



CORONERS COURT OF QUEENSLAND

Reasons for Decision (including Findings & Comments)

CITATION: **Inquest into the death of
Madeleine Kate MORONEY**

TITLE OF COURT: Coroners Court

JURISDICTION: Central

FILE NO(s): CCMS 2017/3519

DELIVERED ON: 10th February 2023 (electronically delivered)

DELIVERED AT: Mackay

HEARING DATE(s): 31 May 2022 to 2 June 2022

FINDINGS OF: Coroner D J O’Connell, Central Coroner

CATCHWORDS: Inquest – Road accident – Passenger vehicle
overturned on country road – “how” the accident
occurred – Identity of the driver at the time of the
incident

REPRESENTATION:

Counsel Assisting - Mr J M Aberdeen (Counsel)

For the Family: - Mr Peter Boyce (Solicitor) of Butler McDermott
Lawyers

For Mr Jack DALTON-EDGLEY - Mr Nathan BOYD (Counsel) instructed by
Skuse & Graham, Lawyers

Findings

Madeleine Kate Moroney

[1]. On 12 August 2017 Miss Madeleine Kate Moroney died in a motor vehicle accident. It was a single vehicle accident which occurred on an unsealed road on a rural property in far south-western Queensland, about five kilometres from the town of Windorah. She and her then boyfriend were travelling in a Toyota Landcruiser utility when the driver of the vehicle lost control when swerving to avoid a calf on the road. The vehicle rolled and Miss Moroney was ejected from the vehicle but died from her injuries. The circumstances of how the vehicle accident occurred was examined by the inquest¹ as there was a great deal of conjecture as to who was driving at the time the vehicle rolled over.

Tasks to be performed

[2]. My primary task under the *Coroners Act 2003* is to make findings as to who the deceased person is, and how, when, where, and what, caused them to die². In Miss Moroney's case there is no real contest as to who, when, where or what caused her to die. The real issue was directed to the 'how' she died, that is, establishing who was driving the vehicle at the time it rolled over.

[3]. Accordingly the List of Issues for this Inquest were very simple:-

1. The information required by section 45(2) of the *Coroners Act 2003*, namely: who, how, when, where, and what, caused Miss Moroney's death;
2. Who was driving the Toyota Land Cruiser utility Reg No 359-WZM when it overturned on Ourdel Station, Windorah, in the early hours of 12 August 2017?

[4]. The second task in any inquest is for the Coroner to make comments on anything connected with the death investigated at an inquest that relate to public health or safety, the administration of justice, or ways to prevent deaths from happening in similar circumstances in the future³.

[5]. The third task is that if I reasonably suspect a person has committed an offence⁴, committed official misconduct⁵, or contravened a person's professional or trade, standard or obligation⁶, then I may refer that information to the appropriate disciplinary body for them to take any action they deem appropriate.

[6]. In these findings I address these three tasks in their usual order, section 45 'Findings', section 46 'Coroners Comments', and then section 48 'Reporting Offences or

¹ For completeness the previously issued Coronial Chambers Findings are set aside as an Inquest has been held.

² *Coroners Act 2003* s. 45(2)(a) – (e) inclusive

³ *Ibid* s.46(1)

⁴ *Ibid* s.48(2)

⁵ *Ibid* s.48(3)

⁶ *Ibid* s.48(4)

Misconduct'. I have used headings, for convenience only, for each of these in my findings.

