

CITATION: *Inquest into the death of Michael William Pedersen*
[2014] NTMC 015

TITLE OF COURT: Coroners Court

JURISDICTION: Alice Springs

FILE NO(s): A0031/2013

DELIVERED ON: 24 July 2014

DELIVERED AT: Alice Springs

HEARING DATE(s): 9 – 11 July 2014

FINDING OF: Mr Greg Cavanagh SM

CATCHWORDS: **Collision between car and motorcycle,
Inadequate road markings, Ilparpa
Road, Clay Pans.**

REPRESENTATION:

Counsel Assisting: Dr Peggy Dwyer
Counsel for Ms J Kuerschner: Alison Phillis, Povey Stirk Lawyers

Judgment category classification: **B**

Judgement ID number: [2014] NTMC 015

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IN THE CORONERS COURT
AT ALICE SPRINGS IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. A0031/2013

In the matter of an Inquest into the death of

MICHAEL WILLIAM PEDERSEN

ON 14 July 2013

AT Alice Springs

FINDINGS

Mr Greg Cavanagh SM:

Introduction

1. On 14 July 2013, Michael William Pedersen died after sustaining multiple injuries in a crash between the motor cycle he was riding and a car. Mr Pedersen had joined two friends and his wife for a Sunday afternoon ride with a planned route that took them along Ilparpa Rd, out to Stanley Chasm and home again. He was the third rider in the group and the collision occurred on the Ilparpa Road, as he tried to overtake a car that was turning off the bitumen road into an unpaved area that led to the Clay Pans, known to locals (but not to Mr Pedersen) as a popular spot for four wheel driving and walking dogs.
2. The speed limit in the area was 100kms per hour and at the time of the collision, there was no road sign, or markings to indicate the turn off ahead.
3. The role of the Coroner is set out in the Coroners Act NT (“the Act”). Pursuant to section 34, I am required to make the following findings:

“(1) A coroner investigating –

(a) a death shall, if possible, find –

(i) the identity of the deceased person;

(ii) the time and place of death;

(iii) the cause of death;

(iv) the particulars needed to register the death under the Births, Deaths and Marriages Registration Act;

4. Section 34(2) of the Act operates to extend my function as follows:

“A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.”

5. Additionally, I may make recommendations pursuant to section 35(1), (2) & (3):

“(1) A coroner may report to the Attorney-General on a death or disaster investigated by the coroner.

(2) A coroner may make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the coroner.

(3) A coroner shall report to the Commissioner of Police and Director of Public Prosecutions appointed under the Director of Public Prosecutions Act if the coroner believes that a crime may have been committed in connection with a death or disaster investigated by the coroner.”

6. In this case, there was no controversy as to the identity of Mr Pedersen or the time, place or physical cause of his death. The focus of the inquest was on the circumstances of the collision that Mr Pedersen was involved in and whether there should be any recommendations connected with the death that might prevent such a devastating accident in the future.

7. In order to fulfil my statutory obligation to make the findings required by s 34(1), including consideration of the broader circumstances surrounding the death, I had tendered in evidence the following: the brief of evidence

and additional documents including an autopsy report and toxicology (Exhibit 1); photograph of the deceased, Mr Pedersen, on his motorbike (Exhibit 2); letter from Mr Greg Buxton, Director of Technical Services, Alice Springs Council, 14 June 2014 and Letter to Ms Clare Gardiner-Barnes, NT Department of Transport, 13 June 2014 (Exhibit 3)

8. I heard oral evidence from Police officers who had investigated the collision – Detective Sergeant Michael Schumacher and Constable 1st Class Jeshua Kelly. I also heard from the following civilians – Mr Denis Pate; Mr Tyson Pate; Ms Tammy Young; Ms Kylie Mansfield and Ms Judith Kuerschner.
9. Mr Pedersen was the cherished husband of Judith Kuerschner and son of Mary and Joergen Pedersen. His death at the young age of 39 years has devastated his loving wife, parents, siblings and broader family. It has also had terrible consequences for the driver involved in the accident, Ms Mansfield, and her passenger. During the inquest into this death, the ongoing pain and stress for all involved was obvious, and very sad to bear witness to. It is hoped that improvements to the road in the area of the site will mean that no one else loses their life in these tragic circumstances.

