



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of John Malcolm Schibrowski**

TITLE OF COURT: Coroner's Court

JURISDICTION: Rockhampton

FILE NO(s): COR 84/2003

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HEARING DATE(s): 16 January, 17 May, 2 August, 9 October 2007

FINDINGS OF: Ms Annette Hennessy, Coroner

CATCHWORDS: CORONERS: Inquest – motor vehicle accident, TAIS investigation, identity of driver

This morning's hearing is for the delivery of the decision in findings in relation to the inquest into the death of John Malcolm Schibrowski. I do apologise for the length of time it's taken me to get to this, but I did want to go through all of the evidence very thoroughly and unfortunately my work commitments are such that that has taken me much longer than I would've liked.

I'll summarise the evidence which was taken over a number of sittings as the investigation evolved and I'll make my comments on that issue later.

The facts of the matter are that at 3.20 p.m. on Sunday the 23rd of November 2003, a single vehicle incident occurred on the Burnett Highway near Bouldercombe. John Malcolm Schibrowski died as a result of injuries sustained in the motor vehicle incident. He was travelling in the Commodore vehicle with 2 other occupants - Jacqueline Chris and Claude White.

When the incident occurred, Mr John Hare and his wife were travelling in the opposite direction to the Commodore vehicle on the Burnett Highway. Mr Hare's evidence was that he came to the 80 kilometre zone and slowed to go around the bend. He was three-quarters of the way around the bend when he saw the Commodore about a hundred metres ahead crossing the road in front of him and slamming nose first into an embankment on Mr Hare's side of the road.

Mr Hare was braking heavily by this time and then reversed his vehicle away. The Commodore came off the embankment and tipped and spun sideways, turning over and still moving towards the Hare vehicle. The vehicle came to rest on its roof on the side of the road. The driver's side was heavily damaged and caved in.

Mr Hare rang triple-0. As he was speaking to the operator, a fairly large male person crawled out of the passenger door window and staggered around. He was covered in dust. Mr Hare asked was he okay and the man ducked back into the vehicle and backed out of the window and a female person came out after him. The female was putting her top on.

Mr Hare spoke to them and they said they were okay. They were both covered in dirt. He described them as absolutely filthy and Ms Chris looking as if she had rolled around in the dirt. He thought that the dirt may have entered the car when the windscreen was popped out during hitting the embankment.

Ms Chris's handbag was thrown from the vehicle and Mr Hare returned it to her. He moved both persons away from the vehicle. He noticed fuel was leaking from the vehicle and that there was another person inside. He seemed to be breathing heavily and his head was sticking out through where the rear windscreen had been.

Mr Hare was not able to safely move him from the vehicle so he monitored the situation and conducted traffic control with another person and awaited the arrival of emergency services, which he estimated to be some 45 minutes later, but may not have been quite as long as that. Mr White asked to phone his brother and Mr Hare dialled the number and handed his mobile phone to Mr White who appeared to speak on the phone.

It was put to Mr Hare that Ms Chris was thrown from the vehicle. He says that if she was thrown out of the passenger side of the vehicle, she must've been on the ground beside the car and was assisted up by White, but it looked like he went into the car and she came out after him. Mr Hare did an outstanding job at the scene and is to be congratulated on his efforts.

Ms Chris gave evidence during the inquest that during the morning of the 23rd of November 2003 Mr White, her de facto partner, had been at Mr Schibrowski's house. She went to collect him in the Commodore vehicle and discovered that the men had set off for the pub. She met up with them and the 3 went to the Fitzroy Hotel around lunchtime where they had a couple of beers.

They decided that they wanted to go to Mount Morgan to see a friend. She drove to Mount Morgan. They stopped at the Bouldercombe Pub on the way and had another couple of beers there. They continued to Mount Morgan with her driving. They had a couple of drinks at the first pub but the friend wasn't there. They went to a second pub where Ms Chris wanted to stay and have a drink herself.

Mr Schibrowski left with Mr White. Mr Schibrowski got the keys off her according to her. A little while later they came back and she left with them. She got into the rear of the vehicle behind the driver or in the middle and they stopped at another pub where Mr White got out and purchased some take-away drinks. She had consumed at least 6 drinks during the day. Mr Schibrowski was driving, she said, and Mr White was the front passenger.

