

IN THE CORONERS COURT
OF VICTORIA
AT MORWELL

Court Reference: 2937/2009

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of Shannon Lindsay Watt

Delivered On:	02/04/2012
Delivered At:	Morwell
Hearing Dates:	
Findings of:	F A Hayes
Representation:	Mr Z Partos
Police Coronial Support Unit	Senior Constable K Connell



I F A Hayes, Coroner having investigated the death of Shannon Lindsay Watt

AND having held an inquest in relation to this death on 11/4/2011

at Morwell

find that the identity of the deceased was Shannon Lindsay Watt

born on 23/09/1975

and death occurred on 13th June 2009

at 193 Buckley Island Road Yarram

from

1a Aspiration plus hypothermia secondary to severe alcohol intoxication.

Pursuant to sections 15, 52, 67(2) of the Coroners Act 2008, an inquest into the death was held this day and there is a public interest to be served in making findings regarding circumstances;

Mr Shannon Watt was aged 33 years when on Saturday 13 June 2009, he joined his workmates for drinks after work, at the Alberton Hotel, Alberton.

Mr Watt arrived at the hotel at approximately 5pm and was there until approximately 8.30pm, at which point he was driven to his home, where he lived with his parents. He was found outside his house at approximately 11pm, in an unresponsive state. He was not able to be resuscitated.

An inquest was held into Mr Watt' death to ascertain the circumstances leading to his collapse outside his home. Mr Watt did not suffer from any illness other than asthma. He was however, said to be a heavy drinker.

An autopsy was performed by Dr Norman Sonenberg, Pathologist at the Latrobe Regional Hospital who formulated the cause of Mr Watt's death as "Aspiration plus hypothermia secondary to severe alcohol intoxication". Dr Sonenberg found evidence of congested lungs with haemorrhagic areas consistent with aspiration. Toxicological analysis revealed that Mr Watt had a blood alcohol content of 0.38g/100mL. He stated that "blood alcohol concentrations in excess of 0.15 can cause considerable depression of the central nervous system" resulting in anoxia, or lack of oxygen, from which a person's heart can stop. He also stated that a person can become unconscious at reading of 0.15 or above. Dr Sonenberg was clear that the primary cause of death was the level of alcohol intoxication, with hypothermia relating to the amount of time outside and aspiration relating most likely to the process of resuscitation.

On Saturday 13 June 2009, Mr Watt was dropped off at the Alberton Hotel by his workmates, who went on to clean their vehicles before returning to the pub at 6.30pm. On their return, they joined Mr Watt, who was drinking glasses of beer at that point, in a shout with another friend, Kevin White. Mr Watt was also said to be drinking shots of White Heather whiskey, pouring it straight from a bottle on the counter. He was then seen to do the same with a bottle of Wild Turkey Bourbon. Paul Russell, who was Mr Watt's employer at the time, gave evidence that when he arrived at the hotel at 6.30pm, Mr Watt seemed "drunk"



Mr Russell stated that about 8.20pm, he, Mr Watt, other co-workers and Kevin White went outside for a smoke. He said that "Kevin and Shannon were still mucking around and both fell to the ground". They got up and Mr Watt leaned against a car while smoking a cigarette and "he then fell backwards and hit his head." He was helped up and checked for any injury. No injury was found and he protested that he was fine.

A taxi arrived shortly after and Mr Watt was encouraged in by his workmates who did up his seat belt and told him to go home. Mr Russell stated that he put the child lock on the door to ensure that Mr Watt wouldn't try to get out. He was said to be talking about going to another hotel to continue drinking.

Evidence was given by Mr William Steele, who was the sole director of Ticourt Pty Ltd, the company which owned the hotel and was its nominee. He was the proprietor of the Alberton Hotel, Alberton on the evening prior to Mr Watt's death. He stated that he alone served Mr Watt for the first part of the evening and most of the time thereafter. Mr Farley, an employee, commenced work behind the bar of the hotel at 6pm. Mr Steele stated that when he arrived at the hotel, Mr Watt had told him that he wasn't feeling too well, as he'd "had a big night" the previous night.

Mr Steele gave evidence that Mr Watt commenced drinking beer in glasses and then moved to drinking pre-mixed cans of Black Douglas whiskey. At some point he purchased a bottle of White Heather whiskey, which was placed near him on the bar. This was shared among some other patrons. Mr Steele says he poured most of Mr Watt's drinks from that bottle, although he conceded that Mr Watt could have poured some of his own. This was, Mr Steele said, the first time Mr Watt had bought whiskey in this way. He stated that Mr Watt's original intention was to have a couple of shots, but then moved to deciding to buy the bottle. After finishing that bottle, further shots were bought of Wild Turkey bourbon.

