

# TRANSCRIPT OF PROCEEDINGS

CORONERS COURT

W J SMITH, CORONER

COR-00001814/04(4)  
MARY-COR-00000023/04

IN THE MATTER OF AN INQUEST INTO THE  
CAUSE AND CIRCUMSTANCES SURROUNDING  
THE DEATH OF ANTHONY JOHN EFFER

MARYBOROUGH

..DATE 27/09/2007

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.

CORONER: In accordance with the provisions of section 45 of  
the Coroners Act 2003 I deliver my findings in relation to the  
inquest into the cause and circumstances surrounding the death  
of Anthony John Effer.

On 26th of July 2004 at approximately 11.30 p.m., Anthony John  
Effer and Jonathon Peter Kittle were travelling on a blue  
Yamaha motorcycle, Queensland registration number TY-723, in  
Maryborough in the State of Queensland. Although the  
motorcycle was registered as a solo motorcycle, evidence is  
convincing that Mr Effer and Mr Kittle were travelling on it  
and apparently were sharing one set of foot pegs on that  
motorcycle. The motorcycle was, on that day, in a  
satisfactory mechanical condition with no defects that could  
have contributed to a motor vehicle incident.

Mr Effer and Mr Kittle were observed travelling on the  
motorcycle by Mr Andrew Michael Rezny, who was working at  
Caltex Fuel which is situated at the intersection of Rocky  
Street and Alice Street, Maryborough. Mr Rezny heard the  
motorcycle travelling along Rocky Street towards Alice Street.  
The sound of the motorcycle was loud and to Mr Rezny it  
sounded as if it was travelling fast.

As the motorcycle approached the Alice Street intersection it  
was changing down through the gears in an attempt to slow down  
in a hurry. The motorcycle stopped at the give way sign.  
Whilst stopping, the person sitting on the rear almost went

over the front of the motorbike. Mr Rezny heard someone laugh  
and then he heard someone shout, "Take it easy".

The motorcycle turned left into Alice Street, it then  
accelerated quickly from the corner and as the gears were  
changed on the motorcycle the motorcycle jolted and the feet  
of the person in the rear position on the motorcycle hit the  
ground and he almost fell off the motorcycle. Mr Rezny heard  
a call of one person to the other person to slow down.

Evidence given in a statement by Mr Rezny on 3rd of November  
2004 was of an observation of the person in the front position  
on the motorcycle wearing what appeared to be a flannelette  
shirt and the person in the rear position wearing dark jeans,  
dark shoes and a jacket and having what appeared to be a  
shoulder bag. Mr Rezny, in giving evidence before the Court,  
clarified that his statement of 3rd of November 2004 was not  
accurate. Mr Rezny informed that it was the person in the  
front position on the motorcycle who had the shoulder bag. Mr  
Rezny stated that: "The backpack sticks out more than  
anything". He informed that the bag was over the shoulder of  
the person with the jacket and dark clothes.

I find that between approximately 11.30 p.m. and 23:51 p.m. on  
26th of July 2004, Anthony John Effer and Jonathon Peter  
Kittle travelled on the Yamaha motorcycle from the  
intersection of Rocky Street and Alice Street, Maryborough,  
and ended up at a location on Gympie Road at a point  
approximately 200 metres from the intersection of Gympie Road,

Maryborough and the Bruce Highway, when travelling in a generally south-westerly direction. I find that the motorcycle left the Gympie Road carriageway at high speed and struck a concrete culvert on the left-hand side of Gympie Road. I find that the impact of the motorcycle damaged the motorcycle and the concrete culvert and both persons on the motorcycle were projected from the motorcycle.

I find that Anthony John Effer was projected into a traffic sign and came to rest laterally on his left-hand side in the vicinity of the traffic sign and a lamppost. I find that Jonathon Peter Kittle was projected a distance of approximately 19 metres from the point of impact.

I find that both Mr Effer and Mr Kittle had consumed alcohol on 26th of July 2004 and both received bodily injuries as a result of the high speed collision of the motorcycle and the concrete culvert.

I find that Mrs Sheryl Jean Berrell, who was the first person at the scene of the single vehicle accident, observed a shoulder bag in which alcohol had been carried via Mr Kittle. After assisting Mr Kittle she found her hands had alcohol on them.

I find that Queensland Ambulance Service officers attended and arrived at the scene of the incident at 00:01 hours on 27th of July 2004. After treating Mr Effer and Mr Kittle at the scene for about 16 minutes, each of those persons was transported by

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ambulance to the Maryborough Base Hospital in Maryborough for  
treatment.

I find that the two patients, Mr Effer and Mr Kittle, were  
demanding and difficult trauma patients because of the nature,  
seriousness, and extent of their injuries. I find that the  
male person named Anthony John Effer, who had been born on 8th  
of March 1977, died on the 27th day of July 2004 at the  
Maryborough Base Hospital, Walker Street, Maryborough in the  
State of Queensland as a result of injuries received in the  
single motor vehicle incident of 26th of July 2004.

I find that autopsy revealed the cause of death as:

- (1)(a) exsanguination due to or as a consequence of,
- (1)(b) ruptured right kidney and renal vessels and liver,  
due to or as a consequence of,
- (1)(c) a motorcycle crash.

Another significant condition contributing to the death, but  
not related to the disease or condition causing it, was  
revealed as smoking.

In the whole of the evidence adduced orally and in documents,  
including photographic depictions and including specifically  
evidence of the injuries of both Mr Effer and Mr Kittle,  
evidence of Dr De Jong, evidence of Sheryl Jean Berrell and  
evidence of Andrew Michael Rezny, I find that Anthony John  
Effer was projected from his Yamaha motorcycle on 26th of July

2004 from the position of a pillion passenger and he suffered injuries which caused his death.

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I find that the decision to transport Mr Effer to the Maryborough Base Hospital was appropriate, having regard to the nature of his injuries and the need for urgent intervention which could not be provided by the attending paramedics.

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I also find that the standard of care and treatment given to Anthony John Effer by medical staff and nursing staff at the Maryborough Base Hospital on 27th of July 2004 was professional, adequate, and appropriate in all of the circumstances.

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