



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Paula Elizabeth Nicolle,

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

- a) The identity of the deceased is Paula Elizabeth Nicolle;
- b) Mrs Nicolle died as a result of injuries sustained in a motor vehicle crash;
- c) The cause of Mrs Nicolle's death was multiple blunt traumatic injuries; and
- d) Mrs Nicolle died on 27 July 2019 at Railton, Tasmania.

Introduction

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Ms Nicolle's death. The evidence includes:

- Tasmania Police Report of Death for the Coroner;
- The opinion of the Forensic Pathologist who performed the autopsy;
- Affidavit of Mr Andrew Nicolle, husband of Mrs Nicolle;
- Affidavit of Ms Gianna Lacey, driver of other vehicle;
- Affidavit of Mr Liam Lacey, occupant of other vehicle;
- Affidavit of Ms Lauren Rayner, an off-duty registered nurse who attended the crash scene;
- Ambulance Tasmania electronic patient care record;
- Tasmania Police Crash Investigation Services Crash Analysis Report;
- Affidavits of attending and investigating police officers;
- Affidavit of Mr David Quinn, Transport Inspector;
- Sheffield Medical Centre records; and
- Forensic and photographic evidence.

Background

Mrs Nicolle was born Paula Dowling, in England on 28 September 1962. She was aged 56 years at the time of her death.

She married Mr Andrew Nicolle in 2007 and the couple lived at various properties in and around the Railton area before they settled at Kimberley twelve months before her death.

At the time of her death, Mrs Nicolle was employed as a casual cleaner at the Railton Hotel.

Circumstances of Death

On Saturday, 27 July 2019 at approximately 10.00am, Mrs Nicolle was driving her blue 2003 Suzuki hatchback in a general westerly direction on Kimberley Road, Railton. She was alone in her vehicle.

Ms Gianna Lacey was driving her 1999 Subaru Outback station wagon on the same road in the opposite direction. Ms Lacey's son was the only passenger in her vehicle.

As Mrs Nicolle exited a right hand curve in the road, she did not steer out of the curve. Her Suzuki travelled on to the incorrect side of the road into the path of Ms Lacey's Subaru. Investigations indicate neither vehicle took any form of evasive action prior to impact. The vehicles collided. Mrs Nicolle suffered fatal injuries. She died at the scene.

Police, Ambulance Tasmania and Tasmania Fire Service personnel all responded quickly to reports of the crash.

The driver of the other vehicle, Ms Lacey, and her son were transported by ambulance to hospital. A blood sample was taken from Ms Lacey. Subsequent analysis of that sample indicated the presence of THC, the major psychoactive constituent of cannabis. I will return to this issue in due course.

Investigation

An investigation commenced at the scene. A specialist crash investigation officer and forensic personnel conducted that investigation. The scene was marked, measured, photographed and a scene survey completed. A drone was utilised to assist in the investigation. Both vehicles were impounded and taken to the police vehicle compound at Three Mile Line, Burnie, for later inspection.

Mrs Nicolle's body was removed from her vehicle, formally identified by her husband and then taken by mortuary ambulance to the Royal Hobart Hospital. At the Royal Hobart Hospital an autopsy was carried out by the State Forensic Pathologist, Dr Donald Ritchey.

Dr Ritchey found that Mrs Nicolle had suffered multiple blunt traumatic injuries. Those injuries included the complete separation of the base of the skull from the top of the vertebral column, an injury that would have led to near instantaneous death.

I am satisfied that the cause of Mrs Nicolle's death was multiple blunt traumatic injuries she sustained in a motor vehicle crash. Dr Ritchey did not find any anatomical cause for inattention or lapse of consciousness prior to the crash.

Samples taken at autopsy from Mrs Nicolle's body were subsequently analysed at the laboratory of Forensic Science Service Tasmania. No alcohol or illicit drugs were found to have been present in those samples. Various prescription drugs, at therapeutic levels, and consistent with prescriptions for Mrs Nicolle, were identified as being present. The evidence satisfies me that neither alcohol nor drugs caused or contributed to the happening of the crash, at least so far as Mrs Nicolle was concerned.

Police investigation indicates that the road where the accident occurred had no obstructions or defects. Crash history data indicates that in the five-year period leading up to Mrs Nicolle's death there were only four minor crashes on the area of road involved.

The weather at the time was fine, visibility was normal and the road was dry. The posted speed limit was 100 kilometres an hour with signs clearly visible at various places along the road indicating that fact.

I am satisfied that nothing about the road or weather conditions caused or contributed to the happening of the crash.

The crash investigation satisfies me that at the time of the crash Mrs Nicolle's vehicle was in the incorrect lane. On the other hand, Ms Lacey's vehicle was in its correct lane. The crash occurred wholly within Ms Lacey's lane.

A speed analysis carried out by the crash investigator, the methodology of which I accept, indicates that the Subaru was travelling at a speed of between 92 and 105 kilometres per hour (or around the speed limit) at the time of the crash. Mrs Nicolle's vehicle was travelling at between 75 and 85 kilometres an hour. Thus, speed played no role in the happening of the crash.

Investigations indicate that at the time of the happening of the crash, Mrs Nicolle was wearing a properly fitted and adjusted seatbelt. I also note that the airbag fitted to her vehicle deployed.

Both vehicles involved in the crash were subsequently inspected by a Transport Inspector. The inspector, Mr David Quinn, provided an affidavit dealing with his inspection of the vehicles. He found Mrs Nicolle's vehicle to have had an exhaust system leak and obviously would have been extensively damaged in the crash. He found no issues with Ms Lacey's vehicle, although it too was extensively damaged in the crash. I am satisfied that mechanical defects did not cause or contribute to the happening of the crash.

The evidence is that Mrs Nicolle was rested and happy prior to the crash. Accordingly, I am satisfied that fatigue does not appear to have contributed to the crash. Similarly, there is nothing to suggest that Mrs Nicolle's vehicle moving into the incorrect lane was an act done by her voluntarily. Thus, suicide can also be ruled out in this case.

As I have already mentioned, THC was identified as having been present in Ms Lacey's blood at the time of the crash. However, given that I have reached the view that the crash occurred because Mrs Nicolle's vehicle crossed onto the incorrect side of the road and into the path of Ms Lacey's vehicle, and Ms Lacey had insufficient time to react and take evasive action, I do not consider the presence of THC was a factor which caused or contributed to the crash.

Conclusion

I am satisfied that the crash in which Mrs Nicolle died was likely the result of inattention on her part. I cannot determine, on the evidence, why it was her vehicle crossed into the incorrect lane into the path of Ms Lacey's vehicle.

Comments and Recommendations

The circumstances of Mrs Nicolle'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, in particular, Senior Constable Adam Lloyd of Western District Crash Investigation Service for his comprehensive investigation and report. I note that his report was peer reviewed by another specialist crash investigator from a different district. The practice of peer reviewing of reports of this type is to be commended.

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

Dated: 12 October 2020 at Hobart in the State of Tasmania.

Simon Cooper
Coroner