



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION



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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Stephen Carey, Coroner, having investigated the death of Malcolm Kenneth Drew

#### **Find That:**

- (a) The identity of the deceased is Malcolm Kenneth Drew;
- (b) Mr Drew died in circumstances described in this finding;
- (c) Mr Drew died on 20 November 2014 at Lyell Highway, approximately 60km east of Queenstown, Tasmania;
- (d) Mr Drew died as a result of head injuries due to a single vehicle motor vehicle crash;
- (e) Mr Drew was born in Burra, South Australia on 5 March 1945 and was aged 69 years at the time of his death;
- (f) Mr Drew was a separated man and was a retired accountant/business manager.

#### **Circumstances Surrounding the Death:**

Mr Drew and his partner, Ms Dianna Keach, had arrived in Tasmania on 19 November 2014 from their home in South Australia, arriving in Devonport via the *Spirit of Tasmania*. They were intending to tour Tasmania travelling in Mr Drew's 2006 Mazda Bravo utility registration number XKT184 (South Australia).

Mr Drew and Ms Keach initially travelled from Devonport to Cradle Mountain then on to Queenstown where they spent the night. The following morning they travelled to Strahan, commencing that journey at 7:00am. They participated in the Gordon River Cruise and then recommenced their travel intending to stop at Derwent Bridge that night. They stopped for a short period for a break at Queenstown, leaving there at approximately 3:55pm.

At approximately 5:00pm the vehicle which was being driven by Mr Drew has left the road and impacted with trees at the side of the roadway. Police were notified of the accident at approximately 5:15pm and the first police arrived at the scene at

approximately 6:15pm. At that time it was still daylight, the weather was fine, however the road surface was wet. The police travelling to the scene had noted at times light drizzle. The attending police identified Mr Drew's Mazda Bravo utility to be in situ hard up against a tree, off to the right hand side of the roadway. The roadway at the crash had a north/south orientation and there was a single lane for vehicles travelling south and a single lane for traffic travelling north.

The accident had occurred on a relatively straight section of roadway just after a slight left hand bend. The area is rural and the sides of the road are bordered by thick, native bushland. It was observed that the vehicle had moved to the right hand side of the roadway, had then travelled along a grass surface on the verge of the roadway before sliding down the grass embankment and colliding with a tree. It was estimated approximately to be a 1.5m decline from the road surface to the base of the tree.

The path the vehicle had travelled was retraced and revealed no tyre marks, skid marks or any sign of braking on the road surface. Tyre marks could be seen on the grass verge behind the vehicle. The tyre marks on the grass verge suggested that the vehicle had travelled a short distance on the grass verge on the incorrect side of the road prior to colliding with the tree. The marks on the grass verge were also in line with the lane and direction the vehicle had travelled, suggesting the vehicle had failed to or made no attempt to turn the corner prior to the crash. Extensive structural damage occurred to the driver's side of the vehicle. Examination by Mr Drew's partner, together with others who arrived at the scene, indicating that Mr Drew was deceased was confirmed upon arrival of Tasmania Ambulance officers.

Ms Keach advised that on occasions she had offered to take over the driving as she was aware that they had travelled a considerable distance since they had arrived in Tasmania. Mr Drew is reported to have declined the offers and Ms Keach's observations were that he appeared fine. At a point prior to the accident she believes she may have momentarily "*dozed off*" to be awoken by Mr Drew calling out, and then noting they were heading towards trees, there being a loud crash and a sudden stop.

Mr Drew's vehicle was examined by a Transport Inspector when it was removed from the accident site and was found to be in a roadworthy condition and there was nothing in respect of the vehicle which would have contributed to the accident.

Police have calculated that between 8:00am on 19 November 2014 and the time of the motor accident on 20 November 2014, Mr Drew had travelled approximately 340km and had driven for approximately 6 hours. Given the lack of any sign of braking or skid marks, both on the roadway and the grass verge, it is believed that no attempt had been made to slow the progress of the vehicle or change direction of the vehicle in the period immediately prior to the impact with the tree. This would suggest that Mr Drew has, in all probability, fallen asleep and the vehicle has then

travelled along the route which led to the impact with the tree. Given the rain in the area, the grass verge of the roadway was damp and this would have offered little assistance to any sharp braking action immediately prior to impact.

The post-mortem findings were that Mr Drew suffered massive head injuries as a result of this impact. He was also noted to be suffering severe emphysema and to have mild ischemic heart disease but these conditions were not considered to have contributed to the cause of death.

**Comments and Recommendations:**

This incident highlights the danger of driving whilst drowsy or whilst feeling tired. I note that this is a significant road safety message within this State and I recommend that the appropriate authorities maintain an emphasis on this aspect of road safety, especially in relation to interstate visitors who may seek to travel significant distances to maximise their visit to Tasmania.

The circumstances of Mr Drew's death do not require me to make any comments or recommendations pursuant to section 28 of the *Coroners Act 1995*.

In conclusion, I convey my sincere condolences to the family of Mr Drew.

**Dated:** 29 July 2015 Hobart in the state of Tasmania.

**Stephen Carey**  
**Coroner**