Factual Background & Evidence

- [7]. The matter is deceptively straight forward. This was a single vehicle traffic accident. There was not found any mechanical defect with the vehicle which led to the accident, nor any suggestion of excessive speed in the circumstances, nor use of a mobile telephone, nor second road user, or any other factor other than alcohol intoxication of the driver (and both occupants of the vehicle were clearly driving over the relevant blood alcohol concentration limit) and they were also under the influence of an illicit drug. There was also the likelihood of a contributory factor of wandering livestock on the road and possibly driver inexperience.
- [8]. Miss Moroney died at the scene. The other occupant of the vehicle, Mr Dalton Edgley, survived and was able to provide information to the police, and he also provided certain information of what happened to others. At the inquest he gave evidence after being directed to do so⁷, and provided a more complete recounting of his recollection of the incident.
- [9]. In very short compass, the crash scene investigation⁸ was unable to conclusively identify who the driver was at the time the vehicle rolled over. As a result, the matter had to be resolved by this Court, through consideration of circumstantial evidence and evaluation of the credibility of witnesses who gave evidence.
- [10]. I do not wish to appear blunt, nor disrespectful to the views of others, but the events that occurred that evening up until when the vehicle leaves the showgrounds (where it was last observed by others) is of very little persuasive weight in determining who was driving at the time of the accident. The facts leading up to the vehicle leaving the showgrounds appear very well settled and not really in dispute.
- [11]. These rather well-established facts are that Mr Dalton Edgley and Miss Moroney were in a boyfriend–girlfriend relationship of about two months duration, had both attended a hotel in Windorah that evening where they consumed alcohol (indeed they consumed alcohol from about 4.00pm as they drove into town). During the evening at the hotel they had a disagreement such that at the end of the night Miss Moroney walked from the hotel to the showgrounds where other people were camping. Mr Dalton Edgley drove his Landcruiser utility motor vehicle from the hotel to the showgrounds. He then drove around at the showgrounds until he located Miss Moroney. What appears, also without controversy, is that Mr Dalton Edgley and Miss Moroney both consumed (and supplied by Mr Dalton Edgley) the illicit drug methylenedioxyamphetamine (MDA) that evening whilst at the hotel. It appears very clear they were both affected by alcohol, and under the influence of an illicit drug that evening, and they were both⁹ above the legal limit for driving a motor vehicle in Queensland at the time the vehicle left the showgrounds.

⁷ Section 39(2).

⁸ I deal later with this in more detail.

⁹ The Toxicology certificates for each (and Mr Dalton Edgley his BAC countback calculation) demonstrates this.

- [12]. What is also without controversy is that Mr Dalton Edgley and Miss Moroney left the showgrounds in Mr Dalton Edgley's Toyota Landcruiser motor vehicle intending to travel approximately five kilometres to stay the night at a farmhouse on a station nearby. What is relevant is *who* was driving as the vehicle left the showgrounds area, and then who was driving at the time of the incident (if they changed drivers). This is the single central issue in the inquest and needed to be closely examined.
- [13]. What appears also without controversy is that the vehicle rolled over at a location about 4.7 kilometres from the showgrounds, and that that rollover was unwitnessed. Whilst the vehicle was inverted Mr Dalton Edgley was able to exit the vehicle after it had overturned. At first could not find Miss Moroney (as she was then trapped under the vehicle and it was dark), and he began to go for help, before returning to the vehicle to try again to locate her. He gave evidence that when he did find her she was very seriously injured, and he could not remove her from where she was pinned under the vehicle. In his effort to obtain help he then walked to a nearby farmhouse where he woke up the occupants who were then sleeping. He made certain statements to those than in the house, and events flowed from there. He also allegedly made certain statements the following morning, and again when he spoke to police that morning. Of particular relevance to my task is an alleged conversation he had with a friend - Mr Nigel McIntyre - some months later whilst they were supposedly both present and drinking at a hotel in Mitchell. It is important that I carefully examine what Mr Dalton Edgley says occurred, as he was the sole survivor. It is also necessary to examine the statements he allegedly made to others to determine if I can be satisfied as to who was driving at the time that the vehicle rolled over.
- [14]. The crash investigation by the police investigators revealed no mechanical fault with the vehicle, no excessive speed, no issue with the roadway (but bearing in mind it was an unsealed dirt road, which is very common in the area), and no involvement by any other motor vehicle. The likely cause of the accident was that the driver appeared to have observed a calf on the road, and so swerved, over-corrected the steering, and the vehicle rolled over when it left the well-trafficked part of the road, and encountered a loose surface, while attempting to avoid the livestock on the road¹⁰. The driver at the time was affected by alcohol and illicit drugs, which would have adversely affected their decision-making capabilities.
- [15]. Miss Maroney was ejected from the vehicle as it rolled over. The driver's window was about two thirds down, and the only window which suffered any break was the windscreen. It was the opinion of the forensic pathologist that, based upon his observations, it was very unlikely Miss Moroney had exited the vehicle through the windscreen. Whilst that suggestion, that she may have exited through the windscreen as the vehicle rolled (i.e. as the windscreen separated from the upper side of the surrounding frame during the rollover) was made, I find that the most reasonable conclusion is that she exited through the driver's side window which was partly down.
- [16]. The two vehicle occupants' toxicology screens revealed a significant blood alcohol level, and the presence of the illicit drug Methylenedioxyamphetamine (MDA). The BAC level recorded for Miss Moroney was 0.131 (but was 0.159% in her vitreous humour, which is always considered the most accurate measure of blood alcohol in

