



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Stephen Raymond Carey, Coroner, having investigated a death of Brittany Kate Goss

Find That:

- a) The identity of the deceased is Brittany Kate Goss;
- b) Brittany died in the circumstances set out in this finding;
- c) Brittany died as a result of multiple blunt injuries due to her being struck by a car;
- d) Brittany died on 11 July 2014 at Launceston General Hospital, Charles Street Launceston;
- e) Brittany was born in Launceston on 22 October 1998 and was aged 15 years;
- f) Brittany was a student at the date of her death; and
- g) Brittany died as a result of being struck by a car driven by Noel Andrew Robson, but no fault attaches to his manner of driving at the time.

Circumstances Surrounding the Death:

Brittany had spent the afternoon of 11 July 2014 in Launceston in the company of her boyfriend, Jackson Kelly. At approximately 5.40pm she boarded a Manions Coaches bus in Brisbane Street, driven by Patrick Bennett, with the intention of travelling to her home in Sidmouth. At 6.01pm whilst on the bus Brittany has telephoned her mother advising her that at that time the bus was travelling through Exeter. Her father, Peter Goss, has then driven the family's Mitsubishi Pajero wagon down to the end of Collins Lane where it intersects with the West Tamar Highway at Sidmouth. He has parked the vehicle opposite the bus stop that was north of Collins Lane on the highway. As he observed the bus approaching he has turned his headlights on to signal the bus.

Patrick Bennett saw Brittany get up from her seat and walk towards the front of the bus as it approached Collins Lane. He slowed down to stop at Collins Lane but saw the vehicle ahead flash its headlights and Brittany asked to be dropped off at that vehicle so he continued and stopped at the bus stop opposite where Peter Goss was waiting. Brittany has alighted from the bus and walked to the rear of the bus as it drove off north along the highway. Brittany was observed by her father to have taken a step towards the

road, but after looking to the right has waited for a car to pass that had been travelling north behind the bus. She has then commenced walking across the road again and she has been struck by a 1997 Nissan Pulsar sedan Registration EE8172 that was travelling South on the West Tamar Highway and being driven by Noel Andrew Robson.

As a result of the collision Brittany suffered massive injuries. Her father, Peter Goss, attended to her immediately and was assisted by a paediatric nurse who stopped at the accident scene and administered CPR until paramedics arrived. Brittany was conveyed from the scene by ambulance but died later that evening in the Intensive Care Unit of the Launceston General Hospital. The circumstances of the accident were the subject of a detailed investigation by Tasmania Police northern Crash Investigation Unit.

The Nissan Pulsar involved in the accident was subjected to a roadworthiness examination by Transport Inspector Michael Leonard. The vehicle was found to be in an unroadworthy condition at the time of and prior to the impact in that:

- The washer system to the blades did not operate;
- Both wiper blades displayed tearing between the wiping section of the blade and the base;
- The right side front park light did not operate;
- The left side reverse light did not operate;
- The battery was not secured;
- 3 of the 4 road tyres displayed noncompliant tread depth; and
- The tyres fitted onto the rear axle were not of the same size.

Notwithstanding this it was the opinion of the police investigators that, given the circumstances of the accident, these vehicle defects did not contribute in any way to the fatal crash. An analysis of blood samples taken both from Noel Robson and Brittany indicated that both were negative for alcohol and drugs. The weather at the time was overcast and the road surface was damp from earlier rain. There is no street lighting in the area of the crash scene and there was heavy cloud cover causing the area to be in complete darkness. The crash site was situated on the northern end of a 560 metre long straight section of the West Tamar Highway just north of Collins Lane, Sidmouth, outside property number 3535 in the West Tamar Municipality. The highway at this location travels northwest and southeast. It has a single lane in each direction and the highway has a level gradient.

Both Peter Goss and Patrick Bennett stated that after the bus had driven from the pull off area, a car has travelled north past the location where Brittany had alighted from the bus. Peter Goss stated that Brittany took a step towards the road and then looked right and gave way to this car and then attempted to cross the road after it had passed. Patrick Bennett said that very soon after driving the bus away from the pull off area he noticed the car come up behind him and then overtook him. Neither Mr Goss nor Mr

Bennett could identify a vehicle type and a media request by police for any occupant of this vehicle to come forward was unsuccessful. However the investigation concludes that there was a north bound vehicle following the bus and this would have added to the view obstructions of both Brittany and Noel Robson at the accident scene.

During a formal record of interview Mr Robson stated that he was travelling at approximately 80 kph before the accident and that he had "*backed off a bit*" when he saw the bus. Mr Bennett estimated that the Nissan Pulsar was travelling at approximately 80 kph when it travelled past him when he dropped Brittany off. Mr Peter Goss believed the Pulsar was travelling at between 80 and 100 kph.

