



MAGISTRATES COURT of TASMANIA
CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Catherine Clara Arundel-Clarke

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

- a) The identity of the deceased is Catherine Clara Arundel-Clarke;
- b) Mrs Arundel-Clarke died as a result of head injuries from a single vehicle crash in which she was the driver;
- c) The cause of death was cerebral trauma with cranial fracture and subarachnoid bleeding; and
- d) Mrs Arundel-Clarke died on 24 March 2018 at Lebrina, Tasmania.

In making the above findings, I have had regard to the evidence gained in the comprehensive investigation into Mrs Catherine Clara Arundel-Clarke's death. The evidence comprises the police report of death; an opinion of the pathologist who conducted the autopsy; police and witness affidavits; opinion of the crash investigator and transport inspector; medical records and reports; and forensic evidence.

Mrs Arundel-Clarke was born on 31 August 1983 in Hobart, Tasmania and was aged 34 years at the time of her death. She was married and lived with her husband, Matthew David Christopher Edward Arundel-Clarke, in Lebrina, Tasmania. Mr and Mrs Arundel-Clarke have five children aged between five and thirteen years at the time of Mrs Arundel-Clarke's death.

Mrs Arundel-Clarke obtained her Tasmanian Learner LI driver's licence on 23 August 2008. It was a requirement of her learner's licence that she was to display her L plates whilst driving, to wear visual aids whilst driving and to only drive with an authorised supervisor instructing her. Despite having taken private driving lessons in 2008, she was unable to make progress towards completing the Provisional PI test. The evidence indicates that she lacked confidence in attempting this test and struggled with reverse parking. Instead, Mrs Arundel-Clarke would renew her LI licence at the end of every year.

Despite only having a learner's licence, Mrs Arundel-Clarke would drive without an authorised supervisor and did not display her L plates on her vehicle. Her husband would constantly

remind her that she needed to gain her provisional licence and to take the test, to which Mrs Arundel-Clarke would reply that she was 'getting to it', although she did nothing further towards obtaining it.

Mrs Arundel-Clarke's learner's licence expired on 24 March 2014 and she failed to renew it from that point onwards. Despite this, she continued driving without any form of current licence. In his affidavit for the investigation, her husband stated that she would drive her children to their school at Lilydale and to places where they participated in sporting events. She would drive on five or six days every week. She would also regularly drive her children around the state, including to Burnie, Launceston and Hobart. When she drove, Mrs Arundel-Clarke would drive the family's Mitsubishi Delica van. On these trips, she was usually unaccompanied by a fully licenced driver and would only have her children as passengers. In his affidavit for the investigation, Mr Arundel-Clarke stated that his wife never travelled more than 90km/h on highways and he described her as a 'very cautious driver'.

During her ten years of driving unlawfully (by reason of absence of a supervisor or absence of any current licence at all), her licence status was not detected by officers of Tasmania Police conducting speed or other checks. No doubt her slow driving speed and the absence of displayed L plates were factors in her unlawful driving remaining undetected.

Although she drove on an almost daily basis for a decade, it does not appear that Mrs Arundel-Clarke improved in any marked degree in her ability to drive with the requisite degree of skill. In his affidavit, Mr Arundel-Clarke described an incident in June 2017 when Mrs Arundel-Clarke told him that she was driving alone in the van on an uphill section of Golconda Road from Lilydale back to her home in Lebrina. The road conditions were wet and she was negotiating an uphill corner when the back end of the van slipped out. In response, she took her foot off the accelerator and regained control of the van. Mrs Arundel-Clarke told her husband that she was distressed by this incident. Nevertheless, she continued driving without a licence and without seeking or receiving any professional instruction.

On 24 March 2018, Mrs Arundel-Clarke was travelling in the van along Golconda Road towards her home in Lebrina with her 10-year-old daughter, Thylacine Arundel-Clarke, as the sole passenger in the middle-row seat directly behind the driver's seat. Mrs Arundel-Clarke was travelling home, having taken Thylacine to two birthday parties in Launceston. The road conditions on the day were wet and slippery as it had been raining that day.

At about 4.15pm, Mrs Arundel-Clarke stopped at the Liberty Service Station in Lilydale to refuel her vehicle. At this time, she called her husband to discuss dinner. Mr Arundel-Clarke stated that she appeared to be her normal self whilst he was talking to her. The service station operator provided evidence to the same effect.

On or about 4.20pm, Mrs Arundel-Clarke approached a left-hand curve on a downhill portion (gradient -10.7 degrees) of Golconda Road approximately 525 metres south of the junction of Tunnel Road at Lebrina. The speed limit on this road was 100km/h, although an advisory speed limit of 55km/h, displayed clearly by a sign, was posted for the curve.

