



# 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*

I, Simon Cooper, Coroner, having investigated the death of Stewart James Quirk

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

- a) The identity of the deceased is Stewart James Quirk;
- b) Mr Quirk died as a result of injuries sustained by him in a motor vehicle accident;
- c) The cause of Mr Quirk's death was sternum, rib and thoracic spine fractures, haemothorax and mediastinal haemorrhage; and
- d) Mr Quirk died on 13 October 2020 at Risdon Road, New Town, Tasmania.

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

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Report – Dr Andrew Reid, Forensic Pathologist;
- Ambulance Tasmania – Electronic Patient Care Report;
- Report – Forensic Science Service Tasmania;
- Affidavit – Benjamin Hunt, Transport Safety and Investigation Officer, Department of State Growth, sworn 1 December 2020;
- Affidavit – Alice Ryle-Quirk, sworn 30 January 2021;
- Affidavit – Lisa Nichols, sworn 21 October 2020
- Affidavit – Richard Daft, sworn 1 February 2021;
- Affidavit – Dean Coleman, sworn 25 February 2021;
- Affidavit – Alastair Broadhurst, sworn 13 October 2020;
- Affidavit – Anne Gallagher, sworn 13 October 2020;
- Affidavit – Stephen Burdon, sworn 15 October 2020;
- Affidavit – Luke Vanderstaay, sworn 13 October 2020;
- Affidavit – Muhammad-Aamir Shaikh, sworn 13 October 2020;
- Affidavit – Dylan Tonks, sworn 31 October 2020;

- Affidavit – Constable Andrew Stewart, sworn 13 November 2020;
- Affidavit – Constable Claire Honey, sworn 11 November 2020;
- Affidavit – Constable Cassandra Richardson, sworn 2 December 2020;
- Affidavit – Sergeant Adrian Leary, sworn 25 October 2020;
- Affidavit – Senior Constable Arthur Alforte, sworn 27 January 2021;
- Affidavit – First Class Constable Dean Walker, sworn 28 January 2021;
- Affidavit – Senior Constable Adam Hall, sworn 23 February 2021;
- Photographic and forensic material;
- Medical Records – Tasmanian Health Service;
- Medical Records – Mountain Retreat Medical Centre
- Scene Survey;
- Blood Analysis Results – Muhammad-Aamir Shaikh;
- Drivers Licence History (Stewart Quirk) – Department of State Growth; and
- CCTV and Bodyworn Camera Footage.

At about 4.15 pm on Tuesday 13 October 2020 a Toyota Hiace van driven by Mr Quirk collided with the rear of a Toyota Camry being used as a taxi, carrying four passengers, driven by Mr Shaikh. Both vehicles were travelling west on Risdon Road, New Town. The weather at that time and place was fine and clear. Visibility was good. There was nothing mechanically wrong with either vehicle which caused or contributed to the crash.

Mr Shaikh did not have any alcohol or illicit drugs in his system. He was driving at an appropriate speed in a safe manner immediately prior to the crash.

Mr Quirk was speaking on his mobile phone to his partner, Ms Lisa Nichols, at the moment of the crash.

After impact, Mr Quirk's van continued in a westerly direction on Risdon Road and stopped only when it collided with a sandstone wall, part of the intercity cycle path overpass.

At the time of the crash, Mr Quirk was not permitted to drive a motor vehicle on Tasmanian roads. His licence had been suspended because of medical concerns relating to the epilepsy from which he suffered. It had been suspended pending a neurological review, which had not occurred. I am satisfied Mr Quirk knew his licence was suspended, that it had been suspended because he was medically unfit to drive but that, nonetheless, he drove anyway.

After the crash, passing motorists and members of the public tried to help Mr Quirk, but it is apparent he was dead at the scene. After formal identification of the scene, his body was taken

to the Royal Hobart Hospital where an autopsy was carried out by experienced forensic pathologist, Dr Andrew Reid. Dr Reid provided a report in which he expressed the opinion that the cause of Mr Quirk's death was sternum, rib and thoracic spine fractures, a haemothorax and a mediastinal haemorrhage - all sustained in the motor vehicle collision outlined above. I accept Dr Reid's opinion. Toxicological analysis of Mr Quirk's blood did not reveal the presence of any alcohol or illicit drugs.

There is no evidence to suggest that Mr Quirk took any evasive action immediately prior to the crash.

Subsequent investigation indicated that Mr Quirk had suffered at least four seizures in the 12 months or so leading up to the crash. He was a danger to himself and other road users.

#### **Comments and Recommendations**

I extend my appreciation to investigating officer Senior Constable Adam Hall for his investigation and report.

The circumstances of Mr Quirk'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 Quirk.

**Dated** 26 August 2021 at Hobart in the State of Tasmania.

**Simon Cooper**  
**Coroner**