¹⁰ The calf was struck and was later euthanised by QPS.

coronial testing, as at the time of death, as it is less affected by post-mortem changes; and in this matter, the post-mortem occurred ten days after the incident). For Mr Dalton Edgley, his alcohol level was 0.073% BAC, which was recorded quite some hours after the incident. As a general rule of thumb¹¹, it is accepted that 0.01 - 0.02% blood alcohol content is processed per hour. The countback calculation was that he was likely to have had a BAC of 0.103%, or even as high as 0.163%, at the time of the incident¹². There was also recorded the presence of the illicit drug MDA in each persons' system, with Miss Moroney recording 0.50 mg/kg, and Mr Dalton Edgley the amount of 0.08 mg/kg. What can readily be concluded is that both persons were significantly affected by alcohol (and to a degree the illicit drug MDA) at the time of the incident. It is of course illegal to drive a motor vehicle in Queensland with the presence of these levels of alcohol or the illicit drug MDA in a driver's system.

[17]. It is well known¹³ that blood alcohol concentrations of 0.11% to 0.15% produce in a person a feeling of euphoria, talkativeness, sociability, flushed face and a loss of restraint or lessening of inhibitions. Alcohol impairs the centres in the brain which control muscle coordination and this manifests itself in slurred speech, clumsy hand movements and unsteadiness when walking depending upon the level of alcohol intoxication. It can also lead to a tendency towards risk taking, overconfidence and loss of restraint. Blood alcohol concentrations of 0.16% to 0.25% produce more marked indicia of intoxication with sedation, slurring of speech, very uncoordinated skilled movements and unsteadiness on the feet tending to be staggering. A person who is a regular heavy drinker will be more tolerant to the effects of alcohol and will therefore exhibit less indicia of their intoxication than will the occasional social drinker under the influence of the same blood alcohol concentration¹⁴.

[18]. What I can readily draw from this case is that both relevant persons were under the effects of blood alcohol at the time of the incident which would have affected their coordination, lead to a tendency in risk-taking, and likely overconfidence in skill levels. It would also lead to uncoordinated skilled movements such as would inhibit their motor skills when driving. It is clear that I can draw that the inference that the person who was driving at the time of the accident was affected by alcohol, and alcohol was very likely the reason for the vehicle rolling over because of the steering (perhaps best described as oversteering or excessive steering inputs) and braking inputs of the driver in response to seeing the calf on the unformed road. The illicit drug MDA, which has several street names, also affects a person's behaviour and mood. It also leads to an increased sense of euphoria. The two drugs (alcohol and MDA) in a person system leads to a combined increase in their effects on a person's system. They do not counteract each other, nor lessen the effects on a person.

¹¹ And this is widely known scientific information, and very well known to Coroners so I feel I can take note of it.

¹² Exhibit B18

¹³ After more than 7,000 coronial cases, I feel I can simply readily state these aspects of alcohol intoxication, especially as alcohol intoxication, indica and its' effects on an individual is canvassed weekly, sometimes even daily, in coronial cases I investigate.

¹⁴ Mr Dalton Edgley attempted to say that he could 'hold his alcohol' better at a certain level of intoxication than an inexperienced drinker, as he was 'piss fit' as he so eloquently stated it. I simply note each occupants' BAC level of intoxication and clearly both were quite significantly affected by alcohol, whatever level of "drinking fitness" they may have then reached.

