



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Andrew McKee, Coroner, having investigated the death of Stephen Charles Shepperd

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

- a) The identity of the deceased is Stephen Charles Shepperd;
- b) Mr Shepperd died as a result of injuries sustained in a motor vehicle crash;
- c) Mr Shepperd's cause of death was multiple chest injuries with a complete transection of his sternum with mediastinal haemorrhage; and
- d) Mr Shepperd died on 7 June 2019 at Moorleah, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into the death of Mr Shepperd. That evidence is comprised of the following:

- a) An opinion of the pathologist who conducted the autopsy;
- b) An affidavit of Constable Mason, crash investigator;
- c) An affidavit of Mr Fitzpatrick, a transport inspector employed by the Department of State Growth;
- d) A toxicology report prepared by Forensic Science Services Tasmania;
- e) Relevant police and witness affidavits;
- f) Medical records and reports; and
- g) Forensic evidence.

Stephen Charles Shepperd was born in Burnie, Tasmania on 21 September 1956. He was aged 62 years at the date of his death. He was married to Kerrie Ann Shepperd but the marriage ended when they separated in 2017. Their marriage produced four children.

At the date of his death Mr Shepperd was employed as a truck driver. He had worked in that industry for the last 18 to 19 years for various companies. He had previously held employment with the H.E.C. and later as a miner. He was qualified to drive fork lifts and other heavy machinery.

Mr Shepperd resided alone at Preolenna. He commenced a relationship with Ms Christine Smith approximately six months before his death.

Circumstances Surrounding the Death

A consideration of the sworn affidavits of the various witnesses in the coronial investigation enable me to make the following findings of fact regarding Mr Shepperd's activities on the day of his death, and the manner of his driving shortly prior to his motor vehicle leaving the roadway and colliding with a concrete post and tree.

On 7 June 2019 Mr Shepperd engaged in his usual employment as a truck driver. After work he travelled to Ms Smith's home arriving there at approximately 5.30pm. From her home they travelled to the middle pub at Wynyard, the Federal Hotel. Mr Shepperd commenced consuming alcohol upon his arrival. Ms Smith described his level of sobriety as "well on his way to getting drunk". She stated that he became aggressive if he consumed "top shelf" alcoholic beverages. According to Ms Smith, Mr Shepperd consumed "top shelf" alcoholic beverages during the evening.

Mr Shepperd and Ms Smith left the Federal Hotel and drove to the top pub, the Bushrangers Hotel. Mr Smith continued to consume alcohol. Whilst at the Bushrangers Hotel, Mr Shepperd was observed to be abusive to other patrons, both by Ms Smith and hotel security. He was excluded from the hotel.

Sometime between 9.30pm and 10.00pm, Ms Smith left the Bushrangers Hotel and walked home. As she arrived home Mr Shepperd pulled up in his vehicle. Mr Shepperd and Ms Smith had an argument. Ms Smith was angry with Mr Shepperd because he did not drive her home. Mr Shepperd left in his motor vehicle. According to Ms Smith, Mr Shepperd was intoxicated.

At 11.30pm, Ms J Bird was travelling along Preolenna Road having turned from Pages Road. She observed Mr Shepperd's utility crashed off the side of the road. Ms Bird rang '000'. As she approached the vehicle she observed Mr Shepperd in the driver's seat, not wearing his seat belt.

Condition of Vehicle Prior to Collision

Mr Shepperd's vehicle was inspected after the crash by Mr A Fitzpatrick, a transport inspector employed by the Department of State Growth. Mr Fitzpatrick found that the vehicle being driven by Mr Shepperd prior to the time of the crash would have been classed as being un-roadworthy due to the left-hand shock absorber lower mounting bush missing.

Based on the evidence before me (namely the expert opinion of Constable Sven Mason) I am satisfied that the defect noted by Mr Fitzpatrick did not contribute to the crash.

Crash Investigation

A thorough investigation of the crash was conducted by Constable Sven Mason, an experienced crash scene investigator.

Constable Mason established that Mr Shepperd, whilst travelling on Preolenna Road, negotiated a right-hand curve (upon which a 35 km/h advisory speed limit sign was situated). After the curve the road straightens out for a short distance, however, it appears that Mr Shepperd failed to straighten the steering wheel and it remained steering towards the right. The vehicle he was driving veered across the oncoming lane and gradually travelled off the road and onto a dirt and scrub covered verge. The front right-hand side of the vehicle has collided with a concrete post before the front right quarter has collided with a tree, located 3 metres past and slightly downhill of the post.

Constable Mason expressed the view that the roadway was in good condition with no obvious defects. The weather was dry and there was no evidence of any fluids or contaminants which may have caused or contributed to the crash.

A speed analysis of the crash could not be conducted due to there being no pre-impact skid marks into the tree or enough debris past the tree to conduct a speed calculation from a throw equation.

The evidence supports a finding that Mr Shepperd was not wearing his seatbelt at the time of the crash. Constable Mason expressed the opinion that had Mr Shepperd been wearing his seat belt he would not have suffered fatal injuries and may have survived the crash with less serious injuries.

Post-Mortem Examination and Toxicology Report

A post-mortem examination was undertaken by pathologist Dr Ruchira Fernando.

Dr Fernando opined that the cause of Mr Shepperd's death was multiple chest injuries with a complete transection of the sternum and mediastinal haemorrhage. I accept Dr Fernando's opinion as to the cause of Mr Shepperd's death.

Toxicology testing of samples obtained at autopsy revealed the presence of alcohol in Mr Shepperd's blood. The toxicology report showed a blood alcohol level of 0.232g/100mL.

I am satisfied from the affidavit sworn by Mr McLachlan-Troup and the opinions expressed therein that Mr Shepperd's driving performance would be significantly impaired to the point of being unable to properly control a motor vehicle due to his high blood alcohol reading.

In summary, I find Mr Shepperd has attempted to negotiate a right-hand curve and has failed to do so causing his vehicle to leave the roadway and subsequently colliding with a concrete post and a tree. I find that his judgement and ability to safely control a motor vehicle would have been impaired by the alcohol he had consumed. I accept the opinion expressed by Constable Mason that had Mr Shepperd been wearing his seatbelt that he may have not suffered fatal injuries.

Findings, Comments and Recommendations

I extend my appreciation to investigating officer Constable Sven Mason for his investigation and report.

The circumstances of Mr Shepperd's death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I wish to comment that this crash would not have occurred had Mr Shepperd not made the decision to drive a motor vehicle after consuming alcohol. His consumption of alcohol impaired his driving performance to the point of being unable to properly control a motor vehicle. Mr Shepperd's ability to safely control a motor vehicle and respond appropriately in an emergency situation was compromised. He posed a significant risk to himself and other persons lawfully using the roadway.

I note that members of the public were exposed to the aftermath of the collision when they stopped to render assistance.

I further note that this was yet another avoidable crash that exposed first responders, namely police officers and paramedics, to another fatal crash.

I note the opinion of Constable Mason that had Mr Shepperd been wearing his seatbelt he may not have suffered fatal injuries. The wearing of seatbelts reduce the risk of persons suffering fatal injuries in collisions.

This case is just one further example of the consequences that flow from an individual's decision to drive a motor vehicle after consuming alcohol and failing to wear a seatbelt.

I convey my sincere condolences to Stephen Charles Shepperd's family and loved ones.

Dated: 20 March 2020 at Hobart in the State of Tasmania.

Andrew McKee
Coroner