



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 Murray Matthew Sulman

Find, pursuant to section 28(1) of the coroners act 1995, that:

- a) The identity of the deceased is Murray Matthew Sulman;
- b) Mr Sulman died as a result of injuries sustained in a motor vehicle crash;
- c) The cause of death was multiple blunt trauma injuries; and
- d) Mr Sulman died on 17 December 2017 at Mornington, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Sulman's death. The evidence comprises the police report of death; an opinion of the forensic pathologist who conducted the autopsy; police and witness affidavits; crash investigation evidence; medical records and reports; court records; and forensic evidence.

Murray Matthew Sulman was born on 29 January 1968 and was 49 years of age at the time of his death. He was married to Mrs Alma Sulman and was step-father to Mrs Sulman's two daughters from a previous marriage.

On Sunday 17 December 2017, Mr Sulman, his wife and step-daughters spent the morning shopping and visiting the recovery shop at the Mornington Waste Transfer Station. Mr Sulman then drove along Mornington Road with the intention of visiting his sister in Sorell. He was driving his Kia Rio hatch ("the Kia"), with Mrs Sulman in the front passenger seat and two step-daughters in the rear seat.

At approximately 2.45pm Mr Sulman drove westbound along Mornington Road towards the junction of South Arm Highway. At the junction Mr Sulman stopped his vehicle behind the give-way line and waited for southbound traffic on the highway to clear before he attempted to cross the southbound lanes. After approximately 4 to 5 seconds Mr Sulman commenced to

cross the southbound lanes of the highway. He then entered into the westernmost (right) southbound lane.

At this time Mr Murray Broughton, aged 25 years, was driving a Commodore utility (“the utility”) southbound in the right-hand lane of the South Arm Highway, from the direction of the Mornington roundabout. In his affidavit for the investigation, Mr Broughton stated that, after exiting the roundabout, he saw Mr Sulman’s vehicle starting to cross the highway in front of his vehicle. He also stated that *“I recall I should break [sic] but I had no time to.”*

The utility impacted the driver’s side of the Kia. The impact resulted in both vehicles sustaining extensive damage with the utility rotating 180 degrees and coming to rest on the grass median strip. The Kia came to rest against the curb approximately 25 metres south of impact.

Mr Sulman was partially trapped in his vehicle and was initially attended to by members of the public, including an off-duty nurse, who had stopped at the scene. They commenced CPR, however Mr Sulman was unresponsive. Ambulance officers arrived and continued CPR for 30 minutes but to no avail. Mr Sulman was declared deceased at 3.30pm.

Mrs Sulman and her daughters were conveyed by ambulance to the Royal Hobart Hospital with non life-threatening injuries. Mr Broughton was also taken to the hospital and sustained minor injuries from the crash.

On 18 December 2017 an autopsy was performed upon Mr Sulman by forensic pathologist, Dr Donald Ritchey, who determined that the cause of Mr Sulman’s death was multiple injuries sustained in a motor vehicle crash. I accept Dr Ritchey’s opinion as to the cause of death.

Crash Investigation Services and Forensic Services officers attended the scene and commenced an investigation. Dash-cam footage of the crash was provided by Mr Samuel Wyatt, who was in his vehicle following Mr Sulman. This footage clearly captures the crash. In his report, based on all the available evidence, Sergeant Rod Carrick of Crash Investigation Services, calculated that Mr Broughton was travelling at a speed of 92km/h at the time of impact. Mr Sulman was travelling at a speed under 21 km/h. The speed limit on this section of road is 60km/h. The wind, weather and road conditions had no relevance to the circumstances of the crash.

Both vehicles were inspected by transport inspector, Mr Noel Clark, following the crash. Mr Clark reported that both vehicles had non-compliance issues. The Kia was deemed not to be in a roadworthy condition before the crash, but I find that the identified issues had no bearing upon the crash. Although Mr Broughton’s utility was deemed non-compliant, these issues, similarly, did not contribute to the crash.

Toxicological testing of Mr Sulman's blood and Mr Broughton's blood was conducted by Ms Miriam Connor of Forensic Science Services Tasmania. Neither alcohol nor illicit drugs were detected in Mr Sulman's or Mr Broughton's blood.

The evidence in the investigation was considered by the Director of Public Prosecutions. Mr Broughton was charged with causing the death of another person by negligent driving contrary to Section 32(2A) of the *Traffic Act 1925*. Mr Broughton pleaded guilty to the charge and on 21 January 2019, before Chief Magistrate Geason, he was sentenced to 10 months imprisonment which was wholly suspended for a period of 3 years on conditions, including complying with a Community Correction Order (incorporating 120 hours of community service). He was disqualified from driving for a period of 2 years.

In sentencing, the Chief Magistrate stated:

"In my view the degree of negligence in this case is high. This is not a case of inattention but a rapid acceleration in a high-powered motor vehicle at 30 kilometres per hour in excess of the speed limit in an area that the risk of a crash would have been obvious to you and other diligent road users.

"The community at large have reached, in my view...a point where people speeding, in the circumstances in which you did, ultimately is able (sic) to result in very serious consequences and there needs to be significant general deterrent sentences to give the message to you and others who might be like-minded that it's totally unacceptable conduct in our community."

I find that a major cause of the collision was Mr Broughton's excessive speed, well over the speed limit of 60km/h applicable to that section of the road. As a result of that excessive speed, he did not, and was not able to, take any evasive action to avoid hitting Mr Sulman's vehicle.

Sergeant Carrick was able to determine that at the time the Kia entered onto the South Arm Highway, the utility was 39.27 metres away. Based upon the thorough analysis provided by Sergeant Carrick, I find that if Mr Broughton had been travelling at a speed not greater than the maximum limit of 60km/h, Mr Sulman's vehicle would have cleared the southbound lanes of the highway, but only by a fraction of a second.

Mr Sulman had a clear view of vehicles to his right as he was waiting to cross the highway. I agree with Sergeant Carrick that Mr Sulman should not, as a reasonably prudent driver, have commenced to cross the two lanes of the highway when another vehicle, which had right of way, was 39 metres from his vehicle and travelling towards it. I accept that it would have been difficult for Mr Sulman to judge that the utility was travelling at such a high speed. Nevertheless, his decision involved an unacceptable risk of a collision, and was also a cause of the crash

which, tragically, ended his life.

Comments and Recommendations

I extend my appreciation to investigating officer Sergeant Rod Carrick for his thorough investigation and report.

The circumstances of Mr Sulman'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 Sulman.

Dated: 27 September 2019 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart

Coroner