



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 Andrew Robert Mole

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

- a) The identity of the deceased is Andrew Robert Mole;
- b) Mr Mole died as a result of multiple injuries after his motor vehicle collided with a truck on 18 June 2018;
- c) The cause of death is blunt force trauma; and
- d) Mr Mole died on 18 June 2018 on the Bass Highway, in Deloraine, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Mole's death. The evidence comprises the police report of death, the crash investigator's report, dash camera footage of the crash; an opinion of the pathologist who conducted the autopsy, police and witness affidavits, and forensic evidence.

Mr Mole was born in Burnie on 14 October 1960 and was aged 57 years when he died. He was married to Patrizia Mole and they have no children. They lived together in Blackmans Bay. Mr Mole and his wife operated a shop in the Centrepont Shopping Centre in Hobart, a business they had operated for about 17 years before Mr Mole's death. Mr Mole held an Arts degree, was widely read and had an interest in ancient history.

Mr Mole was the holder of a full Tasmanian driving licence. He had been driving for 40 years at the time of his death. He had a good driving record and was known by family members to be a safe driver who did not take unnecessary risks. Mr Mole was in good physical and mental health.

In the four months prior to his death, Mr Mole had been regularly visiting his elderly father who lived in Burnie. His father was suffering from dementia and his condition was deteriorating. Mr

Mole would drive to his father's residence once a month from Hobart. He was in the process of organising his father's admission to an aged care facility.

On Saturday 16 June 2018 Mr Mole left Hobart to visit his father. He was alone and driving his blue Hyundai Lantra sedan, registration DR 3682 ("the Hyundai").

On Monday 18 June 2018 Mr Mole woke up just before 6.00am. He slept well for 8 hours. At 9.43am he texted his wife that he would leave for Hobart in 10 minutes. The text messages, received in evidence in the investigation, indicated that Mr Mole was not tired and was in good spirits. I find that he left Burnie just before 10.00am.

At approximately 10.48am Mr Mole was travelling east on the Bass Highway towards Launceston in the Meander Valley Municipality on a straight section of the road, 1.2 kilometres west of the Porters Bridge Road overpass. The speed limit for this section of road was 110km/h. The highway at this point comprised a single lane in each direction. At this point, Mr Mole was following a Toll Tasmania green Isuzu van, Tasmanian registration F82GC ("the van"). There was one vehicle between his vehicle and the van.

At the same time, a green Kenworth prime mover, registration FS 8321 ("the prime mover") was being driven west towards Devonport by Dean Maxwell Stephens. The prime mover was towing a Smith car carrier trailer. The trailer was unladen and Mr Stephens was travelling alone.

The vehicle travelling in front of Mr Mole successfully overtook the van. Mr Mole also immediately followed that vehicle and attempted to overtake the van. Part way into the overtaking manoeuvre, he saw the oncoming prime mover in the opposite lane and realised that he did not have enough space on the roadway to overtake. Mr Mole then attempted to steer the Hyundai back into the east bound lane. In doing so, he lost control of it, which resulted in the Hyundai sliding, passenger side first, into the oncoming traffic lane. The Hyundai impacted heavily with the front of the prime mover, suffered severe damage to the passenger side and was pushed down an embankment on the southern side of the highway.

Senior Constable Adam Lloyd, a qualified crash investigator who happened to be travelling past, was the first police officer on the scene. He made observations of the scene and position of the vehicles. He looked inside the Hyundai Lantra and saw that Mr Mole was in the driver's seat and deceased. He remained at the scene until other officers arrived and handed over to crash investigator, Senior Constable Michal Rybka.

Ambulance paramedics arrived upon the scene at 10.58am and confirmed that Mr Mole was deceased. He was transported to Launceston by mortuary ambulance and formally identified by his brother-in-law. Mr Stephens, the driver of the prime mover, suffered no injuries in the crash.

On 20 June 2018 Dr Rosanne Devadas, pathologist, performed an autopsy upon Mr Mole. She noted the presence of multiple injuries as a result of the crash, including a transected brain stem, which would have caused Mr Mole's immediate death.

Toxicology results of blood sample analysis for both Mr Mole and Mr Stephens showed that both had consumed no alcohol or illicit drugs before the crash.

A full crash investigation by Senior Constable Rybka took place. He was assisted by Senior Constable Lloyd's observations at the scene and other specialist officers who attended. The whole crash was also captured by the dash camera fitted to the prime mover. This footage accurately shows the Hyundai pulling out into the opposite lane, immediately following the car in front who was overtaking the van. The footage also shows that there was only just enough available roadway for the first car to overtake safely, and effectively no available roadway for the Hyundai, given the proximity of the oncoming prime mover. The footage depicts the Hyundai attempting to pull back into its correct lane but losing control and entering a slide into the path of the prime mover.

The scene examination confirmed that the road markings left by the vehicles, indicated braking and over-correction by the Hyundai, causing it to lose control and rotate into the path of the prime mover. Senior Constable Rybka was of the view that Mr Stephens took the only available evasive action, by breaking heavily and pulling to the far left side of the road. Senior Constable Rybka formed the view that Mr Stephens displayed an exceptional perception and reaction time prior to the crash. He was able to commence hard breaking at a very early time to decelerate the prime mover by approximately 10km/h before impact.

GPS data obtained from Toll Tasmania indicates that the prime mover driven by Mr Stephens was travelling at 100km/h (being the speed limit for that vehicle) just prior to the crash occurring. GPS data showed that the speed of the van was 90km/h before the crash. On the basis of the camera footage and GPS data, Senior Constable Rybka formed the view that the Hyundai was travelling well under 100km/h at impact. I accept that this was the case. I am satisfied that no vehicle involved was travelling in excess of the speed limit.

Transport Inspector, Mr Paul Maclaine, attended the crash scene on 18 June 2018 and conducted a preliminary inspection of the prime mover. He later conducted a mechanical inspection of the vehicles involved in the crash at the police compound. The inspection revealed no faults or failures that may have contributed to the collision. I accept his opinion.

The investigation reveals that, at the time of the crash, the road was dry and in good condition, the weather was fine and clear, visibility was good and there were no visible obstructions on the road surface. I am satisfied that road and weather conditions played no role in the crash.

I find that the cause of the crash, and therefore Mr Mole's untimely death, was Mr Mole's action in overtaking the van when it was not safe to do so. Mr Stephens was driving the prime mover in accordance with the road rules, was alert and took the only evasive action available to him in order to avoid the crash.

I can only conclude on the evidence that Mr Mole was not paying enough attention to the task of driving when commencing to overtake the van in a situation that would almost inevitably result in his death. I cannot speculate upon his thought processes before he made the decision, which appeared to be out of character for him as a safe and experienced driver. The sad circumstances of Mr Mole's death emphasise the consequences of failing to take the utmost care when overtaking.

Comments and Recommendations

I extend my appreciation to investigating officer, Senior Constable Michal Rybka for his investigation and report.

The circumstances of Mr Mole'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 convey my sincere condolences to the family and loved ones of Mr Mole.

Dated: 11 October 2019 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart

Coroner