



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Judith Anne Riley and Donald Roy Riley

Find, pursuant to Section 28(1) of the Coroners Act 1995, that

- a) The identity of the deceased is Judith Anne Riley (Mrs Riley);
- b) Mrs Riley died from injuries sustained in a motor accident;
- c) Mrs Riley's cause of death was cervical spinal injuries;
- d) The identity of the deceased is Donald Roy Riley (Mr Riley);
- e) Mr Riley died from injuries sustained in a motor accident;
- f) Mr Riley's cause of death was head, neck and chest injuries; and
- g) Mr and Mrs Riley died on 20 August 2021 at Lanena in Tasmania.

In making the above findings, I have had regard to the evidence gained in the investigation into Mr and Mrs Riley's death. The evidence includes:

- Tasmania Police Reports of Death for the Coroner,
- Affidavits as to identity and life extinct;
- Affidavits of the forensic pathologist Dr Christopher Lawrence ;
- Affidavits of the forensic scientist Mr Neil McLachlan – Troup of Forensic Science Service Tasmania together with results of the blood sample taken from Brittany Wright and Callan Drinkwater;
- Video record of interview with Ms Brittany Wright together with a transcript of that record of interview;
- Affidavit of Mr Darrel Riley;
- Affidavit of Mr Callan Drinkwater;
- Affidavit of Mr Ian White;

- Affidavit of Mr Casey Perkins;
- Affidavit of Senior Constable Rodney Walker;
- Affidavit of Senior Constable Peter McCarron;
- Affidavit of Constable David Eaton;
- Affidavit of Senior Constable Haydn Barnard;
- Affidavit of Senior Constable Michal Rybka;
- Medical records of Mrs Riley and Mr Riley obtained from their general practitioner; and
- Sketch diagram, body worn camera footage, forensic and photographic evidence.

Introduction

This investigation concerns a two vehicle fatal collision that occurred on the West Tamar Highway at Lanena approximately 1.3 km south of its intersection with Killara Avenue at approximately 3:20 pm on 20 August 2021. The Highway at the crash site travels in a general north-south direction with a single lane in each direction with a mix of grazing paddocks and bushland on either side of the road. There is a steep clay bank next to the roadway on the western side. The bank on the eastern side steeply falls away from the roadway and there is a steel Armco rail barrier which runs along the entire eastern side.

At this time Ms Wright was driving a Ford sedan registration number EF 8404 (the Ford) north on the West Tamar Highway. At the same time Mr Drinkwater was driving a white Toyota van registration number DS 7069 (the Toyota) south on the West Tamar Highway.

Ms Wright was the holder of a Tasmanian Novice L2 car licence. Her great aunty, Mrs Riley, was seated in the front passenger seat of the Ford sedan while her uncle, Mr Riley, was seated in the rear left passenger seat.

The Ford entered a sweeping left-hand curve and crossed onto the incorrect side of the roadway and impacted with the Armco railing on that side. It has continued to impact with the Armco railing a number of times as it travelled in the southbound lane in a northerly direction. Mr Drinkwater has observed the Ford and attempted to steer away in order to avoid a collision. The passenger side of the Ford has then collided with the front of the Toyota and as a result Mr and Mrs Riley sustained fatal injuries.

At the time of the collision it was raining and the road surface was wet. Visibility was good. The road surface was constructed of hot bitumen aggregate mix. On approach to the crash site there is a sweeping left-hand curve in the roadway for traffic travelling north. Double

white continuous centre line road markings were audible and highly visible. The white continuous road edge lines were also audible and highly visible.

Background

Mrs Riley (nee Stewart) was 75 years of age (date of birth 12 June 1946), divorced and she resided with her son, Mr Riley, at Beaconsfield in Tasmania at the date of her death.

Mr Darrel Riley met Miss Stewart in the 1970s and they were married in or about 1973.

