



OFFICE OF THE STATE CORONER

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Steven William Barkley**

TITLE OF COURT: Coroners Court

JURISDICTION: Cairns

DATE: 16 December 2015

FILE NO(s): 2015/1393

FINDINGS OF: Kevin Priestly, Coroner

CATCHWORDS: Coroners: intoxicated pedestrian, middle of road at night, dark and remote location, struck and killed by motor vehicle

Introduction

Steven Barkley was 45 and lived at Napranum near Weipa.

At 7.13pm on 13 April 2015 a driver and front seat passenger were travelling in a 1989 Holden Rodeo dual cab headed south easterly on John Evans Drive. At a location about 500m southeast of an intersection with Kerr Point Drive and Florence Hibberd Drive, Mr Barkley was standing or walking in the middle of John Evans Drive headed southeast. At the same place and time, an unmarked police vehicle was headed in the opposite direction and approaching the Holden Rodeo. The driver of the Holden Rodeo dipped his lights onto low beam. The Holden Rodeo then struck Mr Barkley on the front driver's side. Neither the driver nor passenger saw Mr Barkley until impact. The driver immediately applied the brakes and swerved to the left. Mr Barkley hit the windscreen and was carried a distance before falling forward from the braking Holden, coming to rest about 8m from the stopped Holden.

Senior Constable Doyle, the driver of the police vehicle, did not see Mr Barkley until immediately before he was struck, when he saw a figure in the headlights of the approaching Holden. QAS were called and a doctor attended the scene. However, Mr Barkley suffered significant head injuries and was pronounced deceased.

The investigation

A Forensic Crash Unit investigator conducted a scene and follow up investigation into the circumstances. I have reviewed his report of that investigation and have relied on its contents for my findings.

The location has a posted regulatory speed limit of 60kph. It is a single lane in each direction with unbroken white lines for vehicles travelling in the outbound lane (south-east direction) and broken white lines for vehicle travelling in the inbound lane (north-west direction). The section of road is straight and flat. The bitumen surface was in good condition. There is no street lighting. There is signage on the approach advising a 60km/h speed limit and the signs and road markings are in good condition.

This road carries a comparatively high volume of traffic. It's the main access road to the mine sites, airport, Napranum Community and the Peninsular Development Road that leads north to Bamaga and south to Cairns.

The scene investigation revealed a faint friction mark close to the left road shoulder caused by the Holden braking and it extended a distance of 19.7 meters. Mr Barkley was seen lying on his back approximately 7.95 meters in front of where the Holden stopped. He was not wearing a shirt but only blue jeans and a leather belt. The driver submitted to a roadside breath test which returned a negative reading.

The Holden was seized and secured in a police compound for examination. A police vehicle examiner later inspected it and reported no defects that would have contributed to the incident.

Several motorists later reported to police seeing Mr Barkley 'stumbling' along John Evans Drive just minutes before the incident. These motorists reported that they did not see him until they had travelled past or were beside him. Mr Barkley was a Napranum man known to regularly walk between Napranum and Weipa.

Autopsy results

Dr Paull Botterill, Forensic Pathologist, conducted an autopsy and certified that death was due to multiple injuries due to being struck by a motor vehicle. Mr Barkley's blood alcohol concentration was 288ml per 100ml of blood (0.288 on road traffic terms) and would have contributed to the fatality.

Similar Incidents

In 2008, on the same road and in similar circumstances, a 58 year old intoxicated man (alcohol and cannabis) was walking on or near the centreline of the northbound lane wearing dark clothes and in drizzling rain. The driver of a Toyota Landcruiser dipped the headlights from high to low beam as a vehicle approached from the opposite direction. On passing, the driver put the headlights on high beam and immediately noticed a man directly in front. There was no opportunity to avoid the collision. That man was struck and killed. Speed was not a contributing factor.

This is not an issue restricted to the Weipa area.

In the past 10 years and over the Northern Coroners Region (Bowen to Mt Isa, north to Torres Straits) there were 18 other similar incidents. The points of similarity are intoxicated pedestrians on or near urban, rural or remote roads at night. I am not suggesting that the pedestrians were wholly or partly responsible for their deaths. In most circumstances, the pedestrian was located or positioned in a manner that a driver would not expect and in low visibility circumstances.

Conclusions

I find that Mr Barkley died on 13 April 2015 due to multiple injuries when a Holden Rodeo struck him while walking on John Evans Drive at Weipa. The driver of the Holden Rodeo did not see Mr Barkley while he was focussed on the road ahead and dealing with the headlights of a passing vehicle. The incident happened at night on a remote section of road with no street lighting. Mr Barkley was intoxicated and in the middle of the road. He was a Napranum man wearing only blue jeans. He was at a location and in a position on the road where a driver would not expect to find a pedestrian and was barely visible at night. His death was accidental.

The safety messages must be:

- Stay with and help intoxicated friends get home safely;
- Intoxicated pedestrians who have no choice but to walk home:
 - Stay clear of the road when traffic approaches and passes;
 - If in need of a rest, sit down well clear of the road.
- Drivers to maintain a good lookout for pedestrians at night, particularly through poorly lit sections of towns, urban corridors, and between closely situated towns.

Findings required by s. 45

Identity of the deceased – Steven William Barkley

How he died – A motor vehicle struck and killed Mr Barkley while he was walking at night, intoxicated in the middle of John Evans Drive, Weipa

Place of death – John Evans Drive, Weipa Qld 4874

Date of death– 13 April 2015

Cause of death – Multiple injuries due to motor vehicle collision (pedestrian).



Kevin Priestly
Coroner
Cairns
21 December 2015