A speed analysis was conducted by the police investigators, however the exact location of the first contact between the Nissan and Brittany could not be determined as heavy rain fell at the crash scene prior to the police inspection. Mr Goss however provided an indication of the approximate area of the first contact. Using this location a calculation was conducted using appropriate scientific methodology which concluded that the minimum speed the vehicle was travelling at the time of the accident was 61 kph and the maximum was 77 kph. These speeds together with the estimation by witnesses indicates that the Pulsar was driving within the range of the designated speed limit for that area of roadway of 100 kph.

On Wednesday 30 July 2014 the police investigators conducted a crash scene reconstruction at the accident site. A female police officer of similar size to Brittany and dressed in clothing similar to what Brittany was wearing participated in this reconstruction. The Manions Coaches bus, Mr Goss' Mitsubishi Pajero, and a police car representing the other vehicle that was driving north at the time were parked on the roadway in positions representative of where they were at the time of the accident. The female police officer walked across the roadway simulating the actions of Brittany and a police investigator drove a police vehicle through the scene several times along the path the Nissan had taken. These scenes were video recorded. The police investigator reports that during this reconstruction it was extremely difficult to see the female police officer on the roadway and great care had to be taken. Tests were conducted at 60 and 80 kph with the female police officer standing back from the South bound lane. She was not visible at all. A test was conducted at 20 kph and the female police officer was standing near the centre lane in the north bound lane. It was noted that she was not visible until the police vehicle was 21 metres from her location. It should be noted that this observation was whilst the police vehicle was travelling at a very slow speed. The police vehicle's headlights were likely more efficient than the Nissan's and the police driver knew the female police officer was on the roadway and he was looking for her. It is important to note that in such an analysis it must be understood that when crash investigators measure for visibility distances, they know where the object to be detected is located relative to the roadway. Whereas, the driver on the night of the accident did not. In trying to establish at what point the object becomes visible, it is not necessarily the distance at which the driver should have detected the object. However, applying that known distance of 21 metres and a speed of 77 kph to an appropriate scientific formula it is determined that Mr Robson, driving the Nissan, has had 0.981 seconds to see and react to the pedestrian crossing in front of him. It was further determined that from a

calculated speed of 77 kph it would take 35 metres for the Nissan to come to a halt. However, this is extended by the perception/reaction time of the driver which on this occasion, given the circumstances, was estimated at 3 seconds. By combining the distance travelled during this perception/reaction time together with the distance taken once braking occurred it was calculated that travelling at a speed of 77 kph the driver would have needed a distance of 99 metres to stop the Nissan in order to avoid the collision under the circumstances existing that night.

It is apparent that Brittany has walked onto the roadway into the path of the Nissan Pulsar, either without checking on the approach of any vehicles from that direction or at a time when her observation was obscured by the bus and another vehicle travelling in the north bound lane. The police investigation concluded, and I agree, that a collision between the Nissan Pulsar and Brittany was inevitable and unavoidable by the driver of the Nissan, Mr Robson.

This is an extremely sad and tragic outcome for Brittany's family and also has had significant impact upon Mr Robson.

Comments and Recommendations:

Reference to recent fatal pedestrian crashes that have occurred in rural locations indicates that they have occurred because the pedestrian, a child, was crossing the road to a parent waiting on the other side of the road. It is apparent that if parents collect their children from the same side of the road that the bus stopped, the risks of such accidents would be minimised. I recommend that an education/awareness program encouraging parents who encounter this situation to collect children from the bus stop side as this will limit the risk of similar tragic outcomes in the future.

I also recommend that consideration be given as to whether justification exists to extend the flashing light on school buses speed limitation to all buses operating on rural roads.

The general public should also be made aware of the findings of a review of serious casualty pedestrian crashes which was presented in February 2012 by the Department of Infrastructure, Energy and Resources Tasmania, where crashes between 2007 and 2011 were reviewed. This Paper looks at crash data statistics for serious and fatal pedestrian crashes within Tasmania. The police investigator who reviewed this Paper found that Brittany's fatal crash matched the highest risks category for a number of criteria, that being:

- Age group of 15 to 19 years is almost double any other age group;
- Friday has the highest number of crashes;
- July has the second highest number of crashes; and
- Between 3 pm and 7 pm most crashes occur.

It is recommended that an awareness program include these risk factors and also that further consideration be given to the reduction of urban speed limits, which is suggested to reduce the number of such vehicle/pedestrian accidents.

In concluding, I convey my sincere condolences to the family of Miss Goss

Dated: 29 January 2016 at Hobart Coroners Court in the State of Tasmania.

Stephen Raymond Carey
Coroner