They had one son, Donald, who was born on 11 October 1975. He was single, in receipt of disability support pension and he was 45 years of age (date of birth 11 October 1975) at the date of his death. Mr Riley attended Lansdowne Crescent Primary school but when he was about 10 years of age his family moved Devonport; Darrel Riley having worked for the Commonwealth Bank was promoted to a position in that city and thereafter Mr Riley went to Nixon Street Primary School.

While in Devonport Mrs Riley decided to move home to Hobart to live with her mother and so she separated from her husband and they were divorced in the early 1980s.

Darrel Riley says his former wife was healthy while they were together. She never held a driver licence.

It appears from Darrel Riley's affidavit he had intermittent contact with his son from that point until in or about 2018 when they had a chance meeting in George Town. From that point in time they reconnected. Darrel Riley was aware his son drove a motor vehicle, he had previously worked, however he was in receipt of a disability support pension because he had hurt his back. He never married and had no children.

Mrs Riley had another son from another relationship and that baby was adopted out. Initial contact between the pair was made in or about 2001 however because his relationship with his mother and half-brother was difficult he ceased contact in about 2015.

Mrs Riley's medical records establish that she was a healthy person. Her last appointment with her general practitioner prior to the motor accident was some 5 months before on 11 March 2021. At that time she saw the general practitioner for a prescription and for advice with respect to osteoarthritis. Her past medical history included asthma, major depression, type II diabetes and hyperlipidaemia. Mr Riley last saw his general practitioner on 11 March 2021 as well. At that time some pathology results were discussed with him and he obtained a prescription. His records indicate that he suffered from reflux, asthma, osteoarthritis in his left elbow, bipolar affective disorder, major depression and alcoholism.

Circumstances Leading to Death

Ms Wright had about 80 hours driving experience and no prior traffic convictions as at the date of this collision. That morning she was at her residence at Clarence Point, which is between Beauty Point and Kelso on the Tamar River, where she lived with her parents. She planned to attend a job interview in Exeter at about noon and she intended to take her uncle, Mr Riley, and great aunt, Mrs Riley, along for the trip. Ms Wright's father drove her to her great aunt and uncle's house from where she drove the Ford, which was registered to another uncle, Mr Justin Ploughman. Ms Wright therefore drove from Beaconsfield to Exeter and then on to Legana.

Initially Mr Riley sat in the front passenger seat and Ms Wright believed he had a current driver licence so he would be the supervising driver. On the trip to Exeter the vehicle was not displaying L plates. Following the interview she drove south to the Legana shopping centre. Mr Riley was still the front seat passenger during that journey and Mrs Riley was a rear seat passenger. They arrived at the shopping centre at approximately 1:20 pm and after they had finished shopping at the supermarket and bottle shop Mrs Riley sat in the front passenger seat as she was complaining of leg cramps. Mr Riley therefore sat in the rear passenger side of the vehicle. Ms Wright then drove north towards Exeter on the West Tamar Highway.

Mr Drinkwater left his property in Badger Head, which is northwest of Clarence Point, and onto the West Tamar Highway and south through Beaconsfield. He continued south to Exeter where he stopped to access an automatic teller machine. He then continued south towards Launceston. He says it started to rain after he left Exeter.

Mr White was travelling in the same direction as Mr Drinkwater from Exeter towards his residence at Rosevears. He was travelling ahead of Mr Drinkwater having just picked up his three children. He says he drove around a corner onto a straight which was slightly uphill and saw the Ford on the wrong side of the roadway. He says it was approximately 1 m inside his lane when he first saw it. He saw the vehicle drive onto the eastern side of the roadway at an angle of approximately 45°. He saw the back end of the vehicle bounce out further toward the centre line of the road. Mr White says he was travelling at about 90km/h and estimates the Ford was travelling at around 100km/h. He decelerated and steered right at the last moment thereby avoiding a collision with the Ford.

Mr Drinkwater got to the end of the uphill straight section of roadway where there was a crest. He says he was travelling at about 80 km/h. He then saw the Ford approaching him from the opposite direction. He recalls the vehicle was travelling sideways with the front of the vehicle pointing toward the Armco railing on his left hand side; that is the eastern side of

the highway. It was in the centre of the roadway and diagonal at about 45°. When he first saw it he says he was about 20 to 30 m away. He steered right in an attempt to avoid the Ford but a collision occurred as a result of which Mrs Riley and Mr Riley lost their lives.

