



# 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*

**(These findings have been de-identified in relation to the name of the deceased, family, friends, and others by direction of the Coroner pursuant to s57(1)(c) of the Coroners Act 1995)**

I, Olivia McTaggart, Coroner, having investigated the death of IO

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

- a) The identity of the deceased is IO;
- b) IO died as a result of misadventure in the circumstances set out in this finding;
- c) IO's cause of death was chest, blast and burn injuries due to the explosion of a commercial firework; and
- d) IO died on 18 September 2021 at Birralee, Tasmania.

In making the above findings, I have had regard to the evidence gained in the comprehensive investigation into IO's death. The evidence includes:

- Police Report of Death to the Coroner;
- Affidavits confirming life extinct and identification;
- Opinion of the forensic pathologist regarding cause of death;
- Toxicology report and scene evidence report from Forensic Science Service Tasmania;
- Ambulance Tasmania electronic patient care report, incident report and 000 calls;
- Affidavit of PV, father of IO
- Affidavit of Mark Gavigan, owner of the Birralee property; and
- Affidavits of attending and investigating officers (including officers of Forensic Services and Bomb Response Group).

## **Background**

IO was born on 30 July 1963 in Ulverstone and was 58 years of age at the time of his death. He lived in Mersey Lea. He completed his schooling in Devonport, qualifying as a crane driver and rigger and moved to Western Australia for approximately 10 years. He later returned to Tasmania and worked as a crane driver and trades assistant to a boilermaker welder. Prior to his death, he had been in receipt of the disability pension for some years due to ongoing complications of past treatment for lymphoma. IO did not marry but was the father of two daughters with his former long-term partner.

## **Circumstances of Death**

On 17 September 2021, IO attended a surprise party at Birralea with his two daughters. The party was a fundraising event for his friend, Mark Gavigan, who had been diagnosed with terminal cancer. There were approximately 60 people in attendance at the party, with a live band performing.

At an unknown time during the party, late in the evening, IO left the party area on his own and moved to the paddock behind the house at the bottom of an embankment and near the go-kart track on the property. His intention was to detonate a large firework that he had in his possession. He was approximately 200 metres away from the house and the area of the party. The events leading to IO's subsequent death in this location were not witnessed, nor did any other person know that IO had in his possession a firework.

The coronial investigation was greatly assisted by examination of the scene and collection of forensic evidence by specialised officers of Tasmania Police. As a result, I am able to make a reasonably accurate finding about what happened.

I find that IO, at the location away from the party as described, placed a metal mortar tube (80 cm in length, 15 cm in diameter) in a 40 cm hole in the ground which he had either dug himself or located in that spot. He then placed a commercial grade firework inside the mortar tube and ignited a fuse. IO was still leaning over the mortar tube when ignition occurred very quickly and he bore the brunt of the explosion. The explosion caused a large, deep open wound to the left side of his chest and burns to his left arm and face. The mortar tube was flung backwards, landing approximately 10 metres away from IO.

Several guests at the party heard an explosion and saw a flash of orange and ran to IO's location. They administered first aid by attempting to pack the wound and apply pressure to control the bleeding. At this time, IO told them that he could not breathe, and started to

lose consciousness. Ambulance paramedics and police officers, who had been called, attended the scene. The paramedics attempted resuscitation but, unfortunately, IO passed away at the scene due to his severe injuries.

The toxicology report identified that IO had a blood alcohol level of 0.101g/100mL and had cannabis in his system. His significant blood alcohol level would undoubtedly have caused some impairment to his thought processes and ability to make sensible decisions.

It was unlawful for IO to be in possession of a commercial firework. Such items are highly regulated and only able to be lawfully purchased by a qualified shot firer. IO was not a qualified shot firer, nor is there evidence in the investigation that he had the level of expertise required for safe possession or detonation of commercial fireworks.

There is little evidence in the investigation of how IO came to be in possession of the firework or its exact specifications. IO's father (PV) told investigating police officers that several years ago, his son had told him that he had a 'big cracker'. He said that he did not think anything more of it and assumed it was a large firework. PV was also aware of a photograph that had previously been taken by a family member (but deleted) of IO holding a mushroom shaped firework. I am, in any event, satisfied that the item was a commercial firework containing a large quantity of explosive material.

Sergeant Darren Hill, Bomb Response Manager for Tasmania Police Bomb Response Group provided a helpful affidavit and opinion for the investigation after analysis of the evidence in the days following the incident. It was Sergeant Hill's view that the firework that IO inserted into the mortar tube likely did not have a slow fuse attached to it as it should have done. A slow burn fuse would ordinarily be joined to a fast burn fuse closer to the base of the firework. Sergeant Hill observed that, in his experience, the slow burn fuse is often not present in the fuse train of unlawfully obtained fireworks seized by police, likely due to poor handling and storage as well as ageing items and failure of the glue or tape adhesive.

Sergeant Hill was of the view, having considered the evidence, that IO had lit the fast burn fuse which rapidly and unexpectedly initiated the explosion whilst he was still bent over the mortar tube. I find that the incident likely occurred in this manner and was accidental in nature.

### **Comments and recommendations**

Commercial fireworks can contain a large amount explosive material and, as shown by this case, can be capable of causing fatal blast injuries. The facts of this unfortunate case illustrate the danger to unqualified persons who attempt to detonate commercial fireworks.

On a separate matter, Sergeant Hill stated in his affidavit for the investigation that, immediately after the incident, the scene was examined without a member of the Bomb Response Group having been advised of the incident. He noted that the Tasmania Police Manual prescribes that for all known or believed explosive incidents or suspicious items a member of the Bomb Response Group is to be called and provide initial advice and guidance, if necessary, and also attend if required.

I comment that, whilst the scene evidence was subject to very careful examination and collection by Forensic Services officers, a member of the specialist Bomb Response Group should have been advised of the incident on the evening of its occurrence in order to provide expertise in the immediate aftermath.

I extend my appreciation to investigating officer, Constable Kate Armstrong, for her investigation and report.

The circumstances of IO's death are not such as to require me to make recommendations pursuant to section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of IO.

Dated: 17 March 2023 at Hobart in the State of Tasmania.

**Olivia McTaggart**

**Coroner**