On the way back to Rockhampton, the car swerved and Mr Schibrowski hit the brakes and that's all she knew until the ambulance officers were speaking to her. She cannot recall going to the hospital but does recall leaving hospital to go home. She re-attended the hospital on the following day due to difficulty walking and it was discovered that she had a fractured pelvis.

Mr White gave evidence that he was the best mate of the deceased Mr Schibrowski. He gave a very similar version of events of the morning of the day in question. He was with Mr Schibrowski when he obtained the keys to the vehicle off Ms Chris in Mount Morgan and was in the vehicle with him. He says Mr Schibrowski was driving.

On the way back to Rockhampton, he says the music was going in the car and they were "pretty well hooking it", that is going fast. The car started to sway and it was like the wind got under it and it went sideways.

He woke up upside down in the car. He cannot recall what position in the vehicle he was in and the vehicle was on the side of the road. He says he was as drunk as anyone else in the car and had been in the front passenger seat with his seatbelt on when they set out. Chris was behind the driver's seat, he said.

He remembers falling out of the car and talking to a guy on the road. He crawled out the passenger side of the vehicle through the window. He looked down and saw Jacqui lying on the side of the road. She was some distance from the vehicle and he

walked over to her. She was on a dirt mound at the rear of the car. He put his singlet on her as she had no top on; it had been ripped off.

He said he thought he asked the guy to ring his brother Bruce and Bruce came then and there. He said he had fractured ribs on the left side, an injury to his right hand and grazing on the right arm. He was treated at hospital, had blood taken and later went to his doctor.

Mr White denied driving the vehicle whilst giving evidence. He had had a conversation with Sergeant Pimm at the scene in which he stated that he was driving but then withdrew that statement. That allegation was put to him in evidence but he denied driving at all on that day.

Mr White said that the car belonged to him and Ms Chris. Mr Schibrowski didn't drive the car often, had only driven it once before and didn't have a car of his own.

At the conclusion of the evidence, Mr Schibrowski's brother informed me in Court that the deceased man had not driven a car for over 12 months before the incident. He had told his brother that he would never drive again as he was a nervous wreck.

The occupants of the vehicle were attended to by ambulance officers from Rockhampton. Mr Norris was the senior officer on the scene. The 2 passengers were seen to be conscious with minor injuries and were refusing treatment unless they were transported to hospital together.

Mr White told the officers that he was in the front - that he was the front seat passenger and was partially ejected from the vehicle. He waked to see his partner extricating herself and he queried whether he had lost consciousness. He had lacerations to the right shoulder and the front and back of the elbow, the right wrist and abrasions to the back. He told the officers that he had been drinking that day.

Ms Chris was conscious and alert. She had minor injuries and was alert but distressed and not talkative. She had mild pain in the elbow and abrasions. She could not recall the accident. She also had a haematoma and bruising and laceration to the right eye. She said she thought she was sitting in the rear right seat. Mr White said that she had been thrown from the vehicle and was unresponsive when he got to her. She was groggy and vague. She had been drinking and was wearing a seatbelt.

Mr Norris, an experienced ambulance officer, stated that with the speed and force of the accident, even taking into account the injury of the fractured pelvis to Ms Chris, he considered that it was unlikely that she was ejected from the vehicle. Ms Peach, at the time a second-year student ambulance officer, gave evidence that some people do have few injuries after being thrown from the vehicle in a high speed impact whilst others suffer extensive injuries.

Sergeant Pimm from Gracemere Police was the first police officer to the scene of the incident. He attended shortly before the ambulance officers from Rockhampton. He noticed on arrival that the vehicle was extensively damaged and sitting on its roof.

Mr Schibrowski was lying in the vehicle on the roof on his left side and his feet were towards the front of the vehicle. The fingers of his right hand were stuck in the top of the rear passenger door. His breathing was laboured at that time.

Ms Chris and Mr White were both covered in dust and dirt but Ms Chris more so. Mr White had extensive grazing to his right shoulder and the right side of his back with minor grazing to the left-hand side of his back. Ms Chris was not speaking. Sergeant Pimm said she seemed to be in shock and he tape-recorded his conversation with Mr White.

During that conversation, Mr White indicated that he'd been drunk for about 3 days and was half asleep at the time of the accident. He said there was no speed involved and the accident just happened all of a sudden.

Sergeant Pimm noted that Mr White did not appear to be overly intoxicated. He seemed to be in a bit of shock and was sore from his injuries. Further, Mr White made a statement to Sergeant Pimm that he was driving. He immediately retracted that and said that he was the front passenger.