- [19]. The scene evidence was inconclusive in determining precisely who was driving. Quite often if a seatbelt is worn in a traffic accident the webbing of the seatbelt demonstrates friction marks or stretching. Neither seatbelt demonstrated this, the only possible indication of seatbelt use was that the inertia real mechanism of the driver's side seatbelt *possibly* indicated it had been in use when the incident occurred, but that was inconclusive. I cannot reach any conclusion based merely on a 'possibility'. Neither Miss Moroney nor Mr Dalton Edgley had any observable injuries consistent with a seatbelt having been worn. It may be that due to the nature of the accident, being a longitudinal axis rollover, that any bruising caused by a seatbelt would not be evident, but one simply does not know in this case. For whatever reason, there was no seatbelt injuries, nor conclusive scene evidence, that could definitively assist me to determine who was driving. Accordingly, the recollection and alleged statements attributed to Mr Dalton Edgley becomes very relevant to see if that can assist to determine who the driver was.
- [20]. Following the accident Mr Dalton Edgley went to a nearby farmhouse to seek assistance, and he said certain things to persons there, and also to other persons later that morning. He also allegedly had a certain conversation with Mr McIntyre quite some time later. I can distil quite readily Mr Dalton Edgley's recollections of how the events transpired after the vehicle left the showgrounds, and I do so without focusing too finely on any minute details; rather my focus is more upon the more significant events, as Mr Dalton Edgley recalled them to certain people, and I do this in fairness to Mr Dalton Edgley. When one recalls an incident many times there may well be variations in words used, or event milestones recounted *et cetera*, so it is the more significant events, their sequence, and how he described them, which is relevant.
- [21]. The versions Mr Dalton Edgley allegedly made were identified as 'five or six'¹⁵ versions by the solicitor for the next-of-kin, and may be briefly stated as:-
1. a version given to Mrs Helen Kidd (nee Commens) where he used the expression of "I've rolled the car. Maddy is under the car";
 2. a version given at the Windorah health clinic to Senior Constable Edwards and recorded in an interview, where he said he was asleep within 200-300 m so before the bitumen road;
 3. a version given to witness Thomas David Hauenschild where it is alleged he said "and then down the road we had an argument and switched drivers";
 4. a version given to Mr Joshua Johnson, where allegedly he said he "... was asleep on the passenger side and woke up when they came around the corner and she swerved to miss cattle and Jack called out to Maddy" ... *et cetera*.
 5. a text message exchange between Mrs Heading and Mr Dalton Edgley, where he indicated that he had researched DUI Charges and Manslaughter; and
 6. a statement to Amber Monaghan where Miss Moroney was seen by this witness to get into Mr Dalton Edgley's car at the hotel and drive out to the rodeo grounds; and

¹⁵ TT 1-41 LL15, I have listed seven versions or possibilities for fullness

7. a version given to Mr Nigel McIntyre at a hotel in Mitchell, where allegedly Mr Dalton Edgley said he was driving when the car rolled over.

[22]. I can deal with any alleged version (mentioned in the evidence) which suggested that Miss Moroney got into the car with Mr Dalton Edgley at the hotel and then went to the rodeo grounds. It was the recollection of all the other witnesses, and it was a very consistent theme throughout the entire investigation, that Miss Moroney made her own way to the rodeo grounds from the hotel, reportedly on foot, and did not travel there with Mr Dalton Edgley. This witness's recollection is very much at odds with all other witnesses. The kindest I can place this observation is that the witness is simply mistaken, and I can reject her premise, which I do. I can then deal with the other alleged versions.

[23]. Versions 1 to 4 rely upon the recollection of various witnesses as to what Mr Dalton Edgley allegedly told them and they are recalling it as best they can. There are certainly differences in what is recalled by each of these witnesses (and I realise version 2 above is that of Mr Dalton Edgley himself but I will deal with that separately below), but in my mind, and from my consideration of each witness as they gave their evidence, nothing of any great moment, in the task I must conduct, turns on any differences between the versions of various witnesses. It must be borne in mind that whenever someone has to recall what was told to them or experienced by them, the person involved may not recall in precisely the same words each time, or use precisely the exact same sequence of events. They simply recall it as best as they can to the police or others later when giving their statement. It also relies on that person being completely accurate in their recollection of what they were told. To my mind in this case there is no assistance for me in determining who was driving by placing any significant reliance upon these witnesses and the variations as they attempted to recall what Mr Dalton Edgley told them (I leave aside from this overall view the Mr McIntyre and Mr Dalton-Edgley interactions).

