



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Rod Chandler, Coroner, having investigated the death of Theresa Mae Roberts

Find that:

- a) The identity of the deceased is Theresa Mae Roberts;
- b) Miss Roberts was born in Burnie on 16 March 1991 and was aged 26 years;
- c) Miss Roberts died on 7 August 2017 at Woolmers Lane near Longford; and
- d) The cause of Miss Roberts' death was multiple injuries sustained when, as a pedestrian, she was struck by a car.

Background

Miss Roberts was one of two daughters of Gary and Maria Roberts. She resided with her parents in Evandale and was a student at the University of Tasmania in Newnham. She enjoyed good health. She never married and had no children.

Circumstances Surrounding the Death

On the evening of 7 August 2017, Miss Roberts was walking along Woolmers Lane near Longford when she was struck by a vehicle driven by Miss Mollie Gatenby. Miss Gatenby immediately stopped, alerted emergency services and performed first aid but Miss Roberts was pronounced dead at the scene.

Post-Mortem Examination

This was carried out by Forensic Pathologist, Dr Donald Ritchey. He reported: "*The autopsy revealed ... severe traumatic injury of the base of the skull/top of the vertebral column. Specifically there was complete separation of the skull and brain from the vertebral column and spinal cord that would have resulted in near instantaneous death.*"

Toxicology tests revealed a blood alcohol level of 0.150g/100mL and no illicit drugs.

In Dr Ritchey's opinion the cause of Miss Roberts' death was multiple injuries sustained when, as a pedestrian, she was struck by a car. I accept this opinion.

Investigation

This was overseen by First Class Constable Nigel Housego of the Northern Crash Investigation Team. The investigation satisfies me of the following:

1. On 7 August 2017, Miss Roberts met a friend in the bar of the Queens Arms Hotel in Longford and consumed some alcoholic drinks.
2. At about 8.30pm, Miss Roberts asked her mother to pick her up and told her that she would keep walking on the right side of the road until her mother arrived.
3. Miss Roberts was wearing dark coloured clothing. She had dark coloured hair.
4. At 9.12pm, Miss Roberts answered a call from her mother who had called for further directions. Around that time, Miss Roberts was almost struck by a vehicle driven by Ms Roanne Coleman. Ms Coleman was driving slowly with her lights on high beam and was warned about the presence of Miss Roberts on the left side of the road by her passenger, whom she had asked to watch for animals. Ms Coleman had to swerve hard to avoid a collision with Miss Roberts.
5. At 9.23pm, Miss Roberts had another brief phone call with her mother and said she would make her own way home.
6. At 9.26pm, Miss Roberts was walking on Woolmers Lane near Longford in an easterly direction on an unlit and 650 metre straight section of the road.
7. At this section of Woolmers Lane, there is little or no room for pedestrians to comfortably walk without walking on the sealed road surface.
8. At the same time, Miss Gatenby was driving her Kia Mentor sedan with one passenger, Miss Madeline Wickham, in an easterly direction along Woolmers Lane to their residence.
9. At 9.26pm, Miss Gatenby's vehicle struck Miss Roberts from behind.
10. There is no evidence suggesting that Miss Roberts stumbled in front of the Kia due to intoxication.
11. Miss Gatenby held an Active Novice P2 Tasmanian Driver's Licence. A blood sample from Miss Gatenby was obtained and toxicology tests were performed. No alcohol or illicit drugs were detected.
12. Call records indicate that Miss Gatenby was not using her mobile phone at the time.
13. The Kia sedan's lights were on low beam.
14. A reconstruction of the crash has been made by First Class Constable Housego based on data collected at the scene. It indicates that:
 - The Kia was travelling at between 52km/h and 68km/h.
 - Miss Roberts was walking or standing approximately 0.8 metres from the left edge of the sealed road edge and facing slightly towards the road edge.
 - The front left of the Kia struck Miss Roberts.
 - There was no pre-impact braking, consistent with Miss Gatenby's account that she did not see Miss Roberts prior to impact.
 - The Kia continued to travel east, braking to a stop without skidding approximately 56 metres east of the area of impact.
15. Woolmers Lane was subject to a 100km/h speed limit.
16. The road surface in the area of the crash was sealed, in a good but worn condition and damp. The weather at the time was fine.

17. The Kia was in a roadworthy condition and did not have any defect which caused the collision.

18. The area of the crash was not lit with artificial lighting.

In his helpful report First Class Constable Housego expressed the view that:

“Miss Gatenby could not be expected to see Miss Roberts before the collision. It was dark and Miss Roberts was wearing dark clothing in an area that a pedestrian should not have been in.” He further stated that, even if Miss Gatenby observed Miss Roberts *“at the earliest possible opportunity and at the slowest calculated minimum speed, a collision could not have been avoided.”* In his opinion, Miss Gatenby was *“driving in a prudent and responsible manner.”*

Findings, Comments and Recommendations

I am satisfied, accepting the assessment of First Class Constable Housego that Miss Gatenby was driving in an appropriate manner and could not reasonably have avoided the collision. It seems clear that factors which facilitated this collision and its tragic outcome were Miss Roberts' dark clothing, her dark hair, the time of night, the absence of any artificial lighting and also the absence of any footway for pedestrian use. In hindsight it would have been prudent and in the interest of her own safety for Miss Roberts to have walked on the other side of the roadway where she would have been more alert to the risk of road traffic and better able to take evasive action.

I have decided not to hold a public inquest into this death because my investigation is sufficient to disclose the identity of the deceased, the date, place, cause of death, relevant circumstances concerning how her death occurred and the particulars needed to register her death under the *Births, Deaths and Marriages Registration Act 1999*. I do not consider that the holding of a public inquest would elicit any significant information further to that disclosed by the investigation conducted by me. The circumstances of the death do not require me to make any further comment or to make any recommendations.

I convey my sincere condolences to the family and loved ones of Miss Roberts.

Dated: 4th day of October 2018 at Hobart in the State of Tasmania.

Rod Chandler
Coroner