Background

10. Michael Pedersen was an experienced motorcycle rider who used his bike to travel to and from work and loved to ride with friends in his spare time. I learnt from Ms Kuerschner that he held his learners permit for around 10 years and got his full license in Queensland around six and a half years before his death (Police Interview, 16.7.13, p 9).
11. In 2008, Mr Pedersen met Ms Kuerschner and came to live with her in Alice Springs. He completed his apprenticeship in cabinet making and was a valued employee at ‘The Cabinet Shop’ at the time of his death. Although Ms Kuerschner was not as experienced, and rode a less powerful bike, she shared her husbands love of riding, and they often went out together on day trips out of Alice Springs.

12. The evidence I heard suggested that although Mr Pedersen enjoyed the sport and challenges of riding, he was conscious of safety issues. Ms Kuerschner gave evidence that he would regularly change his helmet to ensure that it offered the necessary protection (interview, Folio 17, p 8) and he did not like to ride too far in front of her because she was slower than he was.

Ilparpa Road and the Clay Pans

13. Just south of the west MacDonnell Ranges, approximately 15 kms out of the centre of Alice Springs are the Ilparpa clay pans. The area boasts beautiful natural wetlands and is popular with locals as a place to run dogs or go four-wheel driving.
14. To travel to the clay pans, locals drive along the Ilparpa Road, a sealed bitumen dual lane road that runs in a general east to west direction. It is bordered by vacant Crown land for a significant distance, although near the clay pans there are a number of residential premises on both the northern and southern sides of the road.
15. A dirt shoulder runs along the Ilparpa road, including at the site of the clay pans and the road slopes down into a table drain on the southern and northern sides. The turn off to the clay pans is an unsealed road that runs north.
16. At the time of the crash, the road was divided by a single broken line, so that the markings themselves did not signal that a turn off was approaching. There was then, and is now, no sign to indicate a turn off and neither is there a slip lane to allow traffic to overturn turning vehicles (Crash Analysis Report. Folio 2). A wire fence running parallel with the northern side of the road is broken at the entrance to the clay pans, but this would not be obvious to drivers until they are turning towards it.

Sunday, 14 July 2013

17. On 14 July, Mr Pedersen and Ms Kuerschner met up with their friends, Denis Tate, and his son, Tyson Pate, who were fellow riding enthusiasts. The plan was to ride along the Ilparpa Road, head out to the Hugh River Crossing, then come back to Stanley Chasm for coffee before coming home. The group met up shortly after 1.00pm to fuel their bikes and then began their journey.
18. All four riders were on reasonably powerful bikes, although Mr Pate Snr and Mr Pedersen were on the most powerful. Mr Pedersen rode his Honda CBR1000 red Fire Blade, Mr Pate Snr was on a Suzuki 1200 Bandit, Mr Pate Jnr rode a Suzuki 650 trial bike and Ms Kuerschner was on her Suzuki GSXR750 (statement of Denis Pate at [4]).
19. As would be expected, the four riders rode together, but at varying distances apart. As they headed onto Ilparpa Road, travelling in a westerly direction, Denis Pate was in front, with his son Tyson behind him. The evidence of Mr Pate Snr is that Mr Pedersen and Ms Kuerschner were behind “travelling very slowly”. He said “I think they were just cruising along together. They were about 700-800 metres behind Tyson and I” (statement at [6]).
20. At the same time that Mr Pedersen and his friends were driving on Ilparpa Road, Kylie Mansfield and Tammy Young were travelling ahead of them in Ms Mansfield’s white Suburu Outback to the clay pans to take their dog for a walk. Ms Young had lived in Alice Springs for many years and was very familiar with the area. Since Ms Mansfield had only been to the clay pans once before, she was reliant on Ms Young for directions. Although Ilparpa Road is sign posted at 100kms per hour in the area passing the clay pan turn off, Ms Mansfield was travelling at a slower speed at around 80kms per hour (Statement, Folio 18 at [6]).

