

# TRANSCRIPT OF PROCEEDINGS

CORONERS COURT

CLEMENTS, Deputy State Coroner

BRIS-COR-703/03

IN THE MATTER OF AN INQUEST INTO THE  
CAUSE AND CIRCUMSTANCES SURROUNDING  
THE DEATH OF ROBERT EDWARD COOK

BRISBANE

..DATE 15/08/2005

FINDINGS

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

D/STATE CORONER: Resuming the inquest into the death of Robert Edward Cook. The inquest is being held pursuant to the Coroners Act 2003. An accident occurred on the 12th of December 2003. I have heard the evidence of Julia Abbs who was driving behind Mr Cook heading south on Scarborough Road near the Southern Cross Catholic School at Scarborough. I have also heard the evidence of Tania Thorne, formerly Tania Sheriff, who was a pedestrian with a pram, walking north on the western footpath of Scarborough Road at the roundabout intersection with Griffith Road. And I have heard the evidence of Claire Gupta who was driving a Tarago motor vehicle in a westerly direction along Griffith Road approaching the roundabout intersection with Scarborough Road.

The police Accident Investigation officer, Sergeant David Tulloch, investigated the accident and gave evidence at the inquest as well as providing his statement together with scale drawings and photos from the scene. As well as the oral evidence from the witnesses, I have documentary evidence which has been tendered to the inquest. This includes a statement from Mrs Cook, a letter and photographs from E S Deido, and the transcript from the record of interview tapes from Claire Gupta.

From all of this information I have determined that on the 12th of December 2003 at about 10 to 8 in the morning an accident occurred in the roundabout intersection of Scarborough and Griffith Road at Scarborough. The accident involved a Toyota Tarago motor vehicle, registered number

843.IAL driven by Claire Gupta, and a motorised Scorpio mountain bike driven by Robert Edward Cook. The weather was fine and sunny and the road surface was dry and in good condition.

Mr Cook was wearing a safety helmet prior to the accident but it became dislodged in the accident. I rely on the evidence of Mrs Abbs and Claire Gupta for this issue. There was no flag attached to the bike on that day. Mr Cook was proceeding downhill along Scarborough Road, approaching the roundabout intersection. As he approached the intersection he travelled over a crest and he increased his speed as he went downhill into the roundabout. He did not slow or stop as he entered the roundabout. I rely on the evidence of Mrs Abbs, together with the evidence from Sergeant Tulloch, to estimate Mr Cook's speed. I also have regard to information from Mrs Cook that the bike could travel at 30 to 35 kilometres per hour on the flat. I note Mrs Abbs' evidence that she was travelling at between 50 and 60 kilometres per hour and that Mr Cook was ahead of her. I note her evidence that he appeared to have moved further away from her car after she had crested the hill and she saw him travelling down the hill into the roundabout. I accept her evidence.

I also note Sergeant Tulloch's estimate of speed, that Mr Cook was travelling between 30 and 40 kilometres per hour based on:

1. The capability of the bike as indicated by the bike shop proprietor.

2. The fact that the bike was new and in good condition.

3. The fact that Mr Cook was travelling downhill and was increasing in speed.

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4. The positions of the Tarago and the bicycle after the accident.

I accept his evidence and accept the range of speed to be between 30 and 40 kilometres per hour.

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Mrs Abbs says that Mr Cook was in the far left-hand turn-only lane but that his path through the roundabout indicated that he was travelling through the roundabout and not turning left. It would appear that Mr Cook was trying to straighten out the path of the roundabout by travelling in the left-hand lane as he entered the roundabout and then straight through which took him close to the centre edge of the roundabout in making a straight course through the intersection.

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Mrs Abbs saw the collision. She said, "As you approach the intersection it is impossible to have a clear view to the left along Griffith Road. There are trees and shrubs as well as a large diameter power pole on the left hand corner." She suddenly saw a vehicle in the left-hand entry of the roundabout from Griffith Road. She says that she is unable to clearly say which vehicle entered the roundabout first because it happened very quickly. There was no evasive action,

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swerving or apparent braking by either vehicle. She said it was virtually impossible because it happened so fast. She thought her impression was that the bike had entered the roundabout a little fast. She said she saw the van at the dotted line at the entry of the roundabout and then proceeding through when the collision occurred. Most significantly she says the collision occurred at the right rear of the Toyota Tarago.