Mr Steele gave evidence that he had attempted to slow down service of alcohol to Mr Watt by serving other customers and not paying attention to him. He confirmed that Mr Watt did have something to eat, but overall, he felt that Mr Watt had had enough to drink. Mr Steele did not refuse service to Mr Watt, despite knowing how much alcohol he had consumed and how intoxicated he was, as he said it would not have made any difference. Mr Steele had served Mr Watt at his hotel on many previous occasions and was aware that he was a very heavy drinker. Mr Steele had also previously experienced difficulties in getting Mr Watt to leave the hotel and had tried to drive him home on previous occasions.

Mr Farley was the other bar attendant at the Alberton Hotel that night, and was involved in serving Mr Watt, who he felt was in no different a state than usual. Mr Farley stated that he was not involved in the service of whiskey to Mr Watt.

At approximately 8.15pm, Mr Watt asked Mr Steele to call a taxi for him, as he said he "wasn't feeling too good" and then he went outside for a smoke. Mr Steele did not see Mr Watt again that evening.

At 8.30pm that night, Mr Watt was driven home in a taxi, reaching his home at approximately 8.45pm. Peter Beagley was the taxi driver that night and stated in evidence that he often drove Mr Watt home on Saturday nights. He stated that Mr Watt was often heavily affected by alcohol when he drove him home. On this occasion, he stated that he picked up Mr Watt from the pub, somewhat earlier than he usually did and drove him home. He stated that Mr Watt was conscious all the way home. He dropped Mr Watt off by driving down Mr Watt's driveway and helping him from the vehicle, close to his house. Mr Beagley stated that Mr Watt was unsteady on his feet but that he maintained that he would be alright. Mr Beagley stated that when he got back into his vehicle, turned his vehicle around and drove past Mr Watt out of the driveway, Mr Watt was standing near where he'd got out of the car and was conscious. This was the normal procedure for Mr Beagley, who would leave Mr Watt, at or around that spot, near his backdoor before driving off. He had no concerns about Mr Watt as he departed.



Mr Watt's parents were out that night and did not come home until approximately 11pm. On their return, they found Mr Watt lying on the ground outside the house. His father tried to wake him but found him unresponsive. He commenced CPR until ambulance paramedics attended but despite all efforts, they were not able to resuscitate Mr Watt.

In August 2011, and as a result of Mr Watt's death, an enquiry was held at the Victorian Civil and Administrative Tribunal into the Alberton Hotel's compliance with the Liquor Control Reform Act which resulted in a settlement agreement. The terms of settlement included the following:

"Ticourt Pty Ltd is to be disqualified pursuant to s92(1) of the *Liquor Control Reform Act 1998* from activities set out in sub-sections 92(1)(a),(c),(d)(e) for a period of 5 years. Such disqualification period to commence from 16 May 2011 or the extended date as ordered by the Victorian Civil and Administrative Tribunal.

The joined party, William Steele is to be disqualified pursuant to s92(1)(a)-(f) of the *Liquor Control Reform Act 1998* for a period of 5 years. Such disqualification period to commence from 16 May 2011 or the extended date as ordered by the Victorian Civil and Administrative Tribunal.

^{Settlement}
The statement agreement also describes how the disqualification satisfies the public interest:

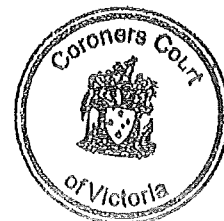
"The disqualification order against director William Steele reflects that persons who operate and manage licensed premises must do so within the framework of the legislation and in compliance with their liquor licence.

It is in the public interest that licensed premises are managed competently and liquor is served responsibly. Liquor must be served responsibly to ensure the welfare and safety of the community.

The period of disqualification also serves as a general deterrent to other persons involved directly or indirectly in the management of licensed premises. The public are entitled to expect that a person managing licensed premises is competent and suitable."

Given that Mr Steele has been dealt with by the relevant authorities in relation to his service of alcohol to Mr Watt, I make no recommendations as to further action. I do find that Mr Steele did not observe his responsibilities for the responsible service of alcohol to Mr Watt, in that he served him large quantities of alcohol over an approximate period of three hours.

I find that Mr Watt consumed a large quantity of alcohol at the Alberton Hotel on the evening of 13 June 2009. He was dropped off by a taxi outside his home, where he was last observed to be conscious and standing. He was not seen again until he was found by his parents at approximately 11pm.



Mr Watt's death was a tragic event which occurred in the context of the consumption of a large amount of alcohol and a fall to the ground in circumstances which are not known. However, there is no evidence to support any conclusion other than that Mr Watt fell to the ground outside his home. His ability to get up was compromised by his level of intoxication, which in turn affected his respiratory system. That, combined with an extended period in the cold, resulted in his untimely death. His loss is deeply mourned by his family.

Signature:

F A Hayes

F A Hayes

Date: 214 112