Denis and Tyson Pate overtake Ms Mansfield

21. About 1 km from the clay pan turn off, Denis Pate decided to overtake the car driven by Ms Mansfield. He estimated that she was driving at about 70km an hour (statement of D Tate at [7]) when he indicated and overtook her. When Mr Pate Snr checked his rear vision mirror immediately after overtaking, he could see that his son was passing the car. His evidence is that he thought he also saw the greenish head light of the bike ridden by Mr Pedersen, which made him realise that his friend had caught up to them very quickly (statement of D Tate at [8]). He thought he saw Mr Pedersen's headlight in the right lane, "maybe 50 metres behind" his son (Trans, 7/7/14 at p 16).
22. Denis Tate was an honest witness who took care to share with the court his best recollection of the events. Although he was good friends with Mr Pedersen and clearly regretted saying anything that might be perceived as negative against him, he formed a view that Mr Pedersen was speeding as he approached Ms Mansfield's car. When asked to estimate that speed in court, he first replied: "I – I've told a lot of people, he caught up very, very fast" (Trans, 7/7/14, p 17). When reassured that he was not being asked to be critical of Mr Pedersen, and pushed to give some sort of estimate, he said "over 160 [kms per hour]" (Trans, 7/7/14, p 18). I will return to the issue of speed later in these findings. Although Mr Pate Snr could not possibly accurately determine the speed limit from his position (as he readily acknowledged), it is still relevant that he made that observation and noticed that Mr Pedersen had covered a lot of ground very quickly.
23. Denis Pate only looked in his rear vision mirror once after he had passed Ms Mansfield's car. He was approaching a corner, and had a car turning in front of him and he had to concentrate on what lay ahead (Trans, 7/7/14, p 16).

24. Tyson Pate had been travelling closely behind his father and he also overtook the white car driven by Ms Mansfield. He gave evidence that as he drew close to the rear quarter panel area of the vehicle, he noticed the right hand indicator come on. Mr Pate Jnr had grown up in Alice Springs and had ridden his bike at the clay pans on numerous occasions. When he saw the indicator, he knew that the car would be turning off into the clay pans but he was committed to overtaking and judged that he had ample time to pass, since the car had slowed down in preparation for the turn and the entrance to the clay pan was still “at the very minimum 50 plus metres” ahead.
25. Mr Tyson’s evidence that he noticed the indicator on the vehicle driven by Ms Mansfield, was clear and compelling, in both his written statement and in oral evidence. In explaining what he did when he overtook the car, he told the Court (Trans, 7/7/14 at p 48):

“--- Looked in – looked in the – in the right hand mirror, check if everything was clear, indicators, turned into the right hand lane, proceeded to overtake the vehicle. That’s where I noticed the right hand indicator come on of the – of the white vehicle and I consciously made a note of that and realised I had to get passed because I knew that they were turning and yeah, commenced my overtaking of the car, I’ve indicated left, turned back into the left hand lane and continued on straight”.

26. Importantly, at the time he overtook Mr Pedersen, Tyson Pate could see the flicker of a headlight some considerable distance behind him. He gave the following crucial evidence in his statement to police (Statement, Folio 20 at [11]):

“I looked into my rear view mirror while overtaking and could see the flicker of the headlight of Michael’s bike in the distance behind approximately 500 to 600 metres behind me. I completed the overtaking manoeuvre and again checked my rear view as I was in front of the car; the car had not begun its turn”.

27. In oral evidence Tyson Pate explained that he first noticed the headlight when he checked the mirror while turning right to commence overtaking,

and he checked his mirror again as he turned back into the left hand lane (p 48). He acknowledged the difficulty of judging distance in these circumstances but estimated that the headlight (which he assumed was Mr Pedersen) was “probably 300, 400 meters behind him. Whatever the correct distance, it is patently clear from the evidence of both Denis and Tyson Pate that after Tyson Pate had cleared the white car and was back in the left hand lane, Mr Pedersen was still a significant distance behind him. By that time, Ms Mansfield had put her indicator on to warn traffic behind her that she was planning to turn.

28. At the intersection of Larapinta and Ilparpa Road, Denis and Tyson stopped and waited for their friends to catch up, not yet aware of the fatal accident that took place after they passed.
29. The evidence of the driver of the vehicle, Kylie Mansfield, and her passenger Tammy Young, is largely consistent with the evidence of Denis and Tyson Pate. Just prior to being overtaken by Denis Pate, Ms Mansfield noted that the speed limit was 100kms per hour and that her speedo read 80km per hour, and she recalled commenting to Tammy Young that she “was not going to fang it as [she] did not know the road” (statement, Folio 18 at [7]). In oral evidence she said:

“Yes and that’s when I said I’m – or thought I’m driving like a nanna, but I’m not going to go to 100 because I don’t know the road and I know that somewhere ahead there are curves. But as it turns out that’s past the Claypans” (Trans, p 35).

