



IN THE CORONERS' COURT OF THE NORTHERN TERRITORY

Rel No: D201/2023
D202/2023
D203/2023
D204/2023
D205/2023
D206/2023

Police No: 10470724

CORONERS' FINDINGS

Section 34 of the Coroners Act 1993

I, Elisabeth Armitage, Coroner, having investigated the deaths of **FAMILY OF SIX** and without holding an inquest find that **the deaths occurred on 29 September 2023, at Stuart Highway, Pine Creek in the Northern Territory.**

Causes of death:

ADULT DRIVER

1(a) Disease or condition leading directly to death **Combination of mechanical trauma and subsequent exposure to fire (driver)**

NOTE: Significant calcific coronary artery disease, micronodular cirrhosis of the liver and fatty change of the liver were also present. Whilst these may have been incidental, they cannot be excluded as possible causative, contributory or precipitating factors.

ADULT PASSENGER

1(a) Disease or condition leading directly to death **Combination of mechanical trauma and subsequent exposure to fire (passenger)**

CHILD 1

1(a) Disease or condition leading directly to death **Combination of mechanical trauma and subsequent exposure to fire (passenger)**

CHILD 2

1(a) Disease or condition leading directly to death **Combination of mechanical trauma and subsequent exposure to fire (passenger)**

CHILD 3

1(a) Disease or condition leading directly to death

Combination of mechanical trauma and subsequent exposure to fire (passenger)

CHILD 4

1(a) Disease or condition leading directly to death

Consequences of motor vehicle collision, multiple fractures (ejected) (passenger)

Forensic pathologist and identification processes:

Following autopsies and forensic examinations on Sunday 01 October 2023 and 02 October 2023, Forensic Pathologist, Dr John Rutherford commented:

A motor vehicle had collided with a heavy truck at approximately 1615 hours of Friday 29 September 2023. Immediately after the crash an intense fire broke out. Charred human remains were retrieved from the motor vehicle and its immediate vicinity. Later, the remains were examined for identification purposes and autopsies were conducted where appropriate. The two occupants of the heavy truck escaped with their lives.

At the scene, the remains were collected by crime scene and crash investigators who placed the remains in body bags according to sectors that they had mapped out. The body bags were allocated Coronial Investigation Unit numbers and brought to the Royal Darwin Hospital.

During examination at the mortuary, samples were taken for DNA analysis and forensic odonatological examination. Those parts that could reliably be identified as individuals were placed in named body bags. Those remains that could not be identified, by agreement with the next of kin, were distributed evenly by police investigators into the body bags of those who had been successfully identified.

Altogether 13 body bags were brought to the mortuary by police and from the remains six individuals were identified.

Summary of causes of death:

Taking into account the pathological findings and circumstantial descriptive evidence of this incident my opinions as to causes of death of the subjects (victims) of this incident are as follows:

Five perished from a combination of mechanical trauma and subsequent exposure to fire.

The youngest child perished from consequences of motor vehicle collision, multiple fractures (ejected).

Definitive Identification

- DNA studies supplemented by dental examination ascertained the presence of six individuals within the remains: -

Caveat

- My role was to assist in the DVI investigation from a forensic pathology perspective. This included describing the remains and dissection where appropriate to glean information relating to natural disease, mechanical trauma, thermal trauma, and record the findings.

- The identities recorded above are based on information derived from verbal and written accounts from the experts in DNA and forensic odontology.

Police investigation:

The investigation was clear that the surviving truck driver of the road train did not cause the crash and was not at fault. No offences were committed by this driver.

Family Circumstances:

Adult driver was born on 15 January 1989 in Darwin, Northern Territory

Adult passenger was born on 27 February 1989 in Alice Springs, Northern Territory.

Child 1 was born on 7 January 2014 in Alice Springs, Northern Territory.

Child 2 was born on 7 October 2017 in Darwin, Northern Territory.

Child 3 was born on 24 September 2019 in Darwin, Northern Territory.

Child 4 was born on 22 October 2021 in Darwin, Northern Territory.

Tragically, these six family members perished together in a car crash on Friday 29 October 2023.