Mr White wanted Sergeant Pimm to ring his brother and tell him that Schibrowski was driving. He indicated that someone rang his brother and he was on his way to the scene. Sergeant Pimm's evidence was that no brother attended the scene while either Mr White or Sergeant Pimm was there.

Sergeant Pimm arranged for a blood specimen to be taken from Mr White at the hospital for the purposes of the blood alcohol reading. The result of that test was Mr White had a blood alcohol content of .143 per cent. Sergeant Pimm took statements from some witnesses at Bouldercombe and Mount Morgan hotels in an effort to reconstruct the movements of the occupants of the vehicle before the accident.

Sergeant Pimm is now an officer of some 16 years' experience and has since trained as a traffic accident investigation officer or TAIS. He has undertaken the basic investigation course and a forensic mapping course. He has attended 7 fatal traffic accidents since being based at Gracemere over the last 7 years.

Sergeant Pimm was of the opinion that excessive speed was the major contributing factor in this incident. Following his conversation with Mr White at the scene, and noting the injuries to Mr White, he formed the view that Mr White was the driver of the vehicle. He was also influenced by the fact of the trapped fingers of Mr Schibrowski in the rear compartment of the vehicle.

At the time, Sergeant Pimm was not trained in traffic accident investigation and the detailed investigation of the matter was assigned to Sergeant Douma from Rockhampton. In hindsight, it's a little unfortunate that Sergeant Pimm was not so qualified at the time of this incident as I have always found his accident investigations to be of a high quality.

Sergeant Douma completed the basic traffic accident investigation course in 2002 to 3, about a year before this incident. He has 28 years' experience as a police officer

and has attended hundreds of accidents and investigated fatal accidents before the TAIS system came in.

Sergeant Douma conducted the investigation, taking statements from witnesses, measurements and directed photos to be taken of the scene. Sergeant Douma gave evidence that the vehicle first lost control on a corner and there was damage to an embankment and trees where the vehicle had rolled. The vehicle hit the embankment and rolled along it for about a hundred metres, landing eventually on its roof. He considered that the cause of the accident was taking the corner too fast.

Sergeant Douma formed the opinion at the time that Mr Schibrowski was the driver of the vehicle. He relied on the statements of Chris and White. A further matter operating on his mind was the location of the thongs belonging to the deceased in the driver's foot-well in the vehicle after it had been righted.

When he was shown the photographs of the vehicle still on its roof, he noticed or his attention was drawn to the fact that the thongs were in the rear compartment at that time. It was not something he noticed when viewing the vehicle in situ.

Sergeant Douma stated in evidence, but not in his report, that he did have some doubts about Mr Schibrowski being the driver due to his location in the vehicle. He was a hundred per cent sure of the opinion expressed in his report, although it was expressed in definitive terms.

Miss Kleidon gave evidence that she works at the service station at Bouldercombe. She noticed on the day in question that early in her shift, a brown Commodore sedan pulled into the service station containing 2 males and a female. In the afternoon, they were back through again. On the earlier occasion, they were travelling in the direction of Mount Morgan and all 3 were "tanned coloured" or indigenous - the older guy in the back; the younger male was driving.

The female and the younger male were aged 18 to 25 years and dark-haired and the older man was about 50. The female passenger was in the front passenger side and the older male was behind the passenger or in the middle in the rear. Later in the afternoon, they were travelling towards Rockhampton and the same 3 people were in the same positions in the vehicle, she said.

Shortly later, she heard of an accident down the road and she travelled in that direction at the end of her shift seeing the same vehicle as she had seen earlier. She only found out that the accident involved a death some weeks later.

Dr Buxton conducted the post-mortem examination on the deceased Mr Schibrowski. He found that Mr Schibrowski suffered extensive injuries to his head in the incident and would have lost consciousness instantly, dying within about 3 minutes. The destruction within his head was extensive and not survivable. The injuries resulted from a direct frontal blow to the head. He had other injuries to the left side of the body with a fatal lung injury.

Dr Buxton indicated that the likely side of the collision of the deceased's head with the vehicle was the rear windscreen edge where a large amount of blood was located

on the photos of the vehicle. There was no significant blood or hair on the front windscreen which would have been consistent with the deceased's injuries had he been the driver. The deceased did not appear to have been restrained by his seatbelt.