30. Ms Mansfield recalled both riders passing her. When Denis Pate passed her he was right up behind and then surprised her with the speed he closed the distance to be able to overtake (statement, Folio 18 at [8]). That is consistent with the evidence of Mr Tate Snr that he was travelling at around 120 kms per hour after he had overtaken (Trans, p 16). Ms Mansfield noted that Tyson Pate also accelerated hard in order to overtake her, and his bike

was more laboured than the first rider's had been. Again, that is consistent with the evidence of Tyson Pate that his bike was slower, and a trail bike.

31. Both Ms Young and Ms Mansfield gave evidence that as Denis Pate road passed the clay pan turn off, Ms Young used his position to tell Ms Mansfield where the turn off was, and at that point, Ms Mansfield put her indicator on. Ms Mansfield said (Trans, p 37):

“I remember that it was the first motorcycle that Tammy used as the guide. I said ‘where is the turnoff?’ And she said ‘Do you see where the rider is now?’ And it was where the first rider was parallel with the turnoff.

----I looked in my mirror and I believe that the second rider was right behind me and I put my indicator on and I thought I'd do it then because I wanted him to know that I was turning up ahead and any – there were other people behind”

32. Ms Mansfield's evidence is consistent with the evidence given by Tyson Pate that he noticed the indicator as he approached the back bumper and commenced overtaking (Trans, p 16 – check). That was still a considerable distance from the turn off to the clay pans.
33. Ms Young confirmed that Ms Mansfield was driving on Ilparpa road below the speed limit, at about 80 kms per hour, as they headed towards the clay pans. In her statement, she told police that she thought that Ms Mansfield put her indicator on before the first rider, Denis Pate had passed, but in oral evidence she qualified that and said she could not be certain, but she now thought it was just after the first rider had passed (p 24). That must be correct, since she confirmed that she used the position of the first rider (Denis Pate) to indicate where the turnoff was when he came up level to it (Trans, p 25). The weight of the evidence, from Denis and Tyson Pate, and from Ms Mansfield and Ms Young, is that the indicator went on after Denis Pate (the first rider) had passed, and before the second rider (Tyson Pate).

34. “Not very long” after Tyson Pate had passed her, Ms Mansfield noticed that a third rider (who we now know was Mr Pedersen) was behind her. She said:

“I noticed that he was there when I looked – driving and I looked up and I saw him and then I looked back because you’re reassessing if he’s coming before you if there’s anyone coming out of the Claypans where the turn is, where the other riders were”. (p 38).

35. The first time she noticed him, “he was roughly 100 metres, maybe more” and the second time “he was close”. Both Ms Mansfield and Ms Young recall that at that point Ms Mansfield said something like “this guy’s right up my clacker”, a colloquial expression to indicate just how close she thought he was (Statement of Ms Young at [11] and Ms Mansfield at [13]).

36. However it did not occur to Ms Mansfield that Mr Pedersen would try to overtake her on the right hand side. In fact, she was of the view that he would try to overtake her on the left and she was concerned that he might not be able to do so safely. She said:

“ I was frightened he was going fast and I thought he was going to lose it in the dirt, overtaking on the left. I moved very slightly towards the centre line to give him as much room as I possibly could while still staying on my side of the road”. (Trans, p 39)

37. I accept without hesitation the evidence of Ms Mansfield that she thought Mr Pedersen was going to overtake on the left and that she tried to adjust her position to allow him to do so safely. It is understandable that she would not have thought that he would overtake on the right, given, first, that she had been indicating her intention to turn for some time, second, that she had slowed down to prepare for the turn, third, she assumed that Mr Pedersen had seen the indicator and fourth, she had right of way on the road.

Circumstances of the collision

38. The next thing Ms Mansfield recalled was the noise of the terrible impact when Mr Pedersen’s bike struck her side of the vehicle as it turned. Glass on

her window shattered and she took her foot off the accelerator and brought the car to a stop.

39. The force of the collision caused Mr Pedersen to be ejected from his bike and thrown forward, so that he collided with the driver side “A” pillar. He rotated on the bonnet before coming off the car and falling to the ground several metres away.

