



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Andrew McKee, Coroner, having investigated the death of Tyson Timothy Clark-Robertson

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

- a) The identity of the deceased is Tyson Timothy Clark-Robertson;
- b) Mr Clark-Robertson died as a result of injuries sustained after being struck with a hammer by another person;
- c) Mr Clark-Robertson's cause of death was depressed and linear fractures of the back and base of his skull and fractures to the tips of his cervical vertebrae; and
- d) Mr Clark-Robertson died on 20 July 2016 at Mowbray, Tasmania.

#### **Introduction**

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Clark-Robertson's death. The evidence includes:

- Tasmania Police Report of Death;
- Opinion of the forensic pathologist who conducted the autopsy;
- Affidavits and interviews of Timothy Ivan Clark, father of Mr Clark-Robertson;
- Affidavit of Ian Robertson, uncle of Mr Clark-Robertson;
- Relevant witness and police affidavits made through the course of the police investigation;
- Medical records and reports;
- Forensic and photographic evidence; and
- Documents relating to the criminal proceedings taken against Ian Rosewall, Renae Lorraine Donald and Robert William Broad.

#### **Background**

Mr Clark-Robertson was born in Launceston, Tasmania on 24 May 1992. At the date of his death he was 24 years of age, and a single man who did not have any children.

Mr Clark-Robertson was born to Timothy Clark and Michelle Robertson. He had two siblings. He grew up in the northern part of Tasmania and lived with his mother. As a youth, Mr Clark-Robertson was diagnosed with ADHD. He struggled at school and left early. He became involved with illicit drug use. Mr Clark-Robertson never held employment and was in receipt of a disability pension.

Mr Clark-Robertson commenced a relationship with Ms Renae Donald in approximately April of 2015. They resided together in George Town. Whilst living in George Town they met and befriended Mr Ian Rosewall. Mr Clark-Robertson and Ms Donald moved to accommodation in Launceston. During the time they were at that accommodation Mr Rosewall moved in with them. They were evicted from the accommodation in June of 2016.

Mr Clark-Robertson, Ms Donald and Mr Rosewall then commenced to reside in a property rented by Mr Robert Broad in Mowbray.

Shortly after they moved into the Mowbray address Ms Donald ended her relationship with Mr Clark-Robertson and commenced a relationship with Mr Rosewall.

### **Circumstances of Death**

On 20 July 2016, Mr Clark-Robertson and Mr Rosewall were at their residence hanging curtains in a bedroom. Mr Broad was at work and Ms Donald had gone out. Mr Clark-Robertson and Mr Rosewall had both consumed alcohol and cannabis. Mr Clark-Robertson called Mr Rosewall a derogatory name, which he took as a slur believing Mr Clark-Robertson was referring to the age difference between he and Ms Donald.

Mr Rosewall became angry and picked up a nearby hammer. He struck Mr Clark-Robertson at least four times to the back of his head. The blows were of such force as to cause fatal injuries.

Mr Clark-Robertson fell to the floor and commenced shaking. He stopped moving and became unresponsive. Mr Rosewall did not assist Mr Clark-Robertson nor call an ambulance. Mr Rosewall then took steps to conceal his conduct. He moved Mr Clark-Robertson's body to a garden shed in the back yard. Approximately one week later Mr Rosewall buried Mr Clark-Robertson's body in the backyard of the Mowbray residence.

Mr Rosewall informed Ms Donald of what he had done and together they embarked on a deliberate course of conduct to keep Mr Clark-Robertson's death concealed. Ms Donald sent a series of messages from Mr Clark-Robertson's Facebook account and Mr Clark-Robertson's

mobile phone to other persons, including Mr Clark-Robertson's father. She persisted in this conduct for some eight months. Her sole purpose in sending the messages was to make it appear that Mr Clark-Robertson was alive. Ms Donald engaged in this conduct in the full knowledge that Mr Clark-Robertson was deceased.

Mr Timothy Clark, Mr Clark-Robertson's father, became suspicious that the messages were not from his son. He had not seen or spoken to his son since July of 2016. In March of 2017, Mr Clark reported his son as missing to Tasmania Police. A missing person investigation was commenced. Mr Rosewall and Ms Donald were interviewed by officers of Tasmania Police in March of 2017. Both claimed that Mr Clark-Robertson was still alive and was meeting with them every week so they could pass on to him his Centrelink payments, which were still going into Ms Donald's bank accounts. It was later established that Mr Rosewall and Ms Donald were in fact utilising Mr Clark-Robertson's Centrelink payments for their own benefit.

A thorough and extensive investigation was undertaken by officers of Tasmania Police. On 11 April 2017, Mr Broad advised the investigating officers that he believed Mr Clark-Robertson's body may be buried in the backyard of the Mowbray residence.

Officers of Tasmania Police attended the Mowbray residence and located Mr Clark-Robertson's body.