Dr Buxton indicates that the deceased man had a blood alcohol of .287 per cent and had been taking 2 antidepressants, Oxazepam and Clomipramine. The combination of those medications with the alcohol would have made him more drowsy, suffer from blurred vision and increased in-coordination. The drug levels were therapeutic, but the combination with the alcohol would have resulted in him not being in a condition to drive and he would have likely have been asleep.

Dr Buxton's opinion was that the deceased was probably slumped on the back seat or lying across it when the incident occurred. As he was unrestrained, he was evicted partially through the rear windscreen. The injury to the deceased's left arm was consistent with his being unrestrained in the rear of the vehicle.

Dr Buxton was later requested to review the medical records such as they are of Chris and White with a view to providing an opinion as to whether their injuries indicated their position in the vehicle at the time of the incident.

In relation to Ms Chris, he stated that he did not believe that she could have been thrown from the vehicle without sustaining more significant injuries unless she was thrown onto a very soft surface such as mud. He noted that seatbelt injuries were not always evident on people in such an incident.

Dr Buxton stated that given the serious nature of the incident, it was somewhat suspicious that Ms Chris and Mr White did not want medical assistance.

Dr Buxton noted that there was no room for a second person in the rear seat as the deceased was slumped or lying across the seat. The only place may have been behind the driver's seat, but without - but any person sitting in that position would have suffered significant injuries to the legs in the incident as the driver's seat was damaged and leaning right back.

Dr Buxton stated that the injuries outlined in the records were consistent with Mr White being the driver and Ms Chris being the front passenger, but he could not be definite that that was the case given the scarcity of the medical information. Mr Schibrowski's injuries he said were unusual for the driver of the vehicle to suffer.

As a result of the indication that Mr Schibrowski was likely not the driver of the vehicle, Senior Constable Fisher of the Accident Investigation Squad in Brisbane was requested to review the material to attempt to reconstruct the incident and, in particular, to therefore locate persons in the vehicle from the mechanics of the accidents and their end positions.

A key issue in the inquest has been the identification of the driver.

Senior Constable Fisher is a very experienced accident investigator and has taken various courses in Victoria Police and with the QPS over many years. He reviewed the report of Sergeant Douma, the autopsy report, photographs and the Queensland Ambulance Service records. No scaled plan or measurements of impact points or photographs of impact points were contained in the information provided to him or to me.

Following a review of the material, Senior Constable Fisher stated that the dynamics of the incident could not be precisely determined, other than indicating that the vehicle left the roadway at a certain point, rolled and came to rest on an embankment.

Senior Constable Fisher was unable to determine the occupants' motion inside the vehicle and their seating positions, especially if any of them were unrestrained.

There was substantial roof crushing to the driver's side of the vehicle down to almost the base of the windows of the two side doors. Exit from the vehicle was only possible on the passenger side from the door or that side of the windscreen. The driver's seat was collapsed right back and the seatbelt was still clicked in. It was, therefore, unlikely he said for someone to be thrown out of the seatbelt backwards or forwards without getting caught up in the belt, especially by the feet, as the vehicle rolled over. If that did happen, then one would expect bruising or abrasions to the lower limbs which were not evident on the deceased or the other occupants of the vehicle.

The thongs which were loose in the vehicle could have come from anywhere in the rollover situation and this vehicle had rolled a number of times. There was a fabric scuff mark on the roof of the vehicle which could have come from the deceased's jeans.

Senior Constable Fisher stated that if Chris was seated in the rear behind the driver, then she would have been trapped, or at least injured by the collapsed seat. Further, it would be hard to see how she could move around the deceased and his trapped arm to leave the vehicle without getting his blood all over her. She was not injured such as to cause the blood in the rear of the vehicle.

Senior Constable Fisher was of the opinion that the deceased was not the driver of the vehicle, but there was insufficient information for him to give an opinion as to who was.

After being provided with the photographs, handwritten measurements and not-to-scale partial plan from Sergeant Douma, which came to light during the inquest, Senior Constable Fisher conducted a further analysis of the movement of the vehicle in the incident. He prepared a plan of the scene and a vehicle movement plan.

He stated in evidence that there was a vast difference as to how the vehicle may have impacted on the embankment due to the sparseness of some of the measurements. He was unable to state what parts of the vehicle a body moving in the cabin would necessarily have hit.

His conclusion from the review of the evidence and the plan prepared was that the deceased was in the rear seat, possibly lying down, and probably unrestrained. Based on the injuries, he concluded that Chris was in the front passenger seat and, by a process of elimination, that White was the likely driver.

