



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Manfred Isidor Zimmermann

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

- The identity of the deceased is Manfred Isidor Zimmermann;
- Mr Zimmermann died as a result of palliative treatment of leg injuries following a motor vehicle crash in a man with terminal lung cancer and emphysema;
- Mr Zimmermann died on 2 October 2014 at the Royal Hobart Hospital in Tasmania;
- Mr Zimmermann was born in Betra, Germany on 16 May 1948 and was aged 66 years; he was married and was retired at the time of his death.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Zimmermann's death. The evidence comprises a detailed report from the crash investigator; an opinion of the State Forensic Pathologist as to cause of death; relevant police and witness affidavits; medical records and reports; and forensic evidence.

I make the following further findings, based upon the evidence, as to how Mr Zimmermann's death occurred.

At 3.30pm Tuesday 30 September 2014 Mr Zimmermann drove his Mazda van into the Caltex Service Station at Bass Highway, Sassafras. His van crashed into an unattended and lawfully parked prime mover with two trailers.

About 20 minutes before the crash, Mr Zimmerman drove to the same service station and purchased \$20 petrol and left the service station before returning and crashing directly into the prime mover. The driver of the prime mover, Brett Sproule, had left his vehicle parked in the forecourt whilst making purchases in the service station shop.

In the crash Mr Zimmermann suffered wounds to his legs, requiring surgery. In a healthy person these injuries would not have been life threatening. However, Mr Zimmermann suffered significant medical comorbidities. These were; a severe, end stage chronic obstructive pulmonary disease requiring home oxygen, non-operable bronchogenic carcinoma of the right upper lobe of the lung, and bronchiectasis. These conditions meant that Mr Zimmermann would not survive surgery to his legs. A decision to palliate by removing his life-sustaining medication and high flow oxygen was made with the consent of his wife. Mr Zimmermann passed away on 2 October 2014.

I am unable to determine the reason why Mr Zimmermann crashed into the stationary prime mover parked in the forecourt of the service station. There were no faults in his van that would have caused the loss of control. He had not expressed any intention to end his life. However, Mr Zimmermann had veered completely off the road and crashed head-on into the

prime mover. This might suggest a deliberate action. He suffered from a terminal lung condition that restricted his life and caused anxiety. His doctors indicated he only had several years to live, but there were no other apparent stressors. It is possible that he deliberately drove into the rear of the prime mover with the intention of ending his life.

However, I accept the crash investigator's estimate that Mr Zimmermann's impact speed was 70 - 80 kph, much less than the highway speed and was not sufficient to cause fatal injuries in this case. It does not follow that this excludes an intention to end his life. However, equally, it is possible that the crash was accidental. His prescription medications were present in his blood. They may have contributed to a state of drowsiness or disorientation. His wife stated that his driving was concerningly erratic. The fact that he drove back in the direction of the service station, and away from his home, was unusual.

Ultimately, I am not able to determine the reasons for him crashing into the prime mover.

Comments and Recommendations:

I extend my appreciation to investigating officer, Senior Constable Sven Mason, for his high quality investigation.

The circumstances surrounding this matter do not require me to make any comments or recommendations pursuant to section 28 of *Coroners Act* 1995.

I convey my sincere condolences to Mr Zimmermann's family and loved ones.

Dated: 25 March 2016 at Hobart in the State of Tasmania.

Olivia McTaggart
Coroner