



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Timothy Gerard Barham

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

- a) The identity of the deceased is Timothy Gerard Barham (Mr Barham);
- b) Mr Barham died from injuries sustained as the driver in a single motor vehicle crash;
- c) Mr Barham's cause of death was multiple injuries; and
- d) Mr Barham died on 24 February 2022 at Woolmers Lane near Longford in Tasmania.

Introduction

This investigation concerns a fatal, single vehicle crash which occurred on 24 February 2022 at Woolmers Lane near Longford in Tasmania. At approximately 7:10am that day Mr Barham was driving a white Toyota Avalon sedan registration number F23MI West on Woolmers Lane towards Longford. It had been raining that morning and the road surface was wet. Mr Barham attempted to negotiate a sweeping left-hand curve when he lost control of his vehicle and it left the roadway. He died as a result of injuries sustained when his vehicle collided with a large pine tree.

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

- Tasmania Police Report of Death for the Coroner;
- Affidavits establishing identity and life extinct;
- Report of the forensic pathologist Dr Donald Ritchey;
- Report of the forensic scientist Mr Neil McLachlan – Troup of Forensic Science Service Tasmania;

- Affidavit of Mr Wayne Davey;
- Affidavit of Mrs Kerry Barham;
- Affidavit of Mr James Ross;
- Affidavit of Constable Marcus Williams together with photographs;
- Affidavit of Senior Constable Peter McCarron together with photographs;
- Affidavit of Constable Michael Poxon;
- Affidavit of Senior Constable Michael Rybka together with scene diagrams;
- Ambulance Tasmania (AT) electronic patient care record together with detailed incident reports;
- Mr Barham's medical records obtained from his general practitioner; and
- Forensic evidence.

Background

At the date of Mr Barham's death he was 62 years of age, he resided with his wife of 31 years, Kerry Barham, and he was employed by Petuna Seafoods. Mr and Mrs Barham had no children together.

Mr Barham was born in Sydney and grew up there before moving to Canberra when he was child. He has five other siblings who reside on the mainland. When he left school he qualified to become a refrigeration mechanic and he also worked as a labourer.

Mr Barham met Mrs Barham on the Sunshine Coast at church in 1989. They married in 1991. They lived on the Sunshine Coast for a period before they moved around the east coast of Australia. They moved to Tasmania approximately five years ago as Mr Barham was fed up with working outdoors in the heat. They rented a home for a while before purchasing their residence at Evandale.

Mr Barham commenced working for Petuna Seafoods at their Cressy fish farm about four years ago. He was employed as a labourer but did a variety of jobs. He enjoyed his work and loved his work colleagues. He always left for work at 7.00am and he would finish at approximately 4pm. He worked Monday to Friday of each week and he did not perform shift work.

Mrs Barham says on the day of the crash Mr Barham left home at 7.00am as usual. He was in good spirits and he was driving their white Toyota. She says he was familiar with driving on Woolmers Lane. Mrs Barham says her husband was fit for his age and had no medical issues she was aware of.

Circumstances Leading to Death

Mr Davey is employed as a truck driver for farmers that operate out of Chintah Road near Longford. His duties in that employment include driving a prime mover and triaxle flat top trailer. He had a load of hay bales on that morning to deliver. He checked the truck and trailer to ensure everything was in order before commencing his journey to a farm near Ringarooma where he was to deliver the hay. He drove along Chintah Road, onto Panshanger Road and then onto Woolmers Lane and was heading east towards its intersection with the Midland Highway. It was overcast and raining and the road was wet and slippery. He had his headlights and windscreen wipers on. He drove past a property which is bordered on the southern side of the road by a line of very large pine trees. He drove towards a right-hand bend at about 60 km/h. At that point he saw a white car coming towards him and it was slipping sideways on the corner. The rear right hand side of the vehicle was over the centre line and its front left corner was on the left bitumen road edge. The vehicle was out of control. It then slid off the road and hit one of the pine trees at a speed he estimates was approximately 80 km/h. He immediately went to assist the driver and could see he was wearing a seatbelt. He could not find a pulse. Mr Davey returned to his vehicle and called police and an ambulance.

Investigation

AT received a call to attend at 7:20am. Paramedics were at the scene at 7:40am. By that time officers from the Tasmania Fire Service and Tasmania Police were present. Paramedics determined Mr Barham had died from injuries sustained in the crash.

Constable Poxon was advised of this crash at 7:17am and made his way to the scene from the Launceston police station. On arrival he saw a white Toyota Avalon, F23MI facing west that had gone through the fence on the southern side of Woolmers Lane and crashed into a very large pine tree. He was advised by a paramedic the driver was deceased. He notified police radio dispatch services there was a fatality and then spoke to Mr Davey. He remained at the scene to assist with traffic control and thereafter seized Mr Barham's vehicle which was transported to the Launceston police garage.

