



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

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, Simon Cooper, Coroner, having investigated the death of Wendy Maree Carnes

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

- a) The identity of the deceased is Wendy Maree Carnes;
- b) Mrs Carnes died as a result of injuries sustained in a motor vehicle crash;
- c) The cause of Mrs Carnes' death was multiple traumatic injuries; and
- d) Mrs Carnes died on 19 July 2019 at Melton Mowbray, Tasmania.

Introduction

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

- Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Report – Dr Donald Ritchey, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Ambulance Tasmania Records;
- Results of blood analysis – Mark David Monks;
- Proof of Evidence – Ms Juliette Tria, Forensic Scientist;
- Medical records – Oatlands Surgery;
- Affidavit – Mr Colin Carnes;
- Driver Admission Statement – Mark David Monks;
- Affidavit – Ms Emily Monks;
- Affidavit – Ms Terese Dryza;
- Affidavit – Dr Tim Shaw;
- Affidavit (and photographs) – Senior Constable Richard Keygan;

- Affidavit – Senior Constable Sandra Paul;
- Affidavit (and photographs) – Constable Lauren McMahon;
- Affidavit – Constable Shane Leek;
- Affidavit – Constable Angela Lang;
- Affidavit – Senior Constable Alison Woolley;
- Affidavit (and photographs) – Constable Ben Farquett;
- Affidavit (and drone footage) – Christopher McInerney (Tasmania Police – rank not stated);
- Affidavit – Constable Matthew Bowden;
- Affidavit – Sergeant Luke Walker;
- Affidavits (2) – Mr Noel Clark – Transport Inspector;
- Report – Department of State Growth – Midland Highway and Highland Lakes Road Intersection;
- Survey Plan – Midland Highway, Highland Lakes Road, Melton Mowbray; and
- Report – Pitt and Sherry (Engineers) for Department of State Growth – Midland Highway, Kempton to Melton Mowbray Road Improvements (stage I), dated March 2016.

Background

Mrs Carnes was born on 25 January 1952. She was 67 years of age at the time of her death. When she died she had been married to Colin for nearly 50 years and was the mother of two adult children.

First licensed to drive aged 18 or 19, Mrs Carnes was very familiar with the road where she was involved in the fatal motor vehicle crash on 19 July 2019.

Mrs Carnes spent the night prior to her death with a family member at the family property in Barr Street, Bothwell.

Circumstances of Death

The following morning, Friday, 19 July 2019, Mr Carnes arrived at the property, arriving between 8.00 am and 9.00 am. When he got there he found his wife awake and out of bed.

Mr and Mrs Carnes cleaned the property up and left together at around 11.30 am – 11.35 am. Mrs Carnes, with the family member and Mrs Carnes' dog in her Toyota Corolla, left first. Mr Carnes followed immediately behind her in his own vehicle.

The pair travelled along the Highland Lakes Road towards the Midland Highway at Melton Mowbray. The journey, some 22 km in length, proceeded without incident.

At the intersection of Highland Lakes Road and the Midland Highway, Mrs Carnes stopped her Toyota.

At the same time, Mr Mark Monks was driving his Mazda BT-50 utility north on the Midland Highway. Passengers in the Mazda included Mr Monks' wife, Emily, and their three young children.

Inexplicably, Mrs Carnes pulled out on to the Midland Highway directly into the path of Mr Monks. He was unable to avoid her vehicle. The two vehicles collided in the northbound lane of the Midland Highway.

Mrs Carnes initially survived the crash but remained trapped in her Toyota. Her passenger was able to get out of the car.

The occupants of Mr Monks' car were able to get out themselves, or in the case of the younger children, were removed from it by their parents.

A doctor passing by, Dr Timothy Shaw, and his wife, a registered nurse, stopped to render assistance. So did an off-duty police officer, Senior Constable Paul. Other passing motorists stopped to help. Calls were made immediately to emergency services. The first call was made at about 11.45 am. Ambulance, Police and State Emergency Services personnel were all mobilised to the scene.

Unfortunately, despite the best efforts of emergency responders and Dr and Mrs Shaw, Mrs Carnes could not be saved.

