

CORONERS COURT OF THE AUSTRALIAN CAPITAL TERRITORY

Case Title: AN INQUEST INTO THE DEATH OF JACOB JAMES KELLY

Citation: [2017] ACTCD 4

Date of Findings: 7 December 2017

Before: Coroner B. C. Boss

Decision:

1. Jacob James Kelly died on 1 August 2017 at Fairbairn Avenue, Campbell, in the Australian Capital Territory;
2. The manner and cause of death of Mr Kelly are sufficiently disclosed and a hearing is unnecessary;
3. The manner and cause of Mr Kelly's death are multiple injuries due to a motor vehicle collision with a retaining wall, and I find that Mr Kelly's death was due to suicide; and
4. Pursuant to s 52(4)(a)(i) of the *Coroners Act 1997*, a matter of public safety is found to arise in connection with this inquest.

File Number: CD 174 of 2017

1. Jacob Kelly, a 24 year old man at the time of his death, was observed by another driver to drive at high speed down Mount Ainslie Drive and into Fairbairn Avenue where he was seen to impact with a retaining wall on the far side of the intersection. The vehicle suffered severe frontal impact damage and caught fire while Jacob was seated in the driver's seat. Jacob suffered massive skull and chest injuries from the impact and he died at the scene. The post mortem examination of Jacob undertaken at my direction indicated that Jacob died from multiple injuries as a result of the collision. Toxicology results indicate that Jacob had a blood alcohol level at the time of his death of 0.160 g per 100 mL of blood.

Suicide

2. As part of my obligation to determine manner of death, I am required to determine whether Jacob's death was the result of an accident or suicide.
3. The facts before me evidence the following background:
 - (a) Jacob had a tumultuous relationship with his then partner, and the relationship was apparently emotionally, verbally and physically abusive;

- (b) Jacob's partner reported that Jacob had previously threatened self-harm and suicide;
 - (c) Jacob was under significant emotional and financial stress in the period before his death, centred around his desire to spend time with his son from a previous relationship; and
 - (d) Jacob knew the Mount Ainslie area well, and would often attend the area to relax and think.
4. On the day of his death, Jacob's car had broken down. Jacob commenced drinking alcohol at around noon with another person at a friend's house. At about 5pm, Jacob's partner joined him. She later left that location to spend time with a friend. She told Police later that Jacob was alternatively distant and argumentative with her.
 5. At about 8pm, Jacob's partner returned to their shared residence to discover the front door lock was broken. She called Jacob and blamed him for the damage. She called Police who subsequently attended and took a report, leaving at about 9:45pm. Shortly after Police left the premises, Jacob attended the premises and severely assaulted his partner. Neighbours heard the disturbance and in addition to calling 000, attended. Jacob demanded his partner's car keys and drove off in her vehicle. This was the vehicle in which Jacob collided with the retaining wall.
 6. When Jacob drove down Mount Ainslie Drive, there was a driver in close proximity who had turned up Mount Ainslie Drive from Fairburn Avenue. The other driver told Police that he considered the vehicle in which Jacob was travelling to be speeding, he estimated at least 100 km/hr. Upon seeing the car collide with the retaining wall he stopped and attempted to provide assistance to Jacob, but fire prevented him from retrieving Jacob from the vehicle. I commend this witness for his efforts to save Jacob.
 7. Police crash investigators investigated the scene of the collision. They have reported to me that there is no evidence of emergency braking or steering input by Jacob prior to impact.
 8. Given all the facts as recounted above, I am satisfied that Jacob intentionally caused the collision with the retaining wall with the objective of taking his own life.

Matter of Public Safety

9. The intersection of Mount Ainslie Drive and Fairbairn Avenue is the same location as the death of Adrian Pitman, who died on 15 March 2016. The mechanism of Mr Pitman's death was very similar to the way in which Jacob chose to end his life. The circumstances of Mr Pitman's death will be examined by another ACT Coroner in due course.
10. Shortly after Jacob's death, Police reported to me that Jacob's partner had described the intersection as a 'well known suicide spot' and said that Jacob had heard about the last suicide to occur at that place, although he did not know the deceased (Mr Pitman).
11. Additionally, I was advised by Police that on the evening of 6 August 2017, a 21 year old woman (who was a friend of Jacob's) attempted suicide by crashing her vehicle into the wall at the end of Mount Ainslie Drive. Fortunately, that young woman survived.

12. From the facts I conclude that the physical design of the intersection of Mount Ainslie Drive and Fairbairn Avenue constitutes a matter of public safety. There is a significant risk to persons who would wish to engage in acts of self-harm at the location. Additionally, there is a risk to innocent bystanders and other road users who might be travelling on Fairbairn Avenue at the time when a driver with suicidal intent may be travelling down Mount Ainslie Drive and through the intersection at speed. Without some mitigation measure, I consider it would only be a matter of time before multiple injuries or death will be occasioned to innocent road users if this apparent trend in self-harming behaviour is facilitated by the physical design.
13. Given the seriousness and urgency of this issue, on 10 August 2017 I took the unusual course of writing to Minister Rattenbury, (the Minister for (among other things) Road Safety) prior to finalisation of my inquest. I strongly urged the Minister to consider immediately implementing a traffic calming solution on Mount Ainslie Drive to slow drivers and prevent them from entering the intersection of Mount Ainslie Drive and Fairbairn Avenue at high speed. I noted that while any permanent change would require planning, funding and time to implement, I considered a temporary measure could and should be implemented immediately.
14. I received a response from Minister Rattenbury on 11 August 2017. The Minister replied that he shared my concerns and had already requested work be undertaken to address the issue. He advised that temporary measures would be implemented that day, and the relevant Government Directorates were working with Police to identify longer term road infrastructure to deter similar incidents in future. I wish to thank the Minister, and his Directorates, for their responsiveness on this issue.
15. I therefore formally make the following recommendation:
 - (a) The ACT Government should implement a permanent road infrastructure measure at the intersection of Mount Ainslie Drive and Fairbairn Avenue, Campbell, which is designed to reduce the risk of harm to road users who might wish to engage in acts of self-harm at that location, as well as other road users who might be adversely affected by such acts.
16. I will forward a copy of my findings, recommendations and comments as a report to the Attorney-General and the Minister for Road Safety for their information. I will forward a copy to the Director-General of the Justice and Community Safety Directorate, and I ask that the Director-General provide a written response to me in due course about the implementation of my recommendation.
17. I will also publish my findings, recommendations and comments on the ACT Coroners Court website, together with any response I might receive from Ministers or Government.

Hearing

18. In all the circumstances, in my view there is no need to hold a public hearing in relation to Jacob's death. I believe I have all the evidence which exists or is likely to exist which could possibly bear on the decisions I must make. There is no issue about which I would be empowered to hold a public hearing and which in and of itself warrants that course being taken, and further my ability to make recommendations is not contingent on the holding of a hearing.

19. I convey my greatest sympathies to Jacob's mother Tracey, and all of Jacob's family and friends. It is my sincere hope that my recommendations to Government in this matter might constitute a lasting legacy from Jacob's untimely death.