried to make a phone call but had no reception. Ms Teixeira freed herself from the wreckage and started looking for Mr Porker but could only see his hand as the rest of his body was buried in the grass and underneath the truck. She looked for but could not find a pulse.⁷
9. Ms Teixeira walked away from the wreckage and up a hill until she found reception and at about 2.02am was able to make contact with emergency services. A volunteer fire fighter was first on the scene, shortly followed by Victoria Police and later an ambulance. Ms Teixeira was air-lifted to Royal Melbourne Hospital where she gave birth to her son on 7 April 2017.⁸
10. Leading Senior Constable Kristen Towers from Bannockburn Police Station arrived at the collision site at about 3:53am on 6 April 2017, commenced investigating the circumstances of the collision and ultimately compiled the brief of evidence on which this finding is largely based. When LSC Towers arrived, the truck and trailers were lying upside down in an embankment, partially in a paddock on the south side of Perdrisat Road, some 125 metres east of the Moorabool River Bridge.
11. Both Country Fire Authority and State Emergency Service worked to free the driver from the crushed cabin of the truck. About three hours after the collision, Mr Porker

⁵ Coronial Brief of Evidence, Statement of Stefanie Teixeira

⁶ Coronial Brief of Evidence, as above.

⁷ Coronial Brief of Evidence, as above.

⁸ Coronial Brief of Evidence, as above.

was extracted from the wreckage and Ambulance Victoria paramedics confirmed that he was deceased.⁹

12. The brief of evidence compiled by LSC Towers demonstrates that:
- a. The truck driven by Mr Porker was a white 1997 Ford prime mover with South Australian registration SB07KB. There were two trailers attached to the prime mover bearing South Australian registration 986865 and 869995.
 - b. The truck suffered major damage to the front cabin area as a result of rolling. The impact was so severe that the front cabin was flattened and torn from its mounts and all interior and exterior components were smashed on impact.
 - c. The truck was issued with a South Australia defect notice B545447 on 4 March 2017 which listed deficiencies and repairs including: all rear lights to be operational; steering wheel loose; front drive differential oil leaking; air tank drain valves to operate; and *right rear shocker* leaking. The truck was categorised as having a major defect and the vehicle could only be driven for 24 hours from issue of the notice then driven forthwith to a place of repair.
 - d. Mechanical Investigator Dale Woodland inspected the truck on 18 May 2017 and has sworn a statement with respect to his inspection.¹⁰ According to his statement, of the defects listed on the defect notice, only the loose steering wheel and drain valve operation had been rectified. The front drive axle differential oil leaks were still present, and the *passenger side front drive axle shock absorber* was leaking. Due to electrical damage sustained in the collision, he was unable to determine the operation of the rear lights. Mr Woodland inspected the braking system and found that all axles except the 'B' trailer driver side front and mid axle required adjustment. Mr Woodland's investigation did not reveal any mechanical failures with the truck which would have caused or contributed to the collision. However he is of the opinion that:
 - i. the brakes were compromised and may not have been sufficient to stop the combination in an emergency situation within a satisfactory distance.
 - ii. a differential oil leak does not affect the driveability or handling of the vehicle and that oil leak present would not be enough to leave the road

⁹ Coronial Brief of Evidence, Statement of Kristen Adriana Towers

¹⁰ Coronial Brief of Evidence, Statement of Dale Westoby Woodland

surface behind it in a dangerous state. However, if the oil runs too low this can prematurely cause wear on the differential components.

- iii. the leaking front drive axle shock absorber indicates progressive deterioration of components of the suspension, which would reduce the dampening effect of a particular suspension assembly to some extent. While this will result in less than optimum vehicle handling, an observant driver would be well aware of any adverse aspects. As the other shock absorbers were all in satisfactory condition, this would have had minimal effect on the handling of the truck.
- iv. The defect notice had not been cleared at the time of the collision.
- e. Perdrisat Road is a winding, dual carriageway, with a significant descent from the Midland Highway end, of about 1.5 kilometres and a significant ascent over a similar distance, after the bridge. At the time of the collision, the speed limit was 100 kph with 50 kph speed advisory signs through the bends in the road, down to the Moorabool River Bridge.
- f. At the time of the collision, the weather was clear, cool and without precipitation or wind, visibility was good and traffic virtually 'non-existent'.
- g. According to Daniel Englefield, Operations Manager, subcontractors engaged by the company are required to provide proof of current registration, insurance and public liability insurance. This requirement had been complied with by Mr Porker on the occasion of this trip. Also, although drivers are free to "travel any route they desire", they are required to travel only on approved B-double routes as required by law.¹¹
- h. There was no evidence of any third party involvement or suspicious circumstances surrounding the collision.
- i. Since the collision, the local shire (Golden Plains) has: reduced the speed limit along Perdrisat Road from Robertsons Road from 100 kilometres per hour to 60 kilometres per hour; erected signage at each entry to Perdrisat Road indicating that the road is not suitable for heavy vehicles; and, provided an alternative route at the Midland