The Time and Location of the Crash:

The crash was first reported to Police by numerous witnesses and passers-by who telephoned "000" at 4:50pm.

The crash occurred on the Stuart Highway, about 12km south of Pine Creek. The GPS location was recorded as - 13°54'51"S 131°51'51"E.

At that location the Stuart Highway consisted of one lane in each direction. The asphalt surface was in good condition and free from defects. The road was straight, running slightly downhill north to south. There were no natural obstructions to the views of drivers and the sun was not in a position to blind drivers. The weather was fine and clear.

Vehicles and Occupants:

The family members were travelling in a 2009 Mitsubishi Pajero, bearing Northern Territory registration. The adult male was driving. The adult female was in the front seat passenger. Three children are believed to have been rear seat passengers. It is not known where the youngest child was situated.

The second vehicle in the crash was a 2021 Shaw's Kenworth T909 Prime Mover (+ 3 Trailers), (the road train). As a result of the crash the truck driver suffered multiple broken ribs, minor punctured lung and lacerations. His co-driver, who was in the sleeping bunk, suffered minor injuries.

Vehicle Inspections:

Due to the extensive crash and fire damage sustained by the Pajero it was not possible for a comprehensive mechanical inspection to be carried out. There is no evidence to either suggest or discount that a mechanical fault contributed to or was the cause of the crash.

An inspection of the metal seat belt clips remaining after the fire and the location of the body of one child would suggest that the driver and the front passenger were wearing seatbelts but the four children were not.

Due to the extensive crash and fire damage sustained by the road train it was not possible for a comprehensive mechanical inspection to be carried out. There is no evidence to suggest that a mechanical fault by the road train contributed to or caused of the crash. An inspection history from the in-house workshops of Shaw's Transport was obtained.

Driver Information:

The adult driver of the Pajero was not the holder of a current driver's license. He was disqualified from holding a driver's license in 2013 and his license had never been renewed. He had 24 driving related offences from 2013 to 2022 including numerous occasions of Drive High Range Blood Alcohol Content, Drive Medium Range Blood Alcohol Content and Drive with a Child Not Restrained Properly.

The truck driver was the holder of a current Multi Combination Northern Territory driver's license. His only other traffic related involvement occurred in 2010 when he struck an intoxicated pedestrian who had stepped out in front of his vehicle.

Circumstances Surrounding the Deaths:

On 27 September 2023, the family travelled from Lajamanu to Katherine. Their intention was to purchase a vehicle and to continue their journey to stay with family in Darwin. The adult passenger's mother had offered to pay for the car on certain conditions. Whilst in Katherine they stayed with family at Katherine South.

They went to view a Pajero which was for sale. They decided to purchase it and paid for it the next day via a transfer. They then took delivery of the Pajero. The previous owner had purchased the vehicle seven months prior. He described it as in good condition and with registration through to 2024.

On Friday 29 September 2023, the children stayed with their maternal grandmother and her partner, both of whom often cared for the children, and the parents went to the Mahogany Bar to socialise.

CCTV confirms that the couple arrived at the Mahogany Bar at about 12:00pm and they are recorded as consuming about 6 VB beers each and the driver consuming a further spirit pre-mix. They did not purchase any of these beverages which were given to them by various third parties.

At about 3:15pm they left the bar and returned to their address in Katherine. Shortly after that they prepared to leave for Darwin. The Pajero, which now contained the family, was seen leaving Katherine at about 4:00pm with the father of the children driving.

At about 4:40pm a witness reported seeing the Pajero driving north along the Stuart Highway towards Darwin about 12km short of Pine Creek and approximately 80km from Katherine. The witness described the Pajero as being driven appropriately and travelling about the speed limit, which is 130km/h in that area. It was travelling some distance behind a truck, described as a cattle road train, which was also heading north. At the same time, various witnesses described a Shaw's Transport road train, with 3 trailers, travelling south at about 90-100km/h. The 2 road trains passed each other without incident.

Then, without any warning, the Pajero veered across both lanes and into the path of the Shaw's road train. There was only about 30-40 metres of space between the two vehicles. The truck driver immediately locked the brakes of the road train but, given the short distance and speeds of the vehicles,

a collision was unavoidable. The front passenger corner of the Pajero made contact with the passenger side of the road train's bulbar.