[24]. Dealing with the text exchanged between Mr Dalton Edgley and Mrs Heading, when read as a group of messages, they could be interpreted in a variety of ways but there is nothing contained within them to convincingly suggest that in some way it is evidence of a consciousness of guilt; rather, to me it is consistent with a young man inexperienced in such legal matters who is dealing with rumours from a small town that he could be charged over the incident. Nothing in the text messages points to any direct admission that he was driving when the vehicle rolled over, and so to my mind these are not persuasive evidence which can assist me with what I must determine.

[25]. As I stated at the inquest, the most significant contest are the versions as recalled by Mr Dalton Edgley as against the version as recalled by Mr Nigel McIntyre. These versions of events are ones which have completely differing factual recall (if I can use that term) of the sequence of events as to how the incident occurred, and is the one 'opposing' (if I can use that term) version that can possibly be persuasive to me. Accordingly, these interactions require a great deal more focus from me.

[26]. Mr Dalton Edgley's recollection of events was given to the police whilst he was being treated at the Windorah health clinic, and quite likely he was still under the effects of alcohol and post-accident shock at the time. He later declined to give a formal

statement to police; thus his evidence at the inquest was the first time he has been fulsome as to his version of what occurred.

[27]. To paraphrase his version, he said what occurred was that ‘Maddy’ had left the hotel and gone to the showgrounds, and so he drove there looking for her. There is no great magic in that and it seems to be what everyone recalls did occur, and at this time there is no motor vehicle accident. He then drove around at the showgrounds before locating her. This is also corroborated by other witnesses who said they saw a vehicle matching his vehicle driving around in the showgrounds. Mr Dalton Edgley then says they went to leave the showgrounds to drive back to Ourdel Station which is just a few kilometres out of town. No one can give a definitive version as to who was driving as the vehicle left the showgrounds. He says that ‘Maddy’ very firmly stated¹⁶ that he was too intoxicated, and so she would drive, upon which he moved over and let her drive. His version was definite in that she was the person who drove the vehicle out of the showgrounds and towards Ourdel Station. Through his various recounting of the evidence to others, he said that he fell asleep (he also used the term ‘dozed’, which he said was the same) shortly after leaving the showgrounds and before the vehicle reached the Diamantina Development Road (this is the only sealed road north (or north-east) from the showgrounds to Ourdel Station). In his evidence at the inquest, he said he fell asleep or also expressed it as he was dozing, and also that he was half asleep as they drove. He says that as they drove along the access road on Ourdel Station - which is a sandy base and is unformed - he noticed cattle ahead and made a comment to ‘Maddy’ to watch for the cattle, and then he made a further similar comment, following which she suddenly swerved the vehicle and it rolled over. During this time he was still half asleep/dozing (he seemed to use these words interchangeably) and says he was awake either as the vehicle rolled, or as he found himself upside down whilst in the process of the car rolling over. He then extracted himself from the vehicle (he does not know how) but he could not locate ‘Maddy’ around the vehicle (nor in the vehicle). He walked a short distance away, then returned, and found her pinned under the vehicle. He tried some elementary CPR and then ran to the homestead where he woke up the owners. There was a great deal of time spent with interested parties wishing to explore the minute detail of exactly this alleged sequence of events. I take a more overall view.

[28]. What I can say is this sequence of events appears to have been consistent (broadly speaking and without going into minute details) in his various statements to others, and accords with the physical evidence that the police were able to establish from of the crash scene. There was certainly no evidence to definitively contradict this version, nor to positively confirm it.

[29]. Why I do not delve too deeply into that version (or any slight variations to it as suggested by others) is because the version recalled by Mr McIntyre is in very stark contrast to Mr Dalton Edgley’s version (whether as stated in direct evidence at the inquest, or gleaned through comments as recalled by others). There is no great persuasive value in minutely examining the slight variations as recalled by various witnesses of what is alleged to have been said by Mr Dalton-Edgley; rather the real contest is between he and Mr McIntyre¹⁷.

¹⁶ It appears clear from evidence of others that Miss Moroney could be firm in voicing her opinion at times.

¹⁷ And I intimated this to those present at the inquest.

[30]. I now deal with that critical evidence.