### **Post-Mortem Examination**

A post-mortem was conducted on Mr Clark-Robertson on 13 April 2017 by forensic pathologist, Dr Donald Ritchey. Dr Ritchey provided the following opinion regarding Mr Clark-Robertson's cause of death:

*“The cause of death of this 24 year old man, Tyson Timothy Clark-Robertson, was undetermined due to decomposition.”*

Further in the autopsy report he stated:

*“There was a depressed skull fracture of the parietal bones at the back of the head with linear radiating skull fractures that extended onto both sides of the skull and inferiorly into the foramen magnum. Additional concentric fractures were on both sides of the posterior parietal skull. Also the tips of the spinous processes of the second and third cervical vertebrae were fractured. The dried dura recovered from the base of the skull had clear evidence of intra-dural blood. These injuries*

*document a minimum of four blows to the head possibly using a blunt implement such as a hammer or similar device.*

*Although these injuries were severe and occurred at or near the time of death the possibility that other mechanisms of injury may have contributed to death cannot be excluded by autopsy criteria alone.*

*Irrespective of the potential mechanism(s) of death concealment of the body in a clandestine shallow grave, in addition to severe and possibly fatal trauma of the skull, suggests a homicidal manner of death.”*

Dr Ritchey's report was prepared before Mr Rosewall was charged with and pleaded guilty to the murder of Mr Clark-Robertson. Quite properly, Dr Ritchey opined that Mr Clark-Robertson's cause of death, at the time of the report, was undetermined. As a result of Mr Rosewall pleading guilty to the murder of Mr Clark-Robertson, I am satisfied that Mr Clark-Robertson's cause of death was depressed and linear fractures of the back and base of his skull and fractures to the tips of his cervical vertebrae caused when Mr Rosewall struck him with a hammer at least four times.

As a result of the investigations conducted by Tasmania Police, Mr Rosewall, Ms Donald and Mr Broad were individually charged with various crimes.

On 9 November 2018, Mr Broad was found guilty by a jury, and convicted of the crime of failing to report the killing of Tyson Timothy Clark-Robertson. He was sentenced to 12 months imprisonment. That sentence of imprisonment was wholly suspended for a period of 18 months on the condition that he not commit any offence punishable by a term of imprisonment during that period.

On 11 April 2019, Mr Rosewall pleaded guilty to and was convicted of the crime of murder. The basis of the plea of guilty was that he did not intend to kill Mr Clark-Robertson when he struck him with the hammer, but that he intended to cause Mr Clark-Robertson bodily harm knowing it was likely to cause his death.

Justice Pearce sentenced Mr Rosewall to a term of imprisonment of 22 years backdated to 11 April 2017, the date when he was first taken into custody. It was ordered that he not be eligible to be considered for parole until he had served 12 and a half years of that sentence. I

repeat part of the comments on passing sentence made by Justice Pearce when sentencing Mr Rosewall:

*“...This was not a planned crime, and the defendant acted as a spontaneous and angry response to Mr Clarke's (sic) remark, but he struck multiple blows of significant force with a weapon. His conduct after committing the murder substantially aggravates his crime and indicates a complete lack of remorse. The admission to Dr Evenhuis and the guilty plea supports some later realisation of the wrongness of what he had done and some contrition, but in light of what had gone before it carries almost no weight. He told Dr Evenhuis that he did not want to call the police or ambulance because he knew there [were] warrants out for his arrest for old driving charges. He gave priority to his self-interest over Tyson Clarke's (sic) welfare. He hid and buried the body. I accept that the body remained at the house and was ultimately able to be discovered, but the defendant nevertheless added to the gross indignity to which Tyson Clarke (sic) was subjected. He pretended for over ten months that Mr Clarke (sic) was still alive. All of this conduct was callous and cruel, particularly to Mr Clarke's (sic) father and his sister, but also to his other friends and family. The defendant, by his conduct, greatly added to the impact of his crime. The terrible emotional and psychological impact of Tyson Clarke's (sic) death is described in statements read to the Court by his father and sister. No sentence can adequately compensate them. It is the Court's duty to uphold the law, and to reinforce the sanctity with which life is regarded in our society...”*

On 5 July 2019, Ms Donald pleaded guilty and was convicted of the crime of being an accessory after the fact to the murder of Tyson Timothy Clark-Robertson. On 5 July 2019, Justice Pearce sentenced Ms Donald to a term of imprisonment of six years backdated to 10 March 2019. He ordered that she not be eligible to be considered for parole until serving one half of the sentence imposed. I repeat part of the comments on passing sentence made by Justice Pearce when sentencing Ms Donald:

*“... You played a significant part in concealing Mr Rosewall's crime. You did so by repeated dishonest acts over a prolonged period ... You pretended for over ten months that he was still alive. Although you now appreciate the harm you caused, at the time your conduct was callous and cruel, particularly to Tyson Clarke's (sic) father and the rest of his family, and greatly added to the terrible emotional and psychological impact of his death. It added to the gross indignity to which Tyson Clarke (sic) was subjected and potentially made identification of the cause of his death more difficult...”*

**Comments and Recommendations**

The circumstances of Mr Clark-Robertson'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 Mr Clark-Robertson.

**Dated:** 29 January 2021 at Hobart in the State of Tasmania.

**Andrew McKee**

**Coroner**