The injuries suffered by White, particularly the lacerations to the arm could have occurred when the B pillar buckled on the driver's side and the window smashed during the rollover.

The rib injury could have been as a result of the seatbelt. However, it was the officer's opinion that the injuries of White were not only consistent with being the driver, mainly because of the limited medical information and the lack of injuries such as the steering wheel impact.

Chris's injuries were described as classic seatbelt injuries. In Chris's case, the lack of injuries in certain areas is probably instructive as well as to her position in the car.

Senior Constable Fisher stated that the inconsistencies in the statements made it difficult to come to any conclusion based on that information alone. Further, whilst he is trained in reviewing the files of other investigators, he is not sure if the experience or capabilities of the investigators responsible for the statements in this matter, and therefore his reliance on the information is a little reserved.

Whilst blood appeared to be evident on the photographs of the interior of the vehicle, there was no blood analysis to determine whose blood was where in the vehicle.

Senior Constable Fisher's assistance in this matter has been significant and illuminating in attempting to ascertain the true situation and I've placed significant weight on his expert opinion in conjunction with that of Dr Buxton.

There were a number of issues in the investigation. I, as Coroner, had to conduct and direct much of the investigation as the inquest proceeded as the police investigation was lacking in some areas and not complete in others.

If a more searching, complete and timely investigation had been conducted by the police then the outcome could have been different.

The Prosecutor assisting me has been of significant assistance in pulling the ongoing investigation together and progressing the completion of tasks which had previously been difficult to monitor or have the police conclude from the position of Coroner.

There were a number of issues in the investigation, some of which I will detail here. Sergeant Douma did not bring measurements or not-to-scale plan to Court, or include it in his report to the Coroner. There was a lack of complete measurements which limited the assistance that Senior Constable Fisher could provide. The lack of provision of this material necessitated an adjournment of the proceedings and Senior Constable Fisher giving evidence twice and he is now located in Atherton.

Sergeant Douma made an assessment at a very early stage in the investigation that the deceased was the driver. He relied on the statements of Chris and White, both of whom had a potential interest in the police accepting that position.

Further, he was influenced by a flawed observation of the location of the things of the deceased in the vehicle after it had been righted. Despite his later indication of concerns held at the time that the deceased may not have been the driver, Sergeant Douma never really investigated that possibility.

As a result, critical investigations were not made which may have shed more light on the identity of the driver and the potential for the laying of appropriate charges relating to the death of the deceased. Those investigations included the blood in the vehicle not being properly charted and/or analysed to locate the occupants; complete measurements not being obtained between the impact point and the resting position of the vehicle to enable the movement of the vehicle and the occupants within to be ascertained.

Other observations of the vehicle which could have assisted in locating the occupants were not made, that is the accurate location of each occupant's property. Investigation of the movements of the occupants earlier in the day and the identification of the drivers earlier in the day, this was done to some extent at a much later time, but important information could well have been lost with the passage of time.

An insurance investigator obtained statements from various witnesses which were more detailed than the police statements, but were taken many months later and those were not obtained or considered by the police.

Delays in the provision of statements to my office resulted in witnesses not being able to be summonsed in time for the scheduled sittings necessitating an adjournment of the evidence.

Further, some evidence which could have been quite important and perhaps back up the statement made by Mr White to Sergeant Pimm at the scene was effectively sidelined.

In June 2004 the police investigation was reopened after the matter was referred to Coroner Bradshaw when Detective Sergeant Richards came into some further information. That was by way of a conversation with Mr White at the Capricornia Correctional Centre regarding another matter.

It is alleged that an effective admission which was immediately retracted was made. Mr White does not recall the conversation. Notes were made of the conversation by the detective. They were shown to Inspector Weightman and discussed with Detective Paskin.

I am disregarding the evidence presented to me regarding the conversation as there was no direct evidence of the conversation placed before me due to the unavailability of Mr Richards to give evidence.

Consequently, his evidence was not able to be tested by Mr White's solicitor. Given that the evidence may be used in the consideration of criminal charges against Mr White, it is therefore not appropriate to consider that evidence in its present form.

The reopened investigation did not progress smoothly. It was many months before the further investigation was detailed to an officer. Even after the detailing and a conference with myself as Coroner following the retirement of Coroner Bradshaw, during which matters to be attended to were outlined to Detective Paskin, delays continued to occur.