The evidence of Ms Kuerschner

40. The evidence of Ms Kuerschner, who was the last rider of the group and was behind her husband at the time of the collision, differs significantly from the evidence I heard from other witnesses.
41. Ms Kuerschner told the court that Mr Pedersen was close behind Tyson Pate at the time Mr Pate overtook the car driven by Ms Mansfield, and that she in turn was about 50 mtrs behind her husband (Trans, 7/7/14, p 58). She said that she saw both Denis and Tyson Pate overtaking the white car. She could not recall if she saw Tyson Pate pull back into the left hand lane after he had overtaken, but her memory was that by the time Tyson Pate pulled out to overtake, Mr Pedersen had pulled out to do the same and was also on the right hand side of the road. She said she saw the indicator on the white car “flash once” (Trans, p 59), as the wheels of the car started to turn and at that moment she knew there would be a collision. Ms Kuerschner said that around that time she was 50-100 metres behind, on the right hand side of the left hand carriage way.
42. Ms Kuerschner rejected the evidence of Denis Pate that Mr Pedersen was exceeding the speed limit when he overtook Ms Mansfield. Furthermore, she rejected the evidence of Tyson Pate, Kylie Mansfield and Tammy Young that Ms Mansfield had her indicator on, at least by the time that Tyson Pate had started to overtake.

43. In closing submissions, counsel for Ms Kuershner submitted that her version of events was supported by the evidence of Denis Pate to the effect that when he looked back into his rear vision mirror, he thought he had seen Mr Pedersen's distinctive green headlight on the right hand side of the road after Tyson Pate had overtaken. However that evidence cannot stand alongside the evidence of Tyson Pate, an independent witness who was clear that Mr Pedersen was a considerable distance behind him after he had overtaken. Denis Pate was a considerable distance ahead when he made the observation about Mr Pedersen's headlight and he had only seconds to glance in his mirror, at a time when he was focused on what was in front of him. Mr Pate may have easily have been mistaken in thinking that Mr Pedersen was on the right hand side of the road when he saw the headlight, or he may have seen Mr Pedersen briefly appear on the right hand side to get a look at the traffic ahead before he moved back behind the car.
44. The evidence that Mr Pedersen's bike approached the car in front of him rapidly, and was not on the right hand side of the road very long before the collision, is supported by the comment Ms Kuerschner made to police in her interview on 16 July 2103 that she "could see he crouched over the tank to speed up to go around because the whole thing is that you need to get around as quick as possible so ... you're not on the wrong side of the road for as long" (Interview, Folio 17, p 3). I accept that Mr Pedersen only moved onto the right hand side shortly before, or at the point at which Ms Mansfield began to turn, because he would not have wanted to have been on the wrong side of the road for long, and he did realise that Ms Mansfield was turning into the clay pans.
45. I accept that Ms Kuerschner was doing her best to tell the court what her genuine memory of events was. However, I do not accept that she is able to accurately recall what took place. It is not surprising given that she was riding behind her husband and witnessed the crash, that her memory of exactly what took place might be compromised. The trauma that Ms

Kuerschner experienced at the moment of the collision and immediately afterwards as she tried to assist her husband is immeasurable, and it would not be surprising that her memory of events was affected as a result.

The driver of the car put her indicator on in reasonable time

46. It will be obvious from my findings to date that the weight of the evidence establishes that Ms Mansfield did have her indicator on a reasonable period before she began her turn. Ms Mansfield struck me as an honest and careful witness who told me her best memory of the events, without trying to reconstruct them in her favour. I accept her evidence that she put her indicator on after Denis Pate had passed her, but shortly before she noticed Tyson Pate overtaking. That was ample time to signal her intention to turn.
47. Likewise Tammy Young was mindful of her obligation to the court and presented as a thoughtful and sincere witness, who made every effort to assist me to understand what took place. Although Ms Mansfield and Ms Young are friends, it was apparent that there had been no attempt to try and match their stories and I was confident that each gave their own recollections in a truthful and forthcoming way.
48. Both Ms Young and Ms Mansfield were very frank in their recognition of the difficulty of accurately estimating the distances involved, either in metres or in seconds. In oral evidence, Ms Mansfield estimated that after the second bike passed her, the turn off was 300/200 metres away, but she quickly qualified that by saying “that’s not an accurate assumption” (p 37). She thought she put her indicator on 400/500 metres before she got to the clay pans (p 37). Ms Young estimated that Ms Mansfield put her indicator on about 300-400 meters from the clay pan turn off and then took her foot off the accelerator to slow down (p 23). When asked by Counsel Assisting whether she could estimate the seconds the indicator was on after the first rider reached the clay pan turn off and she said: “I’d say about 30 seconds, but that might seem too long, not really, no” (Trans, 7/7/14, p 24). The

willingness of both witnesses to concede the difficulty in making accurate estimates was a testament to their candour and the care they too with their evidence.