Based upon a detailed and careful analysis by the crash investigator who attended the scene subsequently, I find that Mrs Arundel-Clarke drove the van to the extreme left side of the lane when exiting the turn. She then applied harsh braking causing the front left wheel to lock. The van proceeded to skid on the bitumen road surface and struck a metal guidepost that was situated on the western gravel edge with its front headlight area. Mrs Arundel-Clarke then applied harsh steering input, causing the van to leave the road surface and side-slip whilst rotating anti-clockwise for 25.9 metres, travelling to the bottom of a drainage culvert. The van then 'tripped' with its right-hand side tyres folding under their respective rims, which caused it to flip onto its right-hand side. The vehicle slid for a distance of 6.2 metres, before rolling twice over a distance of 11.8 metres through a farm wire fence.

The van's roof between the sunroof and front windscreen was impacted heavily by a railway iron support post during the first rollover. This area of impact was directly over where Mrs Arundel-Clarke was seated. As a result of this, the roof was squashed heavily into Mrs Arundel-Clarke's head and chest area. The vehicle came to a stop on its roof in a western grass paddock, 9 metres from the western road edge.

Mrs Arundel-Clarke, who was wearing her seat-belt, was upside down in the vehicle at the time when the vehicle came to a rest. Thylacine managed to unclasp her seat-belt and escape from the van without any serious injury. She ran onto the roadway for help.

Several passing motorists stopped at the site of the crash and an ambulance was called. They assisted Thylacine and saw that Mrs Arundel-Clarke was upside down wearing her seatbelt, with one arm hanging out the window and touching the ground. A witness at the scene, Mr Craig Bryan, attended to Mrs Arundel-Clarke and noted that she was not responsive. He stated in his affidavit that he checked her pulse and could not find one. Mr Bryan and other persons in attendance decided against removing Mrs Arundel-Clarke from the motor vehicle

due to concerns about the roof apparently crushing her chest area. They therefore waited for medical assistance.

Ambulance paramedics and police officers attended the scene a short time later. Mrs Arundel-Clarke was pronounced deceased by paramedics. She was taken to the Launceston mortuary.

The attending police officers, including crash investigation and forensics officers, conducted an assessment of the scene and obtained relevant evidence (including witness affidavits) for the investigation of the crash.

An autopsy was conducted on 26 March 2018 by pathologist, Dr Terence Brain. Dr Brain concluded that Mrs Arundel-Clarke died as a result of significant cerebral trauma to the right-hand side of the skull and from a cranial fracture that included subarachnoid bleeding, these injuries occurring in the crash. I accept Dr Brain's opinion as to cause of death.

Crash reconstruction and analysis by the crash investigator, Senior Constable Michal Rybka, revealed that Mrs Arundel-Clarke was travelling at around 62km/h at the time of losing control of the van. This speed was higher than the recommended advisory speed of 55km/h, however it was noted by Senior Constable Rybka that other motorists were able to safely negotiate the same curve at higher speeds in similar conditions.

The motor vehicle was inspected by transport inspector, Mr Paul MacLaine, who concluded that the van would have been classified as unroadworthy before the crash. He reported that the tyres on the vehicle, the damaged CV joint boots, damaged steering rack boot and the frayed and damaged driver and front passenger seat belts were all observed to be non-compliant with vehicle standard regulations. However, Mr MacLaine concluded that only the non-compliant tyres were likely to have contributed to the crash. In this regard, all tyres had obviously insufficient tread. Mr MacLaine also observed that the tyres displayed numerous cuts and cracks on the tread sidewalls.

I am satisfied that Mrs Arundel-Clarke's inability to competently drive a motor vehicle was the major cause of the crash. She had previously been involved in a near loss of control when unable to safely negotiate a curve in wet road conditions. For a reason unknown, but likely because of a lack of adequate driving skill, she drove the van to the far left of the road whilst exiting the curve. Her subsequent harsh application of the brakes and steering input demonstrated a panicked response to the potential loss of control of the van. This response caused a full loss of control and significantly contributed to the crash. I am also satisfied that

the poor tread depth and the worn nature of the tyres contributed to the inability of Mrs Arundel-Clarke to regain control.

There were no defects in the road surface contributing to the crash. Toxicological testing indicated that Mrs Arundel-Clarke had not consumed any alcohol or drugs before driving. I am also satisfied upon the evidence that she did not suffer any medical condition that caused her to lose control of the van.

Comments and Recommendations

Mrs Arundel-Clarke drove for a period of ten years without a licence enabling her to do so. She was fully aware of the unlawfulness of her actions and took steps to remain undetected whilst driving. She was aware, through past attempts to progress to a provisional licence, of her inadequate driving skills. She should have also been aware that her lack of skill could well pose serious risks to the safety of herself, her young children and other road users. It is incredibly fortunate that her young daughter survived the crash unhurt. However, her five children are now, tragically, without a mother.

I extend my appreciation to investigating officer, Senior Constable Michal Rybka, for his investigation and report.

The circumstances of Mrs Catherine Arundel-Clarke's death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mrs Arundel-Clarke.

Dated 13 December 2019 at Hobart in Tasmania.

Olivia McTaggart
Coroner