Investigation

Mrs Carnes was pronounced deceased.¹ Her body had already been formally identified at Melton Mowbray² and transferred to the mortuary at the Royal Hobart Hospital. At the Royal Hobart Hospital, experienced Forensic Pathologist, Dr Donald Ritchey, performed an autopsy.

At autopsy, Dr Ritchey found that Mrs Carnes had suffered multiple and massive blunt traumatic injuries to her head, thorax, abdomen and legs. Her ribs were fractured. She had a transverse fracture of the sternum along with extensive bruising of the heart and a laceration of the inferior vena cava. Her injuries to her thorax and abdomen had produced a large volume of

¹ Affidavit of Dr Khoury Mykkanen, sworn 19 July 2019.

² Affidavit of Angela Louise Lang, sworn 19 July 2019.

internal bleeding. Dr Ritchey expressed the opinion, which I accept, that the cause of Mrs Carnes' death was the injuries she sustained in the motor vehicle crash.³

Samples taken at autopsy were subsequently analysed at the laboratory of Forensic Science Service Tasmania. No alcohol was detected as having been present in those samples. Therapeutic and sub-therapeutic levels of tramadol, diazepam and melatonin were identified as being present in the samples taken from Mrs Carnes' body.⁴

Greater than therapeutic levels of paracetamol were detected in the same samples.

Tramadol is a strong analgesic. Side-effects associated with its use include drowsiness, dizziness, confusion, poor coordination, anxiety and insomnia.

Paracetamol is a well-known "over-the-counter" drug used for temporary relief of mild-to-moderate pain.

Diazepam, more commonly known as Valium, is a sedative muscle relaxant with anti-convulsive effects. Common side effects include sedation, cognitive impairment, ataxia and possible amnesia.

Melatonin is a drug used for hormone replacement therapy. It can also be used for the treatment of insomnia.

On the basis of the report received from forensic scientist Ms Tria, I am satisfied that the presence of tramadol and diazepam together might have impaired Mrs Carnes' driving ability. I can be no more certain than that.

Mr Monks submitted to standard drug and alcohol blood testing after the crash. The sample taken from him was negative for both alcohol and any illicit drugs.

Both cars involved in the crash were examined by a Transport Inspector. Neither vehicle had any defects identified which could have caused or contributed to the happening of the crash. Mrs Carnes' vehicle had three non-compliant tires but I am satisfied that those defects played no role in the happening of the crash.

I have carefully considered information with regard to the configuration and construction of the road where the crash occurred. I do not consider that anything about the manner in which the road was constructed caused or contributed to the happening of the crash.

³ Affidavit of Dr Donald Ritchey, sworn 25 September 2019, page 9 of 12.

⁴ Affidavit of Juliette Tria, Forensic Scientist, sworn 17 September 2019, page 1 of 5.

I am also satisfied, on the basis of the speed analysis undertaken by Constable Keygan, that Mr Monks was not speeding and did not have sufficient time, once Mrs Carnes pulled into his path, to avoid colliding with her vehicle.

I am satisfied weather conditions neither caused nor contributed to the happening of the crash.

Finally, I am satisfied that the response of emergency services was appropriate and timely. I specifically accept the opinion of experienced emergency physician and current medical advisor to the Coronial Division, Dr Anthony J Bell, that the ambulance resuscitation was of a high standard.

Conclusion

Mrs Carnes died as a result of injuries sustained by her in a two-vehicle crash which occurred at the junction of the Midland Highway and Highland Lakes Road, at Melton Mowbray. No-fault in relation to the crash is attributable to the other driver involved, Mr Monks.

The accident occurred when Mrs Carnes pulled her vehicle slowly into the path of Mr Monks' vehicle which was proceeding north on the highway. He was unable to avoid her. Why Mrs Carnes drove into his path is not something on the evidence able to be determined. Inattention on her part is the most probable explanation.

Comments and Recommendations

I extend my appreciation to investigating officer, Senior Constable Richard Keygan, for his investigation and report.

I commend the efforts of the emergency services personnel who attended the crash. Dr Tim Shaw and his wife Registered Nurse Lauren Shaw are worthy of particular recognition.

The circumstances of Mrs Carnes' 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 Mrs Carnes.

Dated: 17 June 2021 at Hobart in the State of Tasmania.

Simon Cooper
Coroner