



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 deaths of Anna Jane Roberts and Brett John Stanley

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

- a) The identity of the deceased is Anna Jane Roberts;
- b) Ms Roberts died as a result of injuries sustained in a motor vehicle crash, the circumstances of which are set out in this finding;
- c) The cause of death is multiple traumatic injuries; and
- d) Ms Roberts died on 14 May 2017 at Lauderdale, Tasmania.

And find that:

- a) The identity of the deceased is Brett John Stanley;
- b) Mr Stanley died as a result of injuries sustained in a motor vehicle crash, the circumstances of which are set out in this finding;
- c) The cause of death was multiple traumatic injuries; and
- d) Mr Stanley died on 14 May 2017 at Lauderdale, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into the deaths of Ms Roberts and Mr Stanley. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; toxicological evidence; police and witness affidavits; expert crash investigation and vehicle inspection reports; medical records and reports; and forensic evidence.

I make the following further findings, based upon the evidence, as to how both deaths occurred.

Personal Circumstances of Anna Jane Roberts

Ms Anna Jane Roberts was born on 13 September 1968. She was aged 48 years at the time of her death.

Ms Roberts grew up in Montague Bay in Tasmania. Upon finishing school she spent several years living in New South Wales, before returning to Hobart when she was about 21 years of age. She subsequently entered into a relationship with Mr Paul Green and purchased a property at Dodges Ferry where they lived. There are two children of the relationship. Ms Roberts and Mr Green separated as a couple, but remained living together at Dodges Ferry.

Ms Roberts worked in a number of jobs in the hospitality industry in Hobart but did not hold formal qualifications. Her last job, working in a restaurant in Dunalley, ended about 8 months before her death. At her time of death, Ms Roberts was unemployed and was seeking employment.

In late 2016, Mr Stanley and Ms Roberts commenced a relationship together. Ms Roberts continued to live at Dodges Ferry, but in the several weeks before their deaths, she began to spend time with Mr Stanley at his property at South Arm.

Personal Circumstances of Brett John Stanley

Mr Brett John Stanley was born on 23 May 1971. He was aged 45 years at the time of his death.

Mr Stanley grew up in the Howrah area and attended Howrah Primary School and Clarence High School. Upon concluding high school, he completed a four-year apprenticeship in carpentry and building whilst working as an apprentice for AV Jennings. After the completion of his apprenticeship, Mr Stanley worked as a plasterer for a number of years.

In 1997, Mr Stanley married Danae Louise Stanley (“Mrs Stanley”) and the couple purchased a property at Roaring Beach, South Arm. There are two children of the marriage.

In about 2007, Mr Stanley worked for a period of time on a fishing boat before an accident caused damage to his lung. Mr Stanley required surgery for these injuries and he worked part-time as a plasterer after recovering from this surgery. Unfortunately, he injured the tendons in his right arm and was then unable to work as a plasterer. After 2007, Mr Stanley did not work at all. He was unemployed at the time of his death.

In 2015, Mr Stanley and Mrs Stanley separated. Mr Stanley remained living at South Arm whilst Mrs Stanley and the children moved to Tranmere.

According to the evidence of Mrs Stanley and Mr Mark Douglass (a good friend of Mr Stanley), Mr Stanley was a heavy drinker and cannabis user. They described him as an alcoholic who would regularly drive despite knowing that he was over the permitted blood alcohol limit.

Mr Stanley had a prior criminal record containing 21 offences, all of which relate to driving infringements. In 2003 and 2016 respectively, Mr Stanley was convicted of offences relating to driving a motor vehicle whilst exceeding the legal blood alcohol limit.

Circumstances Surrounding the Death

On 14 May 2017, Ms Roberts and Mr Stanley spent the majority of the day at South Arm. Mr Douglass recounts in his affidavit that he visited Mr Stanley at his property in South Arm between 10.00am and 12.00pm and Ms Roberts was present at the time. Mr Douglass observed that Mr Stanley was drinking a beer at the time of his arrival and would have consumed two or three beers during his visit.

At 12.00pm Mr Douglass returned to his home at Blessington Street, South Arm. Between 1.00pm and 1.30pm he had an unexpected visit by Ms Roberts and Mr Stanley. They left at 4.00pm. Mr Douglass recalls Mr Stanley having consumed another two or three beers during this period.

Upon leaving, Mr Stanley told Mr Douglass that they were going to travel to Opossum Bay and would travel home after Mr Stanley showed Ms Roberts the Opossum Bay area. It is unknown whether Mr Stanley and Ms Roberts actually did travel to Opossum Bay at that time.

As evidenced by a credit card receipt located in their vehicle after the crash, the couple went to a Thai food restaurant located at 1 Bayview Road, Lauderdale. At 5.02 pm Mr Stanley and Ms Roberts purchased takeaway food from this restaurant.

At about 5.10pm, Mr Joshua Morrison departed alone from South Arm after visiting his sister in the area. He was travelling in a 2015 Ford Ranger utility vehicle, registration E84XM. He began travelling north on South Arm road towards Howrah. Mr Morrison had not consumed any alcohol on that day and had only two drinks the previous evening. The road conditions were light and the weather was dry at this time.

At 5.29pm, Mr Morrison was travelling in a northerly direction on the South Arm Highway about 50 metres north of Forest Hill Road, Lauderdale. At this same time, Mr Stanley was driving his 1999 Subaru Outback, registration ES 2134, in a southerly direction on the South Arm Highway. Ms Roberts was a passenger in the front seat in Mr Stanley's vehicle. The road at this point comprised one lane in each direction, was made of bitumen and was in good condition.