Investigation

The scene was attended and secured by police from Exeter police station. Senior Constable Barnard then attended and marked the scene and Senior Constable Walker attended and took photographs at Senior Constable Barnard's direction. Blood testing was organised for both drivers and the vehicles were seized and conveyed to the police compound in Launceston for inspection. The mortuary ambulance attended and conveyed Mrs Riley and Mr Riley to the mortuary.

On 26 August 2021 Senior Constable Rybka and First-Class Constable Housego of Northern crash investigation services met Senior Constable Barnard and Senior Constable Lloyd of Western crash investigation services at the scene. Constable Rybka was briefed and he examined the scene. He took measurements of the scene and the relevant incident marks and as a result of the measurements he produced a hand drawn A3 sketch plan. Senior Constable McCarron then attended the scene with a drone and took a series of photographs at Senior Constable Rybka's direction and a video fly through of the crash site was also recorded.

Neither Ms Wright nor Mr Drinkwater had any alcohol in their blood.

Ms Wright was interviewed by police at which time she said:

- When she was going around the bend she was probably travelling at about 65 km/h;
- On an L2 licence the speed limit is 90 km/h;
- She normally travels at 90 km/h on the West Tamar Highway;
- For other road users the speed limit is 100 km/h;
- She was not feeling tired;
- Although she received a text message at 3:19 PM and the collision was at 3:20 pm she had not looked at the phone and had not seen the message¹;
- She does not recall the Ford going onto the incorrect side of the road and does not remember anything until after the collision;
- She does not recall colliding with the Toyota;

¹ This evidence is supported by the forensic evidence obtained from Ms Wright's phone.

- Upon being asked whether it was possible that instead of braking she had put her foot on the accelerator when she hit the Armco rail and possibly got mixed up she said “[i]t’s possible”;
- She believes her speed just for the collision was 65 km/h; and
- She has had nightmares about the crash and it has affected her emotionally as she was close to both Mrs Riley and Mr Riley.

Both vehicles were inspected by Mr Perkins who has over 10 years’ experience in the automotive industry and is employed as a transport safety and investigation officer with the Department of State Growth. He said the Ford had tyre tread depth below the minimum required on the passenger side front tyre², a non-compliant exhaust system (which did not extend to the outline of the vehicle’s body or 40 mm beyond a sealed or welded floor joint) and a non-compliant seat as the driver’s seat frame was exposed due to damage. Despite those defects he was of the view the vehicle would have been in a fair condition. He says he cannot say whether the mechanical condition of the vehicle caused or contributed to the collision. As to the Toyota Mr Perkins says it was in a well-maintained condition and its mechanical condition did not cause or contribute to this collision. I accept Mr Perkins’ opinion with respect to both vehicles.

Dr Lawrence performed an autopsy on Mrs Riley on 24 August 2021. He says as result of his examination and after he considered the results of the CT scan he found massive traumatic injuries to the cervical spine which would have been immediately fatal. Toxicological examination revealed there were therapeutic levels present of an antidepressant. I accept his opinion.

Dr Lawrence performed an autopsy on Mr Riley on 24 August 2021. He says after his examination he determined Mr Riley died of head, neck and chest injuries. In essence his neck was broken and he sustained serious injuries to his chest. Toxicology revealed a blood alcohol reading of 0.079 g of alcohol in 100 mL of blood, an elevated level of an antidepressant and cannabis. I accept his opinion.

As a result of his investigation Senior Constable Rybka says:

“The Ford sedan was travelling north towards Exeter on the West Tamar Highway at witness estimated speed of between 80 – 100 km/h. It was raining moderately, the road was wet, and conditions were darker than usual. The vehicle’s headlights and windscreen wipers were operating. On entering a sweeping left-hand curve, the Ford lost traction on the wet road surface. The cause of this is unknown.”

