



OFFICE OF THE STATE CORONER

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Robert William Newling**

TITLE OF COURT: Coroner's Court

JURISDICTION: Brisbane

DATE: 26 February 2015

FILE NO(s): 2014/3025

FINDINGS OF: Christine Clements, Brisbane Coroner

CATCHWORDS: CORONERS: Investigation, traffic accident, washing cars on roadside,

Robert William Newling lived at Miles Street, Hawthorne in Queensland. He died on the 20 August 2014 at Riding Road, Hawthorne in Queensland. He died as a result of a chest injury sustained in a motor vehicle collision in which he was the pedestrian. He was 58 years of age at the time of his death.

Investigation

Robert Newling's wife, Saleszni, informed police that her husband had operated his own car washing business for the preceding eight years. At the time he sustained fatal injury Mr Newling was washing vehicles for Harcourts Real Estate located at 182 Riding Road, Balmoral. The principal of that business, John McLeod, confirmed Mr Newling was employed as a contractor and had washed cars over an eight year period. He also washed other vehicles at other real estate offices and businesses.

The incident which caused Mr Newling's death was investigated by the Forensic Crash Unit and a report was prepared for the coroner. It was established that the incident occurred at about 1.45pm on the 20 August 2014 immediately outside the Harcourts real estate business. Riding Road at Balmoral is a very busy two lane road with residential housing, schools and commercial properties along its entire length. There are two travel lanes with parking/bicycle lanes either side of the travel lanes.

The speed limit along the road is 60 kilometres/hour at the scene of the incident.

The incident occurred while Mr Newling was washing two cars which were parked at the kerb on the road surface of Riding Road, immediately outside the real estate office. Mr Newling was hit by a 2007 Toyota Corolla Ascent hatchback vehicle. The vehicle was registered in Queensland with registration number 749KKH. At the time it was driven by 70 year old driver.

The driver was travelling north when her vehicle struck Mr Newling whilst he was on the road surface. It cannot be established exactly where the car came into contact with Mr Newling. However, he was on the road surface performing car washing at the time the incident occurred. It cannot be determined whether he was entirely within the parking/bicycle lane or whether he was partially or wholly on the northbound travel lane itself.

What is apparent is that the driver did not see him prior to the collision. Although he was wearing a fluorescent safety vest, no-one could say whether or not he was standing upright or possibly squatting down attending to tyres at the time of impact.

The police observations noted that the presence of mature trees on both sides of the road created a very dappled effect on the road surface which would have made it more difficult to observe a person.

The driver provided her version to police at the scene. She was travelling to the dentist. There was an oncoming vehicle and she was conscious that she needed to manoeuvre her vehicle between that oncoming vehicle and the vehicles parked on her left hand side.

She believed she collected the edge of the mirror on the outside mirror of the oncoming vehicle and then she 'just lost it'. She could not describe exactly what had occurred.

What is indisputable is that she collided with Mr Newling before then making a glancing blow to one of two Harcourt vehicles parked on Riding Road. Only minor damage was sustained by both her vehicle and the Harcourt vehicle parked on Riding Road.

Police investigation considered two possibilities. The first was that she was commencing to proceed at an angle towards the parked vehicles after she became concerned about the closeness of the oncoming vehicle. In this scenario it was inevitable that she would have collided with the parked car that she hit irrespective of whether or not she had first hit Mr Newling.

The second alternative was that she was travelling parallel to the parked vehicles but came into contact with Mr Newling. That contact may have applied sufficient drag force on the side of the car to pull her into the left hand side, causing it to sideswipe the parked Harcourt vehicle.

The police noted there was no suggestion that the vehicle Mr Newling was washing had a door opened at the time (although witnesses had seen him perform his car washing in such a manner on previous occasions).

It is also noted that a fully opened door from the parked vehicle would extend out past the fog line into the travel lane.

Police excluded the possibility of any failure of any vehicle that could have caused or contributed to the incident. Likewise, the road surface was not relevant. The presence of shadow created by mature trees was likely to have reduced the visibility of pedestrians in the vicinity of parked cars along the road.

There was no direct evidence of the course of travel as there was no witness preceding behind her.

However, a Mr Bridges was proceeding in the opposite direction in a concrete mixer truck. He saw the small silver sedan sideswipe a car and saw Mr Newling's body fly up into the air near the rear of that vehicle. He immediately stopped and rendered assistance.

There was no evidence to suggest the driver was travelling at excessive speed.

It was clear, however, that she did not see Mr Newling prior to the impact occurring.

The primary factor in the collision occurring was that Mr Newling was conducting his business on a roadway which placed him at great risk. Tragically, this dangerous situation led to his death.

There was conflicting information as to whether or not it was his choice or the real estate business' preference that he wash the cars on the roadway. There was the potential option for him to perform his tasks behind the real estate business which would have been completely off the road surface.

It is also noted that the police provided information confirming that no application to

the relevant council had been made to conduct the business by Mr Newling in such a manner and location. One would expect that a permit would not be forthcoming given the risks to the operator as well as to the general public. Mr Newling ran hoses and cords across the footpath to the vehicles in the course of his business.

Autopsy examination was conducted on the 22 August 2014 by the forensic pathologist, Dr Ong. He noted that resuscitation had been attempted at the scene but Mr Newling died before he could be transported to hospital.

He had sustained extensive rib fractures and the thoracic aorta was ruptured. He died due to chest injury in the motor vehicle collision in which he was the pedestrian.

Dr Ong did note that the impact point with the vehicle appeared to be the left thigh region resulting in fracture of the femur. He stated the fracture site appeared to be higher than one would expect from a collision with a sedan vehicle where usually it is the bumper which makes contact with the pedestrian. This suggested to Dr Ong that Mr Newling might have been crouching or bending his knees as might be expected when washing a vehicle. This also would have been consistent with him being propelled forwards after impact by the vehicle.

Dr Ong noted the other injuries could be attributed to direct impact with the vehicle (left rib fractures) or even secondary and tertiary impacts with parked vehicles after he was propelled forward.

The observations of Dr Ong suggest Mr Newling might well have been bent over or crouched when he was hit. This would also have reduced the opportunity for the driver to have observed him.

Toxicology testing did not reveal the presence of any alcohol or drugs.

A copy of the findings will be forwarded to the Brisbane City Council by way of information regarding possible safety aspects of businesses inappropriately being conducted on a roadway.

Christine Clements
Brisbane Coroner
26 February 2015