[31]. Mr McIntyre says that he met Mr Dalton-Edgley at a certain hotel¹⁸ in Mitchell¹⁹, and it was about 6:30pm. They recognised each other, as they were acquaintances, and spoke at the bar. Mr Dalton-Edgley was drinking alone and so they had a conversation. In very short compass Mr McIntyre recalls that Mr Dalton Edgley told him about the accident and allegedly he said the following (paraphrased by me):

- a. That Mr McIntyre had heard lots of stories that Mr Dalton Edgley was driving the car when the accident happened;
- b. That Mr Dalton Edgley said he was driving the car when it rolled;
- c. That Miss Moroney was thrown from the car; and
- d. That he had spoken with the police about it (the accident).

[32]. Mr Dalton Edgley's response²⁰ to this is that no such conversation occurred; in fact he stated had not been to that hotel at that time, and could point to a particular time when he first went back to that hotel. As I said, there was a stark difference in evidence from the two witnesses on this point, and to me there does not seem to be any "middle ground" between the two versions - one simply must be accepted, and the other rejected.

[33]. Mr McIntyre was pressed in relation to his recollection. Firstly, I say that Mr McIntyre proved to be somewhat of a reluctant witness to tie down before the inquest such that it was necessary for the police to attend his residence and take a video interview of their discussion with him. I do not hold that against him, but it appears he had some reluctance in committing to a further signed version of the incident as he recalled it.

[34]. What I did observe from his evidence at the inquest was that he was very reluctant to be specific on detail, and he appeared to be very keen to avoid anything which would show him in a negative light. It may be simply be the way that he recalls things, in that he does not give direct responses but 'talks around' the topic; but for even simple matters, like how many drinks he had before he attended the hotel, he appeared reluctant to commit to a direct answer, which is somewhat surprising as this was not a topic of any great magnitude (as to what he was doing before he arrived at the hotel).

[35]. One matter on which he was pressed was how he knew Mr Dalton Edgley. Mr McIntyre effectively said they were acquaintances from a small town, so he knew him and he had met him at a certain 21st birthday party. Again, on this topic Mr Dalton Edgley's evidence was very different. He said he had never attended the particular 21st birthday party²¹, and that the two knew he each other because Mr McIntyre had been friends with Mr Dalton Edgley's mother (Mrs Michelle Dalton) and so knew him from a very young age²²; rather

¹⁸ Suggested as being the Richards Hotel (or Hotel Richards) or The Rock, which I understand is the same hotel; but whatever it is named is of no great relevance as each witness understood which alleged hotel it was, but the town within which it is located is of quite some relevance.

¹⁹ A town located in the Western Downs district area of Qld, quite some distance east from Windorah.

²⁰ Stated most briefly by me.

²¹ The 21st birthday party for was a Mr Jack Tully, and later in evidence Mr McIntyre conceded he might be wrong on this information but never offered another suggestion of when they first met each other (and when they precisely first met is of no great persuasive relevance), and most importantly how they had an ongoing drug dealer/customer relationship was never offered up even though it was explored in questioning.

²² Suggested as first meeting being in 2012, in the town of Mitchell, when a flooding event occurred and that is why he could recall the information. He was a young boy at the time.

tellingly, however, Mr Dalton Edgley said that he was an illicit drug dealer and was the supplier of illicit drugs to Mr McIntyre. I accept that this was the true nature of their recent relationship. Mr McIntyre never volunteered this information despite many opportunities to offer it. Likely he did not offer this connection between them probably because it demonstrates illicit activities, but Mr Dalton Edgley (after seeking immunity from giving incriminating evidence) told the Court of this, something which is clearly not a good reflection on him, but in doing so it provided the nature of the relationship between the two men.

[36]. What is clear from when these two persons gave evidence was that Mr McIntyre was very reluctant giving direct answers, and in fact, to my mind, intentionally concealed anything which may have been detrimental to him. Mr Dalton Edgley, on the other hand, quite readily conceded points which were detrimental to him, including illicit drug dealing and supplying, so I did find him more direct, open, and forthcoming in his general answers such that he built, in my view, a better level of reliability as a witness when both persons were compared on this contentious issue of the alleged Mitchell hotel discussion/recollection. Again, Mr Dalton Edgley was also able to provide a good explanation of how the two men knew each other, which appeared to have a very solid foundation, and it was surprisingly something as to which Mr McIntyre as to did not provide any specifics.