² The driver side front tyre was missing due to damage caused in the collision.

The vehicle has then crossed the audible double continuous white centre lines which separated the north and south bound traffic lanes, before travelling across the oncoming south-bound traffic lane at a witness estimated 45° angle. The Ford then impacted with an armco rail barrier on the eastern side of the roadway. This first impact has caused the driver's side front tyre to be dislodged and ejected from its wheel rim. At this point it is likely that the driver has applied accelerator input, having likely confused the accelerator pedal with the brake pedal. This has caused the vehicle to continue travelling north in the oncoming south-bound traffic lane.

It is likely that the driver has instinctively tried steering the Ford to the left and away from the eastern side armco barrier at this point. However, regardless of any steering input, the exposed driver's side front wheel rim has kept pulling the vehicle back towards the barrier. The Ford has impacted a further two times into the barrier, before sliding out towards the centre of the roadway. When this occurred, the vehicle was travelling north with its passenger side leading first. It was sliding on the road surface at a witness estimated angle of approximately 45°.

The Toyota van was travelling south on the roadway at this time, at a witness estimated speed of approximately 80 km/h. The driver then saw the out of control Ford coming towards him in the south-bound traffic lane. He steered the Toyota to the right and partially into the north-bound traffic lane in an attempt to avoid the collision. The front of the Toyota has then impacted with the passenger side rear left wheel of the Ford sedan. The point of maximum engagement has been 1.1 metres from the double white continuous centrelines in the south-bound traffic lane.

Post-impact, the Ford has rotated counter-clockwise in the south-bound traffic lane. It has then impacted and come to final rest with its rear right hand corner into the armco rail barrier on the eastern side of the roadway. Post-impact, the Toyota has been punched 0.6 metres rearwards. It has come to final rest with its passenger side headlight positioned over the double white centre road markings, and its front right corner 2.8 metres from the western road edge line.”

Senior Constable Rybka found nothing about the road service that could have caused or contributed to this collision. As to the cause he states his opinion as follows:

“The Ford sedan entered a sweeping left hand curve in the roadway where loss of control has occurred. This has most likely been in the form of the vehicle's wheels slipping on the wet roadway. There was no physical evidence left on the roadway and no witness evidence available to assist this investigation in determining how this has occurred. There is no

evidence to support that excessive speed or mobile phone use were contributing factors. Drugs and alcohol were not factors.

On the afternoon of the collision, weather conditions were poor. It had been raining and conditions were darker than usual for that time of day. The bitumen road surface was wet. It is unknown if there was water pooling or flowing over parts of the roadway. When police asked WRIGHT what could have occurred to cause the crash, she made the suggestion that her vehicle could have 'hydroplaned' in the wet conditions. Hydroplaning occurs when tyres rolling on a wet road surface reach a speed at which they lose contact with the road surface and move along a thin film of water. Once a vehicle 'hydroplanes' – it does not have traction with the road surface and it does not respond to steering input.

Many factors influence a tyre's ability to resist hydroplaning. The depth of its tread is the most important of them. The deeper those grooves are, the more water they can pump away from the contact patch. The mechanical inspection revealed that the Ford Falcon had insufficient tread depth on its front tyres. This would have increased the likelihood of the vehicle hydroplaning and I agree that it may have been a contributing factor to the initial loss of control by WRIGHT. During the police interview she stated that the vehicle belonged to her uncle Justin PLOUGHMAN. She stated that the tyres were checked regularly and that she was unaware of any problems.

Besides the road and weather conditions contributing to this crash, I believe that inexperience has been a major contributing factor in this crash. WRIGHT is the holder of a Tasmanian Novice L2 car drivers licence. She has under 2 years driving experience with approximately 80 hours recorded. Most of the driving she has done has been in her family's Ford Territory SUV station wagon, which is an entirely different vehicle to the Ford Falcon. Once loss of control occurred, WRIGHT has crossed onto the incorrect side of the roadway and impacted with the eastern side Armco rail barrier.

