



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Peter William Wells

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

- a) The identity of the deceased is Peter William Wells;
- b) Mr Wells died as the result of a collision between a quad bike (of which Mr Wells was rider) and a four wheel drive motor vehicle;
- c) The cause of Mr Wells' death was chest and abdominal injuries; and
- d) Mr Wells died on 11 July 2020 at Sandy Cape Track, Temma, Tasmania.

Introduction

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

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Post-Mortem Examination, Dr Christopher Lawrence, Forensic Pathologist;
- The results of toxicological analysis of samples taken at autopsy;
- Report of Analysis of Blood Sample – Mr Campbell Pointon;
- Affidavit – Mr David Quinn, Transport Inspector;
- Affidavit – Mrs Carlene Wells, sworn 22 July 2020;
- Affidavit – Mr Matthew McAlister, sworn 15 July 2020;

- Affidavit – Mr Campbell Pointon, sworn 30 August 2020;
- Affidavit – Mr Peter Wells, sworn 24 July 2020;
- Affidavit – Ms Jackie Catlin, sworn 14 July 2020;
- Affidavit – Constable Marcia Gray, sworn 5 August 2020
- Affidavit – Sven Mason – Tasmania Police (rank not stated) 29 July 2020;
- Affidavit – Senior Constable Hayden Barnard, sworn 30 September 2020;
- Affidavit – First Class Constable Mark Johnson, sworn 6 August 2020 (and photographs);
- Police Body Worn Camera Footage;
- Crash data;
- Scrambler XP 1000 S vehicle specifications; and
- Medical Records – Burnie GP Superclinic.

Circumstances of death

On Saturday, 11 July 2020, Mr Wells was riding his Polaris Rambler quad bike north on the Sandy Cape Track. He was in the company of a friend, Mr Matthew McAlister.

At the same time, Mr Campbell Pointon was driving a Nissan Patrol four-wheel drive vehicle south on the same track. Mr Pointon had three passengers with him.

About 3 km south of the township of Temma, the quad bike ridden by Mr Wells crested a rise in the track and collided head on with Mr Pointon's Patrol.

Both vehicles came to an immediate stop upon impact.

Mr Wells suffered injuries to which he succumbed almost immediately.

His body was formally identified at the scene and then taken to the Royal Hobart Hospital. At the Royal Hobart Hospital, Forensic Pathologist Dr Christopher Lawrence performed an autopsy. Dr Lawrence found that Mr Wells had suffered massive traumatic injuries including,

relevantly, a lacerated aorta that Dr Lawrence said would have proved “rapidly fatal and was unsurvivable”. I accept Dr Lawrence’s opinion.

Toxicological analysis of samples taken at autopsy showed therapeutic levels of prescription and “over-the-counter” medication in Mr Wells’ body, consistent with the account given by Mr McAlister that he was feeling “off” on 11 July 2020.

Testing of a blood sample given by Mr Pointon after the crash showed that he had alcohol in his system, but not in excess of the legal limit and not at a level that I consider caused or contributed to the happening of the crash.

An inspection of both vehicles involved in the crash did not identify any deficiencies which could have caused or contributed to the happening of the crash.

The weather conditions did not contribute to the happening of the crash.

I note that the Sandy Cape Track where the crash occurred consists of one lane only. Vehicles travelling in opposite directions cannot pass each other. The crash occurred as both vehicles were cresting a rise and thus were hidden from each other.

Mr Wells and Mr Pointon were both experienced with off-road vehicle use. Mr Wells was wearing appropriate protective equipment.

Tasmania Police crash investigators calculated the approximate speed of Mr Wells’ quad bike at impact with Mr Pointon’s vehicle to be approximately 50 km an hour. This is broadly consistent with Mr McAlister’s estimate that Mr Wells had been travelling at about 60 km an hour up the rise. Given the circumstances of the track, and the complete lack of visibility over what was in effect a blind crest, I consider Mr Wells’ speed to have been excessive in the circumstances.

Comments and Recommendations

Senior Constable Barnard, the officer who conducted the investigation, made the point that the use of safety flags, as required for travellers in parts of the Simpson Desert, would assist drivers and riders to identify oncoming vehicles.

It certainly seems clear that if either, or both the Nissan Patrol driven by Mr Pointon and the quad bike ridden by Mr Wells had some type of safety flag then each would have been more visible to the other, and, perhaps, the crash which claimed Mr Wells’ life could have been avoided.

The safety flags required to be used in the Simpson Desert must be a minimum of 3.5 m from the ground, attached to a flagpole, clearly visible and made of fluorescent materials such as red, orange, lime, or yellow in colour.

I consider there is a good deal of merit in Senior Constable Barnard's suggestion. I **recommend** pursuant to Section 28 (2) of the *Coroners Act 1995* that all drivers and riders utilise a safety flag when travelling on the Sandy Cape Track or similar tracks in Tasmania.

I convey my sincere condolences to the family and loved ones of Peter William Wells.

Dated: 6 December 2021 at Hobart in the State of Tasmania.

Simon Cooper
Coroner