[37]. Mr McIntyre was also found wanting on a number of sometimes smaller issues such as his contact prior to the inquest with Mrs Heading, Miss Moroney's mother. This is somewhat surprising, because he simply should have conceded he had been in contact with her on some occasions, especially as nothing greatly turned on that; but again he probably wished to somehow avoid being drawn into any specifics. Whilst it is a minor matter, it shows that he was not overly forthcoming in divulging information, and this affects his reliability as a witness in my view.

[38]. In relation to the conversation at the hotel Mr Dalton Edgley said he was never at the hotel that evening, never made any such statement, and in fact could remember the occasion when he first went back to that hotel on a particular occasion (and not at all near the date Mr McIntyre suggested the conversation occurred). The date was near Christmas Day, because when he attended he was wearing what seemed to him to be a rather comical outfit, which is why the time, date, and place was quite fixed in his memory. He appeared to me to be credible on this point. I also have difficulty in accepting that Mr Dalton Edgley would confide or disclose very damaging details to a person he apparently hardly knew, and to provide this just after the conversation was said to have commenced.

[39]. My overall impression of Mr McIntyre is someone who I cannot place reliability in with providing truthful recollections and statements to the Court. In relation to the quite stark difference between the evidence the two witnesses gave, I accept the evidence of Mr Dalton Edgley over Mr McIntyre, as I found Mr Dalton Edgley to be more reliable and forthcoming, especially when matters were potentially negative to him, something Mr McIntyre did not display. Accordingly, I accept Mr Dalton Edgley's evidence that the conversation in the hotel at Mitchell as alleged by Mr McIntyre simply did not occur.

[40]. Precisely why Mr McIntyre is so mistaken in relation to this conversation I do not know, but perhaps there is a level of distrust between the two men because Mr Dalton Edgley advised that he is no longer the supplier of illicit drugs to Mr McIntyre, and perhaps that

is the basis for why Mr McIntyre may have provided information potentially very damaging to Mr Dalton Edgley²³. It may be that Mr McIntyre felt in some way disgruntled towards Mr Dalton Edgley, and simply made an appeasing statement to his cousin which was then passed on to the family of Miss Moroney. He may not have realised that the comments he made about his alleged conversation at the hotel could snowball into the situation where it is then examined closely in a courtroom as the subject of an inquest. Perhaps that explains his reluctance to ever be tied down further about the specifics of his alleged hotel conversation. In any event, why there is disharmony between the two men I need not resolve, other than to determine whom I consider to be the more reliable witness of the two for that alleged conversation.

[41]. Resolving that Mitchell hotel conversation as I have means I can make certain Findings.

List of Inquest Issues Answers

Coroners Act s. 45(2): ‘Findings’

[42]. Dealing with the list of issues for this inquest my Findings are as follows: -

[43]. Issue 1. My primary task is the information required by section 45(2) of the *Coroners Act 2003*, namely:

- a. Who the deceased person is – Madeleine Kate Moroney²⁴,
- b. How the person died – Miss Moroney died when she was ejected from a motor vehicle when it rolled over whilst being driven by herself,
- c. When the person died – 12 August 2017²⁵,
- d. Where the person died – “Ourdel” Station, Diamantina Development Road, Windorah, Queensland²⁶, and
- e. what caused the person to die – Multiple injuries and traumatic asphyxia, due to, or as a consequence of, motor vehicle injuries.²⁷

[44]. Issue 2. Who was driving the Toyota Landcruiser utility Reg No 359-WZM when it overturned on Ourdel Station, Windorah, in the early hours of 12 August 2017?

[45]. The person who I conclude was driving at the time the vehicle rolled over was Miss Madeleine Kate Moroney.

Coroners Act s. 46: ‘Coroners Comments’ (Recommendations)

[46]. This matter does not give rise to any relevant Recommendations.

²³ Even though Mr Dalton Edgley did not think there was ‘bad blood’ between them.

²⁴ See Exhibit A1 QPS Form 1

²⁵ See Exhibit A1 QPS Form 1

²⁶ See Exhibit A1 QPS Form 1

²⁷ See Exhibit A2, Form 3 Autopsy Certificate

Coroners Act s. 48: ‘Reporting Offences or Misconduct’

[47]. The *Coroners Act* section 48 imposes an obligation to report offences or misconduct.

[48]. In view of my findings set out above, no referral is relevant.