



OFFICE OF THE STATE CORONER

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Reuben George Kelley**

TITLE OF COURT: Coroner's Court at Cairns

JURISDICTION: Cairns, Northern Region

DATE: 10 March 2016

FILE NO(s): 2015/1853

FINDINGS OF: Kevin Priestly, Northern Coroner

CATCHWORDS: CORONERS: Non-inquest findings, motor vehicle collision, driving at excessive speed, in-experienced driver, driving to conditions of road

The Incident

1. Reuben George Kelley was 18 years of age and lived at Babinda. Reuben held a provisional driving licence obtained in August 2014.
2. On Saturday 16 May 2015, Reuben was due to attend a party at a friend's house in Babinda. He picked up two friends in a Green Mazda 2. One was seated in the front seat and the other was seated in the rear seat.
3. At about 4.30pm, Reuben was driving north on Dinner Creek Road, Eubenangee to Babinda. There was intermittent rain and the road surface was wet. The two lane sealed road was straight, then narrowed for a single lane bridge as it crossed a creek, then widened to two lanes with a slight incline. The Mazda travelled over the crossing and up the incline. However, it left the road, crossed a grass verge and up a small bank becoming airborne. While the Mazda was in the perpendicular position, it collided with a power pole, shearing it into two sections. The Mazda landed on its wheels and with part of the power pole across the roof. Reuben was deceased and the front seat passenger was pinned by her legs. The rear seat passenger managed to get free of the car and raise the alarm. Ambulance and Fire officers attended. The front seat passenger was extricated and taken to Innisfail Hospital.

Forensic Crash Unit (FCU) Investigation

4. A police FCU investigator conducted an investigation into the incident.
5. The road had a posted 60kph regulatory speed limit and was in good condition. On the northern side of the bridge, the road has a short steep incline for about 15 – 20 metres then veers very slightly left, then right. The signage on the approach to the bridge gives warnings to reduce speed and give way to oncoming traffic.
6. On either side of the road after the bridge, there are grassed areas. To the western side, there is a slight grass bank which is no more than 300mm high. Two tyre marks were seen leaving the road surface, through the wet grass and up the bank. It was difficult for the investigators to determine whether brakes were applied owing to the furrowing left by the wheels. The tyre marks cease at the top of the bank. The Mazda travelled approximately 20 metres through the air then collided, roof first, with a power pole. The Mazda fell to the ground, landing on its wheels. The power pole broke about 2.5 metres above the ground and fell across the roof of the Mazda, from A pillar to C pillar. As there was no direct impact to the front of the Mazda, the airbags did not deploy. The impact zone was concentrated through the roof.
7. The road surface was wet and there was intermittent rain in the area at the time of the incident.
8. A witness travelling in the opposite direction on Dinner Road headed to Innisfail, earlier passed the Mazda and reported to police its estimated speed was 120 -130 kph. On returning from Innisfail, the witness saw the wreck of the same Mazda at the road side.
9. The rear seat passenger reported to police that it was raining during the drive, the Mazda was driven fast and she felt uncomfortable. She reported it was getting airborne over bumps and 'the car took off and there was a big bang'.

10. The Investigator was able to exclude any contribution from the design and condition of the road. The vehicle did not appear to have any defects that might have contributed. Further, although the weather was adverse, its affect was manageable if the Mazda was driven at the speed limit.
11. I have selected and attached a series of photographs showing the view of the road that Reuben would have seen from his approach to the crossing through to impact with the power pole.

Autopsy

12. On 19 May 2015 Dr Stewart conducted an autopsy limited to external examination at the request of the family. There were a number of abrasions to the thorax and abdomen and a small laceration to the left foot. Toxicology was negative to drugs and alcohol. No cause of death was obvious on external examination. However, I am satisfied, from the circumstances of the incident including the trauma to the vehicle, Reuben died due to multiple injuries due to motor vehicle accident and so find. I direct that the cause of death certificate, currently stating 'undetermined' be amended to read multiple injuries due to motor vehicle accident (driver).

Conclusion

13. The FCU investigator concluded that the incident was caused by driving at high speed, well beyond the capabilities of a new driver and on a section of road not designed for that speed.
14. I also note in response to a recommendation of the FCU investigator, Cairns Regional Council installed a repeater sign of the 60kph limit with an advisory sign of 40kph for the bridge and incline.
15. On reviewing the FCU report and photographs of the scene, I find it likely that Reuben experienced reduced traction, becoming airborne at the top of the incline. Given the slight change in direction of the road alignment and speed of travel, Reuben struggled with, then lost directional control. The Mazda then travelled onto the grass verge at which point there was no prospect of regaining control.
16. I find that Reuben Kelley died due to multiple injuries sustained in a motor vehicle accident on 16 May 2015 at Dinner Creek Road, Eubenangee. He died due to misadventure.
17. This incident is an example of how young and inexperienced drivers can seriously overestimate their judgement and ability; and engage in risk taking behaviour with tragic consequences.
18. I do not propose to hold an inquest because the investigation has revealed sufficient information to enable me to make the findings required under the *Coroners Act 2003*. Further, the findings do not give rise to the need for recommendations which can only be made at an inquest.
19. I consider that the publication of these findings is in the public interest. There are important road safety messages arising from the findings. The family of the deceased was consulted, and I direct the findings be published in accordance with section 46A of the *Coroners Act 2003*.

Findings required by s45

Identity of the deceased – Reuben George Kelley

How he died – Mr Kelley was driving at speed, lost control of his vehicle which became airborne and struck a power pole resulting in fatal injuries.

Place of death – Dinner Creed Road, Eubenangee, QLD 4860 AUSTRALIA

Date of death– 16 May 2015

Cause of death – Multiple injuries due to a motor vehicle collision.



Kevin Priestly
Coroner

CAIRNS
10 March 2016

View of the drivers approach to the crossing





Findings of the investigation into the death of Reuben George Kelley



Findings of the investigation into the death of Reuben George Kelley



Findings of the investigation into the death of Reuben George Kelley



View after incline – house centre left



Tyre marks showing path of Mazda



Replacement power pole in position



Power pole sheared off through impact