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The other eyewitness, Mrs Thorne, did not really see that much of the accident. Her view was obscured by foliage on the round-about itself and she said she could only see the top of Mr Cook's head. She did not see either vehicle approach, she only saw Mr Cook for the first time when he was in the round-about.

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She could not tell the speed of either vehicle. She could not remember when she first saw the Toyota Tarago, nor did she see the actual collision. She says she did not hear any sounds of brakes.

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Claire Gupta was the driver of the Tarago. She says, she stopped at the entry at the round-about and then entered to proceed through along Griffith Road.

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She did not see any vehicles, but she did see the pedestrian with the pram. She did not see the bicycle or Mr Cook at all until after the collision had occurred. She said she heard the sound of a collision with the right-hand rear of her vehicle and she stopped at the other side of the intersection and came back. She knew the intersection and drives through it daily. She was tested by police at the scene and her blood alcohol level was negative.

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I am satisfied from the evidence, particularly of Sergeant Tulloch, that neither Mr Cook or Claire Gupta was aware of the presence of the other until the accident occurred.

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I am satisfied that there were particular contributory factors why this happened.

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1. The fact that Mr Cook was in the far left-hand turn only lane but proceeding straight through the round-about.

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2. The position of vegetation on the corner which obscures the approaches to the intersection. This requires drivers to slow, and or stop, to be able to clearly see. Vegetation also creates shadows which may have been a factor in making it difficult to see Mr Cook.

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3. The position of the power pole to the left-hand side very close to the kerb as Mr Cook approached the intersection. This pole has a wide diameter and has the affect of creating a blind spot, particularly for anything like a bicycle with a narrow profile as it approaches down Scarborough Road.

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4. The fact that Mr Cook did not slow his speed, possibly due to the added acceleration as he proceeded down the hill.

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I note that after the evidence was closed, I received the Road Safety Audit and Risk Assessment Report from the Redcliffe City Council, so I now have that document. This will be Exhibit Number 21.

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ADMITTED AND MARKED "EXHIBIT 21"

I note in particular two suggested actions from that document. The first relates to line of sight to the approaches to the intersection. The council noted a large number of skid marks which might back up the problem of line of sight difficulty.

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The report says, "The sight distance from Griffith Road is partially obscured by vegetation. The low height of signage might also impact on sight distance". The suggested remedy is to remove overhanging vegetation. The second suggestion was to reduce the entry lane approach to a single lane which presumably would force vehicles to slow down to negotiate the kerb rather than being able to straighten out the kerb.

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The second issue raised by the audit, was the position of the power poles - not just one but several power poles - which were seen to be a danger if they were hit. The suggested remedy was to relocate, but also redesign to a single lane which could mean a greater distance to the pole from the road and thus reduce the physical hazard, as well as reduce the visual obstruction.

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In accordance with section 46 of the Coroners Act, I commend the suggested remedies set out in paragraph 6.1.1 and 6.1.2 of the Audit Report. I support the council in considering these improvements and directing funds to make them happen, noting of course that the council must consider all other requests.

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In accordance with section 45, I make my formal findings. The identity of the deceased person was Robert Edward Cook. He sustained fatal injuries in an accident on the 12th of December 2003 at the round-about intersection of Griffith Road and Scarborough Road, Scarborough.

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He was riding a motorised bicycle which came into collision with a Tarago motor vehicle driven by Claire Gupta.

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Mr Cook died on the 21st of December 2003 as a result of the injuries he sustained on the 12th of December 2003. The autopsy examination revealed the cause of death was due to head injuries.

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I thank Sergeant Tulloch for his detailed Accident Investigation Report, and Sergeant Rochfort for his assistance to the Court and to the family. And finally, I extend the condolences of the Court to Mrs Cook and to your daughter on the sad loss of your husband and your father in this accident.

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The inquest is now closed.

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