49. Det Sgt Schumacher calculated the seconds over distance and noted that travelling at 80 kms an hour, it would take 13.5 seconds to cover 300 mtrs; at 60 kms it would take 18 seconds and at 40 kms it would take 27 seconds. In that case, the best he could do was to say that Ms Mansfield's indicator was likely to be on for somewhere between 13 and 27 seconds before she commenced her turn (Trans, 7/7/14, p 81). Even if it was only the 13 seconds (and it must have been longer because Ms Mansfield slowed down considerably before she turned) that would have been sufficient to signal her intention to those behind her.

Speed of the vehicles

50. The Crash Analysis report notes that it was not possible to calculate the speed of either the car or bike involved in the collision, due to the swipe nature of the crash event (Folio 2, p 9). Nevertheless, the investigator was still of the belief that speed of the motorbike was a factor in the collision. The post impact speed of the bike was calculated at 87 km/hr, and given it would have to have lost considerable speed in the impact with the car, it is likely to have been going at a speed significantly greater than that.
51. I note the observations of Ms Kuerschner that she did not think that her husband was speeding before the crash and further, that a rider may speed to get out of a crash if they think collision is imminent. In this case, given the observations of Mr Pate Snr that he thought Mr Pedersen was exceeding the speed limit and had caught up quickly to the car, I think it likely that Mr Pedersen was exceeding the speed limit, although I would not accept that the estimate of more than 160 kms per hour, from Denis Pate was accurate.
52. It is important not to exaggerate the importance of speed as a factor in this collision, since I do not think that it helps to explain why the collision

occurred. The evidence is that Mr Pedersen was usually careful when his wife road behind him and he was not hooning along Ilparpa Road. I think it likely that he would have sped up as he attempted to overtake Ms Mansfield, but this does not offer much explanation for why the collision occurred.

An explanation for the crash

53. There were no issues of drugs or alcohol involved in crash, the weather was fine and there were no defects in the car driven by Ms Mansfield or the bike ridden by Mr Pedersen. The evidence suggests that Mr Pedersen was a skilled and experienced rider and Ms Mansfield a careful, responsible and experienced driver. How then can this tragic collision be explained?

The absence of road markings to warn of the turn off

54. One of the main factors explaining why the collision occurred is the absence of any road markings or signage to indicate that the clay pans were coming up. The evidence of Mrs Kuerschner was that she and her husband knew of the existence of the clay pans, but they had never been there before and did not know where the turn off on Ilparpa Road was. It is likely that Mr Pedersen didn't see the indicator on the car of Ms Mansfield, because he wasn't anticipating it, or if he did see it, he may have thought it was on accidentally or indicated a turn off some way further ahead in the distance. In the absence of any knowledge of the area, he would not have been anticipating a turn off into a dirt road from a stretch of highway marked 100km per hour.
55. In oral evidence, Ms Kuerschner told the court that she remembered telling police after the tragedy that "a tin of paint would have saved [her] husband" (Trans, p 60). She was right to identify the road as a major factor in this collision and it is encouraging that the NT Department of Roads and Transport moved quickly to paint different markings so that now, dual unbroken lines mark the clay pan turn off warning road users of the intersection. I agree with the investigating officers, however, that to

minimise the prospect of another accident in the area, if the clay pans are to continue to be used in the future there is a need for further markers and there should, at the very least, be a road sign to indicate the turn off area.

56. In view of that, my office wrote to Alice Springs Town Council to determine their attitude to erecting a sign before the turn off to the clay pans and I received advice back that the Council would be happy to do so, subject only to:

- The consent of the Northern Territory Government as the clay pans and the road leading in are situated on Crown Land; and
- The upgrading of the entry to the road by the Government to the standard necessary to accommodate entering and exiting vehicles.

57. On 13 June, at my request, a letter was written by the Coroner's Clerk to the Chief Executive of the NT Department of Transport to ask them to communicate with the Council and facilitate this work. At the time of writing these findings I have not yet had any response.

58. Both Detective Sergeant Schumacher and Constable 1st Class Kelly told the court that the clay pans is a very popular recreational area, especially on the weekends. Furthermore, the loop road that is around the clay pans is used by motorbikes as a recreation run out of Alice Springs. That means that there is a risk this type of accident may occur again if the area remains in popular use and is not properly flagged for motorists and riders.