She has continued north along the incorrect side of the roadway, making several impacts along the barrier for 160.9 metres to final impact with the Toyota van. For the Ford Falcon to continue for such a great distance from its first impact with the barrier, I am of the opinion that driver acceleration input would be required. It is possible that WRIGHT had confused the brake pedal with the accelerator pedal at this point. It is also possible that she tried accelerating simply due to driver inexperience. When this was put to her during the police interview, she agreed it could have occurred.

The fact that there is evidence of steering and accelerator input shows that WRIGHT was conscious at the time and not asleep. She had only been driving for approximately 10 to 15 minutes from the Woolworths Legana Shopping Centre on what is a reasonably complicated

section of roadway, featuring several sweeping curves. This causes me to form the opinion that fatigue or a medical condition was not a factor”.

Senior Constable Rybka also says the tyre pressure of the Ford was 24 psi. Using the supplied tyre data he concluded it was possible the Ford could have hydroplaned travelling at a speed of between 70 and 81 km/h which falls within the highway speed for learner drivers. I accept his opinion set out above, which he is well qualified to provide.

There is some discrepancy between what Ms Wright says her speed was and what Mr Drinkwater and Mr White say it was. She says she was travelling at about 65 km/h although she normally drives at around 90 km/h on this roadway. Mr Drinkwater thought the Ford was travelling at between 80 and 100 km/h whereas Mr White thought it was about 100 km/h. I suspect given the vehicle was out of control, and travelling towards them, it would have been very difficult for them to accurately estimate the Ford's speed. Given Constable Rybka says the hydroplaning could have occurred between 70 and 81 km/h, I find that Ms Wright was not speeding and that she was travelling at between 70 and 90 km/h.

This matter was also reviewed by the Director of Public Prosecutions. He was of the view, having considered all of the evidence, Ms Wright's conduct did not amount to negligence. It follows there was little prospect of securing a conviction for causing death by negligent driving³. He noted there were some minor offences she could have been charged with, for example, failing to display L plates and the fact that the supervising driver should have been in the front passenger seat but he indicated to Tasmania police whether those charges were proceeded with was a matter for them. He thought there was significant public interest in not pursuing them as Ms Wright has had a horrific experience and she has suffered the loss of two close relatives. Accordingly no charges were preferred against her.

I note with some concern less than two months after this motor accident Ms Wright was intercepted on her learner's licence driving while unaccompanied. She was disqualified from driving by way of a traffic infringement notice for a period of three months which took effect from 7 December 2021.

Since then my office has received information Ms Wright has continued to drive without a licence and she has driven an unregistered vehicle. I do not know whether or not this is correct. If it is Ms Wright would be foolish to continue to behave in this way because she would be putting herself and other road users at risk. If apprehended for driving in this manner then clearly a prosecution should follow.

³ Contrary to s32(2A) of the *Traffic Act 1925*.

Finally a report was received from the Department of State Growth with respect to this section of roadway. This report revealed there have been three reported loss of control crashes within the vicinity of the crash the subject of this investigation in the five-year period to 20 August 2021, all of which occurred in wet conditions. The reported pattern of loss of control crashes occurring in wet conditions can indicate an issue with the skid resistance of the road surface. A visual assessment of the road surface where the Ford lost control indicates some polishing of the seal. Accordingly that section of road was identified as a candidate for resealing. Slippery when wet warning signs were to be provided as an interim measure until the resealing work occurs. Accordingly resealing of this section of the roadway was to be given priority in programmed resealing works. I agree with the conclusion set out in this report and trust this resealing work has been attended to.

Comments and Recommendations

This accident occurred due to the inexperience of Ms Wright and the wet road conditions. The circumstances of Mrs Riley's death and Mr Riley's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act* 1995.

I thank Senior Constable Rybka for his investigation and very thorough report.

I convey my sincere condolences to the family and loved ones of Mrs and Mr Riley.

Dated: 26 June 2023 at Hobart in the State of Tasmania.

Robert Webster

Coroner