Those were dealt with in evidence at pages 64 to 69 and 80 to 81 of the transcript, and I will not repeat them here, suffice it to say significant delays and inconvenience to the parties and the Court were occasioned as a result of the conduct of the matter by the police.

I am not sure of the reason for this situation as none was offered in evidence, other than those issues being overlooked or forgotten or just not done. I would hope that the shortfalls will be addressed by the Queensland Police Service to ensure that other coronial inquiries are not prejudiced in the same fashion in the future.

Certainly the family of the deceased man deserve better and more timely attention to the investigation than they received from some of the police involved in the investigation.

I'll deal with recommendations. In the Queensland Police Service, TAIS qualifications are based on a basic accident investigation course. There is no requirement to renew or update the qualification in any timeframe. There are difficulties for part-time officers in the regions. Skills can be lost or degraded over time, especially when only a few investigations might need to be undertaken by a part-time TAIS officer each year. Regular updates and refreshers would be beneficial for the maintenance and quality of skills in TAIS officers.

Further, difficulties can be encountered by undertaking those duties in addition to regular duties of the officer. There are fulltime TAIS officers in the south-east corner only. The positioning of fulltime TAIS officers in the regions would seem to extend a similar service to regional Queensland as is enjoyed by the south-east corner.

I consider that if the following recommendations are followed the quality of the investigation, the initial investigation and the issues flowing from that would be unlikely to occur in the future, the problems with the quality in this matter.

I recommend that the Queensland Police Service consider dedicating traffic accident investigators in regional areas on a fulltime basis and that those officers are resourced in an appropriate way to enable them to fulfil their duties.

Further, that TAIS officers have their skills and competencies upgraded and refreshed on a regular basis to ensure the quality of investigations being conducted around the State.

I'll move to my findings. The evidence of Mr White was not consistent between versions given to various people at the scene and later in relation to his own position in the vehicle and the movements of Ms Chris. I do not find his evidence to be credible. The refusal of medical attention unless both were transported to hospital together and the almost exact versions later given of the events leading up to the incident by Chris and White suggest collusion.

The independent evidence of Mr Hare at the scene, the evidence of the ambulance officers and the injuries described, mitigate against any of Mr White's versions being accurate as to his or Chris's position and movements in the vehicle.

I am satisfied that there is ample evidence to establish beyond doubt that Mr Schibrowski was an unrestrained passenger in the rear seat of the vehicle, due to his injuries, the location he was found in and the physical evidence in the vehicle, along with his likely incapacity as a result of the prescription drugs and high blood alcohol reading which would have prevented him driving the vehicle. It seems that his usual recent practice was also not to drive for related reasons.

It is a matter of commonsense that either Ms Chris or Mr White was driving the vehicle.

Mr White's injuries are consistent with being the driver but are not inconsistent with being a passenger. Ms Chris's injuries are consistent with being a passenger.

Ms Kleidon's evidence that the younger man with the driver has some issues in that she's given 2 versions of events and describes all occupants of the vehicle as Aboriginal when Ms Chris appears to be the only person who could properly be described in such a way.

Mr Hare's evidence describes Mr White going back into the vehicle and exiting prior to Ms Chris. There is some potential practical difficulties with this description which I have no cause to disbelieve if Ms Chris was indeed the passenger.

After considering the totality of the evidence on this issue, on the balance of probabilities, I am satisfied that Mr White was the driver of the vehicle. The case against Mr White is a circumstantial one. After carefully and thoroughly considering the evidence and after conducting the most extensive investigation possible in the circumstances, I am of the opinion that a properly instructed jury could not convict Mr White of dangerous driving causing death as there is evidence consistent with an inference other than guilt on the issue of whether he was the driver of the vehicle, therefore I will not proceed to commit Mr White for the offence.

I formally find that the deceased person was John Malcolm Schibrowski. He died on the 23rd of November 2003 from injuries sustained in a motor vehicle incident on the Burnett Highway near Bouldercombe when the vehicle in which he was a passenger left the roadway due to excessive speed on a bend, becoming airborne and rolling a number of times before coming to rest on an embankment.

The driver of the vehicle has not been established beyond reasonable doubt and no criminal charges have been laid in relation to the incident.

I close the inquest with thanks to the Prosecutor assisting and the family of Mr Schibrowski who have been very patient with the protracted proceedings in this matter.

AM Hennessy
Coroner
24 April 2008