



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased, family, friends and others by direction of the Coroner)

I, Simon Cooper, Coroner, having investigated the death of Mrs W

Find That:

- a) The identity of the deceased is Mrs W;
- b) Mrs W died in the circumstances set out further in this finding;
- c) Mrs W died of multiple severe trauma received from a falling tree;
- d) Mrs W died in July 2014 in Tasmania; and
- e) Mrs W was born in Melbourne, Victoria and was aged 63 years at the time of her death; she was a married woman whose occupation was a teacher.

Background:

Mr and Mrs W lived on a semi-rural bush-style block. Many trees surround the house and driveway leading to it.

Circumstances Surrounding the Death:

On a morning in July 2014, at about 10.30am, Mrs W left her house intending to drive to the gym. The weather that morning was terrible. The Bureau of Meteorology had issued weather warnings. The city Mrs W lived in and surrounding areas had experienced very heavy rain and strong winds. Gusts as high as 98kph were recorded in the general area.

As Mrs W left the house she discovered a small tree had fallen on the property's driveway which prevented her from leaving the property. She returned to the house and told her husband.

Mr W used a chainsaw to cut the fallen tree, to allow access to and from the property. By the time the tree was cleared from the driveway, Mrs W realised she had missed her gym class and so decided not to go. Mr and Mrs W went inside for morning tea. The weather was still very bad and the wind very strong.

After morning tea Mr W went outside again and noticed another tree had fallen across the driveway. Mrs W came out and had a look and then returned inside. Mr W stayed outside. While he was outside another tree fell across the driveway.

By about 11.45am the rain had stopped and the wind abated sufficiently such that Mr and Mrs W decided to start clearing the trees that had fallen across the driveway.

Mr W used the chainsaw to commence the task of clearing the trees. He cut pieces off the fallen trees. Mrs W dragged those pieces clear of the driveway and placed them on a pile to be burned at a later stage.

Whilst Mr W was using the chainsaw he saw out of the corner of his eye a fourth tree fall. Immediately after the tree fell he was unable to see his wife. Straight away he walked in the direction of the fallen tree to check on his wife. Mr W subsequently told police that from the time when he saw the fourth tree fall to when he located his wife was no more than 10 seconds.

Mr W found his wife lying under the fallen tree. He could not reach her.

Mr W immediately located a mobile phone, and rang 000. This call was received by Ambulance Tasmania at 12.24pm. He then returned to his wife, where he remained and took instructions from the operator. Mr W attempted to move the tree using a crowbar, however he was unsuccessful. Using his chainsaw he then cut his wife free and moved her onto her back; as he was directed to do. Mr W then performed CPR on his wife until the ambulance arrived.

Ambulance and Police officers took over CPR upon Mrs W. Unfortunately she was unable to be revived and she was pronounced dead at the scene.

After formal identification, Mrs W's body was removed from the scene and transported by mortuary ambulance to the Launceston General Hospital (LGH). At the LGH pathologist Dr Terry Brain performed an autopsy. He found that Mrs W had sustained the following injuries:

1. transection of the aorta;
2. moderate mediastinal haemorrhage;
3. bilateral pleural bloody collections;
4. bruised lungs;
5. bilateral multiple rib fractures;
6. fractured sternum;
7. torn right atrium;
8. compound fracture left lower leg, tibia and fibula;
9. dislocated right ankle; and
10. minor signs of external trauma to the body.

Dr Brain expressed the opinion, which opinion I accept, that the cause of Mrs W's death was severe trauma as a result of being struck by a falling tree.

Samples taken at autopsy were subsequently analysed toxicologically at the laboratory of Forensic Science Service Tasmania. That toxicological analysis was unremarkable.

I am satisfied that Mrs W died in the circumstances set out in this finding. She died when she was struck by a tree whilst attempting to assist her husband clear other trees that had already fallen. The injuries suffered were so serious that they were not survivable.

Comments and Recommendations:

I observe that the weather conditions were so bad on that day in July 2014 that it was obviously dangerous to have been outside. This danger ought to have been apparent, if not from the weather warnings issued by the Bureau of Meteorology, then from the fact that other trees had fallen and been seen to fall. It was unwise to have attempted to clear the trees in the conditions, especially given the strength of the wind. I warn the community generally about the danger of working in and around trees in high winds.

In conclusion I wish to convey my sincere condolences to Mrs W's family.

Dated: 25 September 2015 at Hobart in the state of Tasmania.

Simon Cooper
Coroner