At this time, Mr Stanley failed to negotiate a right hand curve at the end of a straight section of road. The passenger side wheels entered the eastern gravel verge. The evidence indicates that Mr Stanley became aware of the fact that his vehicle was travelling on the gravel verge and proceeded to apply excessive steering input that caused the rear of the vehicle to side slip around its centre axis and lose control, resulting in the vehicle rotating in a clockwise direction and crossing to the incorrect side of the highway.

As Mr Morrison was travelling north, he observed the vehicle cross to the incorrect side of the road towards him and he proceeded to apply his brakes. However, there was insufficient time to avoid the crash and his vehicle proceeded to impact with the passenger side of Mr Stanley's vehicle between the 'A' and 'C' pillars.

Both vehicles came to rest on the western side of the road with the rear of the Ford Ranger approximately 40 metres north of Forest Hill Road.

Mr Morrison was able to exit his vehicle and he went to check the occupants of the Subaru. He then waved down other motorists to assist. Dr John Saul, who was passing, stopped and assessed Ms Roberts and Mr Stanley, who were both in the vehicle wearing seatbelts. Dr Saul saw no sign of life in Ms Roberts and observed Mr Stanley to be breathing but very poorly. Dr Saul commenced CPR upon him when he stopped breathing.

The scene of the crash was initially attended by officers of the Road and Public Order Service and subsequently, Ambulance Tasmania and Tasmanian Fire Service personnel. Mr Morrison was identified as the driver of the Ford Ranger and he was conveyed to the Royal Hobart Hospital for the purposes of a blood test. The blood tests showed that no alcohol was detected in Mr Morrison's blood at the time of this crash.

Upon Ambulance Tasmania personnel arriving, CPR was continued upon Mr Stanley for approximately 30 minutes before ceasing. No CPR was provided to Ms Roberts. Both Mr

Stanley and Ms Roberts were declared deceased at the scene. They were conveyed to the Hobart mortuary.

A post-mortem examination of Mr Stanley was undertaken by the State Forensic Pathologist, Dr Christopher Lawrence. Dr Lawrence concluded that the cause of death was massive chest injuries sustained in the crash, including rib fractures, laceration of the heart and laceration of the lung. Dr Lawrence provided the opinion that the laceration to the heart would have been unsurvivable.

A toxicological examination of Mr Stanley's blood sample revealed that, at the time of the accident, he had a high blood alcohol level of 0.128g/100ml. This level far exceeded the legal blood alcohol limit for driving a motor vehicle. Cannabis was also detected in his blood which would have also affected Mr Stanley's driving ability.

A post-mortem examination of Ms Roberts was also conducted by Dr Lawrence. He concluded that the cause of death of Ms Roberts was chest and abdominal injuries sustained in the crash. Dr Lawrence observed that there was massive traumatic injuries to the right lung, fracturing of the right leg, laceration of the spleen and extensive haemorrhage.

Toxicological analysis revealed the presence of cannabis in Ms Roberts' blood at the time of death.

An inspection of the Subaru Outback driven by Mr Stanley was undertaken by Transport Inspector, Mr Paul Wells, on 18 May 2017. Mr Wells, in his report, said that the vehicle was deemed to be in an unroadworthy condition prior to the incident due to non-compliant tyres fitted to the front of the vehicle and the front brake rotors below minimum thickness. I find that these defects played very little part in the crash.

Mr Wells also undertook an inspection of the Ford Ranger driven by Mr Morrison. Mr Wells concluded that the Ford Ranger was in a roadworthy condition prior to the incident.

An expert crash investigation was undertaken by Crash Investigation Services officer, Senior Constable Adam Hall, with the assistance of Senior Constable Kelly Cordwell. Both officers attended the scene shortly after the crash to record all relevant evidence necessary for a crash reconstruction. Senior Constable Hall provided a detailed analysis of the scene in his helpful report for the investigation and formed the view that Mr Stanley's loss of control occurred as described above. Senior Constable Hall reported that the scene evidence suggested that Mr

Stanley was distracted within the vehicle and, as such, entered onto the eastern gravel verge at the end of the straight section of the road instead of negotiating the right hand curve.

It is also of note that the findings of Senior Constable Hall indicate that excessive speed was not a factor for either vehicle in this crash. Furthermore, it was the opinion of Constable Hall that Mr Morrison had insufficient time to react in order to avoid the crash with Mr Stanley's vehicle travelling into his path. Mr Morrison, himself, told police in his interview that he did not have time to take evasive action and that he could only brake heavily and brace for impact.

I find that the crash occurred as described by Senior Constable Hall. I am satisfied that the main reason for the loss of control by Mr Stanley was the combination of excessive alcohol and cannabis intoxication which impaired his judgement and driving ability when negotiating the right hand curve. As such his vehicle travelled into the gravel verge. He then applied excessive steering input in an attempt to correct his position, which brought the vehicle into the incorrect lane and into the path of Mr Morrison's vehicle.

I am satisfied that the crash was not caused by Mr Morrison, who was driving lawfully and prudently in the correct lane of the highway.

Comments and Recommendations

The deaths of Ms Roberts and Mr Stanley were preventable. Mr Stanley should not have been driving a motor vehicle impaired by alcohol and cannabis. In this case, his inability to control the vehicle resulted in his own death and that of his passenger, Ms Roberts. It is fortunate that no other person was killed.

I extend my appreciation to investigating officer Senior Constable Adam Hall for his thorough investigation and report.

It is not necessary in this case 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 Ms Roberts and Mr Stanley.

Dated: 15 October 2019 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart

Coroner