Criminal charges

59. In the course of their investigation, NT police considered whether any criminal charges should be laid as a result of the collision. Police were firm in their conclusion that the driver of the car, Ms Mansfield, was not at fault, since she had right of way and had indicated her intention to turn into the clay pans. A police prosecution file included in my brief of evidence (Folio

41 and 42) summarises the issues and findings. Nevertheless, the brief of evidence, including statements and interviews with all relevant witnesses, was sent to the Director of Public Prosecutions (DPP) for an independent assessment by that office. According to a letter sent to Police by Assistant Director Roger Griffith, the DPP endorsed the decision that no charges be laid against the driver of the vehicle involved.

60. As I outlined at the beginning of these findings, the Coroner has the power pursuant to s.35(3) of the Coroner's Act to report to the Commissioner of Police and the Director of Public Prosecutions if they believe that a crime may have been committed in connection with a death being investigated. However I have no hesitation whatsoever in concluding that there is no basis for a referral in this case. The tragic collision in which Mr Pedersen lost his life was a terrible accident. Ms Mansfield is in no way to blame for it. I am satisfied that the NT Police conducted a thorough and impartial investigation into the crash and I agree with the conclusions they reach.

Cause of death and the aftermath of the crash

61. Tragically, the impact of the collision meant that Mr Pedersen suffered serious internal injuries and the report prepared by the NT pathologist, Dr Terence Sinton, reveals that they were the cause of his death.
62. Immediately after the crash, Ms Young began searching for Mr Pedersen and Ms Mansfield called Triple O. Mr Pedersen's bike had continued to travel into the grassland as he came off and it immediately caught fire. Ms Kuerschner, who had been riding behind her husband, joined Ms Young and other passers by to fight the fire until the NT fire service arrived.
63. Ms Mansfield let go of the steering wheel during the crash and Ms Young grabbed the wheel before the car came to a stop on the Northern side of the road. Ms Mansfield sustained a fractured collar bone which required extensive surgery and she received serious cuts from the broken glass that shattered on her at the time of the accident. Ms Young was not physically

injured but she, like Ms Mansfield, has been deeply traumatised by the accident and its aftermath.

64. The effect of a tragic collision like this one will be felt for many years. For the wife, parents, siblings and friends of Michael Pedersen, there is deep grief. They remember the clever and fun loving young man who they love deeply. For Ms Mansfield and Ms Young, it is obvious to me that they have been deeply traumatised by their involvement and they continue to feel the impact of what occurred. It is early days in terms of healing and moving forward. I hope that some comfort can be taken from the moves already made to make the area safer, and I hope that more will be done in the future in response to the recommendation I make below.
65. I thank the NT Police, and particularly Det Sergeant Schumacher and Constable 1st Class Jeshua Kelly, for their thorough brief of evidence and their assistance throughout the inquiry. Their dedication and professionalism was obvious in this inquest.

Formal Findings

66. As a result of evidence adduced at the public inquest, and pursuant to section 34 of the Coroner's Act, I find as follows:
- (i) The identity of the deceased was Michael William Pedersen born on 1 November 1973 in the Australian Capital Territory (ACT), Canberra, Australia.
 - (ii) The probable time of death was around 2pm on 24 July 2013. The place of death is Alice Springs, in the Northern Territory.
 - (iii) The cause of death was internal injuries caused in the collision.

(iv) The particulars required to register the death:

1. The deceased was Michael William Pedersen.
2. The deceased was not of Aboriginal descent.
3. The deceased was employed as a cabinet maker in Alice Springs.
4. The death was reported to the coroner by a member of the Northern Territory police force.
5. The cause of death was confirmed by post mortem examination carried out by Dr Terence Sinton.
6. The deceased's mother is Mary Louise Pedersen (nee Arnold) and his father is Joergen Viggo Pedersen.

Recommendations

To the NT Department of Transport

67. That the NT Government immediately commission a traffic survey to determine the use of the clay pans as a recreational area, and if it is to be used, that further measures are taken to warn riders and drivers on the Ilparpa Road that a turn off is ahead, including measures such as a sign to indicate the turn off, a slip lane and reduction of the speed limit in the relevant area.

Dated this Thursday the 24th day of July 2014.

GREG CAVANAGH
TERRITORY CORONER