The speed of both vehicles acting against each other and the weight mismatch of the road train as compared to the Pajero, immediately caused catastrophic damage to the Pajero. The Pajero launched into the air at 90° off the eastern edge of the highway. The impact caused the Pajero to explode and burst into flames.

The road train's damaged bulbar likely inflicted damage to the passenger side steering tyre of the road train causing it to drift off the eastern side of the highway and the trailers to "jack-knife". This caused the truck and the first trailer of the road train to face 180° back from the direction of its travel and to tip over onto its side. A fire ignited from the truck's gearbox which spread to the rest of the truck after the truck driver and his co-driver managed to get out. The road train had recently re-fueled and it contained in excess of 2000L of diesel which engulfed and consumed the truck and first trailer in a large uncontained fire.

Witnesses who stopped went to the aid of the truck occupants and tried to approach the Pajero but could not get close due to the intensity of the fire consuming it. At one point, a witness approached with a fire extinguisher but could not get within an effective range. It was assumed that the occupants of the Pajero died immediately as a result of the impact or shortly afterwards as a result of the intense fire.

The body of the youngest child was discovered outside of the Pajero wreck at a later time by Police.

A number of calls went out to Emergency Services who responded with Fire Units from Pine Creek and Katherine, a Clinic Ambulance from Pine Creek, a St John Ambulance from Katherine and Police from Pine Creek, Adelaide River and Katherine.

The area was declared a crime scene and the highway was closed with intermittent detours in place during the night and for the duration of the next day while the Major Crash Investigation Unit and Disaster Victim Identification teams worked at the site

Due to the total destruction of the vehicles and very little scene evidence the speed of the vehicles could not be calculated and police relied on the eye witness assessments of speed.

Cause of Crash:

The crash occurred as a result of the Pajero violently veering from its lane directly into the path of the oncoming road train. With no definitive evidence to support any particular theory, crash investigators could only speculate as to why this occurred. They considered that any one of the following may have possibly caused the crash:

- The Pajero may have suffered sudden and catastrophic mechanical failure causing it to swerve unavoidably into the path of the road train. Empirical evidence suggests that a vehicle suffering from such an event could cause the vehicle to veer violently.
- The driver of the Pajero may have suffered from a medical episode. The post-mortem examination suggests that his heart was not healthy and a sudden cardiac event could not be ruled out. Empirical evidence suggests that a driver suffering from such an episode could cause their vehicle to veer violently.
- Given his consumption of alcohol before departure, the driver of the Pajero may have been intoxicated and may have lost control of the vehicle through fatigue, inattention, loss of

consciousness or a combination of these factors. However, crash investigators considered this **unlikely** as empirical evidence suggests that in such circumstances a vehicle is more likely to drift from its lane rather than veer sharply as occurred in this crash.

- The occupants may have been involved in some form of incident and this was a willed, or unwilled, act on the part of the driver or passengers. However, this also seems **unlikely**. Although there was a "non-intoxication" domestic violence order in force, based on family testimony, the relationship was in a good place and when they departed Katherine everyone appeared to be happy in each other's company.

Decision not to hold an inquest:

I make no further findings with respect to the circumstances of this death as, under section 16(1) of the *Coroners Act 1993* ("the *Act*") I decided not to hold an inquest because the investigations into the death disclosed:

- The time, place and cause of death;
- The relevant circumstances concerning the death;
- I do not consider that the holding of an inquest would elicit any information additional to that disclosed in the investigation to date; and
- The circumstances do not require a mandatory inquest because:
 - The deceased was not, immediately before death, a person held in care or custody; and
 - The death was not caused or contributed to by injuries sustained while the deceased was held in custody; and
 - The identity of the deceased is known.

Signature:

Elisabeth Armitage

CORONER

Date:

NOTE:

Under section 16(2) of the *Act*, within 14 days after receiving notice of a decision not to hold an inquest, a person may apply to the Supreme Court for an order that an inquest be held.

Under section 16(3) of the *Act*, the Supreme Court may if it thinks fit, make an order that an inquest be held.
