



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 and family by the direction of the Coroner pursuant to s 57(1)(c) of the Coroners Act 1995)

I, Leigh Mackey, Coroner, having investigated the death of AX

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

- a) The identity of the deceased is AX (date of birth 1 August 1985).

AX lived in Smithton, was married to FN and together they have three children: PT, CS, and YB. He completed his formal education at the end of year 10 at High School. He worked and played football for periods in Yarrawonga, Darwin and Newcastle. AX returned to live in Tasmania in 2022, was employed as an operator and played football for and was an assistant coach at the Forest-Stanley Football Club.

AX was fit and healthy and suffered only the usual minor injuries expected during childhood, playing football and motorcycle riding. He was a talented footballer and was well known by the nickname "DG"¹. AX consumed alcohol socially, typically at sporting functions and at gatherings with family and friends. On some occasions he drank alcohol to excess.

AX held a current medium rigid driver's licence. He had prior of offences for speeding, mobile phone use while driving, failure to wear a seatbelt and, in 2009, exceeding the prescribed alcohol limit. He had been subject to previous licence suspensions and a court-imposed disqualification.

- b) On 26 August 2023, AX played a reserve game of football for Circular Head at Ulverstone watched by FN, PT, CS and YB. After the game he returned home at approximately 4.30pm and later drove his silver Ford Territory SUV (Ford) to Stanley and attended the best and fairest count at the

¹ DG has been de-identified

Forest-Stanley Football clubrooms arriving between 6.00pm and 7.00pm. He planned a quiet night intending to drink a couple of beers before returning home. Whilst at the function he drank beer and UDL² cans. A friend of AX, EH, held an end of season party at his home at Forest also on 26 August 2023. AX attended the party after he left the best and fairest count, arriving at 9.25pm. As host of the party EH considered the risk of guests drinking and driving and told them to bring a swag to stay at his home if they were drinking and was aware that some were using a designated driver system.

AX drank more alcohol whilst at Forest. Arrangements were made for a friend to drive AX home however he left the party, without telling those present that he was leaving, and drove the Ford toward his home. His route from Forest to Smithton required him to travel westerly along Back Line Road.

Back Line Road is a sealed two-lane road with a solid centre white line. The road contains a winding section including an 'S'-bend approximately 2.5 km west of Forest. The applicable speed limit for the road is 100 km/h and a warning sign is located approximately 500 m prior to the 'S'-bend advised of a winding road ahead. The road has a generally east to west orientation and a gravel pull off area on the right (northern side) of the road in the area of the 'S'-bend. At the time AX was travelling along Back Line Road it was dark, and the road was unlit. At 11.00pm on 26 August 2023 Clayton House was in his living room which overlooked the S bend on Back Line Road. He saw the Ford travelling at a "*dangerously high speed*"³ approaching the S bend travelling west.

AX did not arrive home, and FN became concerned and contacted friends over the morning of 27 August 2023 to locate him. His vehicle was found down a steep embankment on the northern side of Back Line Road partially submerged in a dam. AX was located deceased, outside the vehicle, in the dam. He had sustained multiple catastrophic injuries, including skull fractures, spinal fractures, bilateral pneumothoraces and lung lacerations. His injuries were consistent with high-speed impact trauma and were not survivable. Toxicological analysis of a sample of AX's postmortem blood revealed that he had a blood alcohol concentration of 0.213 g/100mL of

² Cans of premixed spirits.

³ Affidavit of Clayton House sworn 27 August 2023.

blood. This level of alcohol is significantly more than the legal limit for driving of 0.05. A blood alcohol level of 0.213 g/100ml can significantly impair driving performance and increase the risk of an accident.⁴ Alcohol is a central nervous system depressant and can cause a loss of judgement, incoordination, reduced perception and awareness, and sedation.⁵

Mechanical inspection of the Ford did not identify any defects that caused or contributed to the accident. Senior Constable Sven Mason and Haydn Barnard, both experienced crash investigators, attended Back Line Road and undertook a thorough investigation into the cause of the accident. Using measurements from the scene the minimum speed of the Ford at the time it skidded from the roadway was calculated at 156 km/h.⁶ Analysis determined that the maximum safe speed to negotiate the 'S'-bend was 101 km/h.⁷

Tyre marks on the gravel and grassed area at the side of the road left by the Ford indicated that the Ford slid sideways on the gravel and the grass for approximately 70 m before travelling off the side of the road, down the embankment and into the dam. The vehicle rolled multiple times before coming to rest upright in the dam sustaining extensive damage, including the detachment of the driver's side door. Curtain airbags deployed; however, the front airbags did not activate consistent with the force of the impact, a rollover, being to the sides of the vehicle. AX was not wearing a seatbelt at the time of the accident and was found a short distance from the vehicle submerged in the dam.

The accident was caused by the failure of AX, who was intoxicated, to negotiate the bend on Back Line Road resulting in the Ford crossing onto the opposite lane, sliding on the gravel and grass to the north side of the road and dropping down to a gully and dam below. The speed at which AX was travelling, his intoxication, the failure to have worn a seatbelt were operative causes for AX's failure to have safely negotiated the 'S'-bend on Back Line Road and his death.

- c) AX's cause of death was multiple injuries due to motor vehicle crash.

⁴ Toxicology report dated 19 September 2023 p1.

⁵ Toxicology report dated 19 September 2023 p2.

⁶ Affidavit of Senior Constable Sven Mason sworn 12 September 2023 p8-9.

⁷ Affidavit of Senior Constable Haydn Barnard sworn 14 November 2023.

d) AX died on 26 August 2023 at Forest, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- Opinions of the forensic pathologist;
- Police Reports, body worn camera footage, scene photographs, forensic evidence and corresponding affidavits;
- Affidavit of FN, sworn on 16 November 2023;
- Affidavit of RL, sworn on 30 October 2023;
- Affidavit of EH, sworn on 7 November 2023;
- Affidavit of Clayton House, sworn on 27 August 2023;
- Affidavit of Scott Wardrop, sworn on 1 September 2023;
- Affidavit of Valentino Surjan, sworn on 6 December 2023;
- Affidavit of Caleb Davies, Transport Safety and Investigation Officer, sworn on 27 September 2023;
- General Practitioner and Tasmania Health Services records;
- Toxicology Report from Mr N McLachlan-Troup signed on 19 September 2023; and
- Crash investigation reports and corresponding affidavits.

Comments and Recommendations

AX's death, a devastating loss particularly for his young family, serves as a stark reminder of the known dangers of driving a vehicle whilst impaired by intoxication and at speed. Alternative arrangements to ensure AX returned safely home on the evening of 26 August 2023 were available to him and there were no imperatives for him to speed.

The S bend on Back Line Road has been assessed as having a safe speed tolerance to 101 km/h and is in an area where speed is limited to 100 km/h. Signs located 500 m prior to the S bend alert drivers to a winding road which should prompt a slowing of speed. As a result of the Australia Government's 2024-5 Black Spot Program a safety barrier was installed on the northern side of Back Line Road in the area where AX's Ford left the road and dropped to the gully and dam below.

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

I extend my appreciation to investigating officer Evan Goodwin for his investigation and report.

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

Dated: 23 September 2026 at Hobart, in the State of Tasmania.

Leigh Mackey
Coroner