¹¹Coronial Brief of Evidence, Statement of Daniel Englefield. Mr Englefield also states that the 'normal' route for drivers between Robinvale to Idyll winery in Moorabool would be to travel on the midland highway to Moorabool via Batesford and that this trip would usually take four to four and a half hours.

Highway end to enable heavy vehicles to re-route once committed to Perdrisat Road, down Robertsons Road.¹²

13. Forensic pathologist, Dr Essa Saeedi of the Victorian Institute of Forensic Medicine [VIFM], reviewed the circumstances of the death as reported by police to the coroner, information in the VIFM contact log, post-mortem computer assisted tomography [PMCT] scans of the whole body and conducted an autopsy on Mr Porker's body and ancillary investigations.
14. Among Dr Saeedi's autopsy findings were: multiple injuries involving the head and neck, torso and limbs with associated fractures of the ribs, right tibia and fibula, lacerations and contusions of the lungs, liver and adrenal, right haemothorax and bilateral pneumothoraxes, haemoperitoneum, pulmonary fat embolism and hepatic steatosis.
15. Dr Saeedi noted the results of routine toxicological analysis of post-mortem samples that detected traces of paracetamol but no alcohol (ethanol) or other commonly encountered drugs or poisons and was thus deemed non-contributory.¹³
16. Dr Saeedi noted that Mr Porker's main injuries were to the thoracic area and that he was described to be trapped behind the steering wheel. While his position while trapped was not clearly described in the police report of death, it is possible that a degree of positional asphyxia contributed to his death
17. Dr Saeedi concluded by attributing Mr Porker's death to *multiple injuries sustained in a motor vehicle incident (driver)*.
18. I find that I find that Mr Porker, late of Loller Road, Lowaldie, South Australia, died in the vicinity of Pringles Bridge, Perdrisat Road, Maude, Victoria on or about 6 April 2017 from multiple injuries sustained in a motor vehicle incident in which he was a driver.
19. The available evidence supports a finding that the truck's brakes were compromised to some extent, that the prevailing road conditions were challenging for a heavily laden truck to negotiate and that both these factors contributed to the collision. While it seem likely that Mr Porker was not wearing a seat belt at the time of the collision, it is difficult to determine whether or not this caused or contributed to his death, in circumstances where he was trapped inside the cabin in any event.

¹² Coronial Brief of Evidence, Statement of Leading Senior Constable Kristen Adriana Towers

¹³ Paracetamol is an analgesic drug available in many proprietary products either by itself or in combination with other drugs such as codeine and propoxyphene

COMMENT

Pursuant to Section 67(3) of the **Coroners Act 2008**, I make the following comment in connection with the death:

1. This case highlights the need for heavy vehicle drivers, in particular, to plan their travel route ahead of time, mindful of the exigencies of their particular vehicle and load, whether by reference to VicRoads and/or the National Heavy Vehicle Regulator websites or otherwise.
2. While reliance on Google Maps and other similar apps accessible via mobile devices and/or the internet is increasingly commonplace, heavy vehicle drivers should ensure that they use the best resources specific to their needs so as to arrive at the safest travel route in the interests of their own safety and that of their passengers and load.

I direct that a copy of this finding be provided to the following:

Mr Porker's family

Leading Senior Constable Kristen Towers (#29659) c/o O.I.C. Bannockburn Police

VicRoads – Heavy Vehicles

Transport Accident Commission

Signature:



PARESA ANTONIADIS SPANOS

CORONER

Date: 6 February 2018