Senior Constable Rybka from the Northern crash investigation section of Tasmania Police was advised of this crash at 9:01am. He located the crash scene 2.42 km west of the junction with the Midland Highway on Woolmers Lane; arriving at 9:47am at which time he was briefed by Constable Poxon. He then inspected the crash site which was on a nearly level straight section of the roadway on an exit from a left-hand sweeping curve. The road at that location consists of two sealed lanes one east and the other westbound. The lanes are separated by a single continuous white line which was clearly visible. He inspected the

roadway for at least 300 m on the approach and departure from the crash site. He was unable to find any obstacles, road defects or dead wildlife which may have caused the crash.

He noted the position of Mr Barham's vehicle and took various measurements. He observed it had sustained heavy impact damage to the entire front right hand side. He observed no tyre marks visible on the road surface but located a series of three tyre marks leaving the bitumen roadway. The curve where the loss of control is reported was 34.9 m east from the first tyre mark leaving the roadway. He took further measurements at this location to enable a critical curve speed to be calculated. The relevant incident marks were marked with yellow road marking paint prior to his arrival by Senior Constable McCarron. All the marks and measurements were recorded. First class Constable Williams of Northern forensic services then attended and took photographs at Senior Constable Rybka's direction and then Senior Constable McCarron took a series of aerial photographs using a police drone. Mr Barham was identified and he was then removed from the scene by the mortuary ambulance.

Senior Constable Rybka says the prescribed speed limit for the area was 100 km/h. Traffic travelling west towards Longford travel from the Midland Highway junction along a fairly straight and level section of Woolmers Lane for about 1.95 km to a right-hand curve. There is a clearly visible yellow 65 km/h advisory speed sign at this location. From the curve the road is straight for a further distance of approximately 312 m to the curve where the crash has occurred. There is a clear line of sight to the sweeping left-hand curve, where Mr Barham lost control, for westbound traffic. As a result of measurements taken at the scene Senior Constable Rybka has been able to calculate the critical curve speed of the left hand sweeping curve at 88 km/h. This is the minimum speed at which the Toyota would have lost traction while negotiating that curve in wet conditions.

Senior Constable Rybka says on entry to the sweeping left-hand curve the Toyota has been exceeding its critical curve speed and lost traction on the wet road surface. From this point he says it is likely Mr Barham applied harsh steering input in an effort to correct the vehicle. This has resulted in the Toyota entering an out-of-control counter-clockwise rotation around its centre of mass. He says it has been slipping out to its right side while still travelling west towards Longford. As its rotation progressed it has travelled off the roadway from the westbound traffic lane and onto the southern grass verge. The distance from the apex of the curve to the point where it left the roadway was 34.9 m. On leaving the roadway the vehicle has entered the row of large pine trees and travelled 17.5 m to impact with one of those trees. That impact was severe. After the impact the vehicle has come to rest 1.2 m east of the tree trunk it collided with. The front bumper of the Toyota was dislodged by the impact and it came to rest 9.8 m west of this point.

Accordingly Senior Constable Rybka has concluded excessive speed for the wet conditions while Mr Barham entered the left-hand curve resulted in a loss of control which then led to the crash. He believes if Mr Barham had obeyed the speed advisory sign this collision would have been avoided. I accept all of Senior Constable Rybka's opinions which he is qualified to provide.

Dr Donald Ritchey conducted a post-mortem examination on 28 February 2022. As a result of that examination and after considering post-mortem imaging he concluded Mr Barham died of the multiple injuries he sustained in this motor vehicle crash. I accept his opinion.

Mr McLachlan-Troup determined there were no alcohol or illicit drugs in the blood sample taken from Mr Barham at the post-mortem. I accept his opinion.

Mr Ross is a transport safety and investigation officer employed by the Department of State Growth. He is a qualified automotive technician with over seven years' experience in the automotive industry. Mr Ross inspected Mr Barham's vehicle on 28 February 2022. After his inspection he concluded the only defect which was present prior to this crash was a non-compliant right hand rear tyre because it had insufficient tread depth. He says it is known that exposing a non-compliant tyre to wet conditions can greatly affect traction. I accept this opinion. The insufficient tread depth could have contributed to this crash.

Finally it was determined Mr Barham was not using his mobile phone either prior to or at the time of the crash.

Comments and Recommendations

The predominant cause of this crash was that Mr Barham drove at excessive speed in wet conditions. I am satisfied insufficient tread depth on the right rear tyre, in addition to excessive speed and the wet road conditions, contributed to Mr Barham losing control of his vehicle.

The circumstances of Mr Barham'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 Barham.

Dated: 21 February 2023 at Hobart in the State of Tasmania.

Robert Webster

Coroner