



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 Gemma Louise Shayler-Appleton

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

- a) The identity of the deceased is Gemma Louise Shayler-Appleton;
- b) Mrs Shayler-Appleton died as the result of injuries received when, as a pedestrian on a public street, she was struck by a motor vehicle;
- c) The cause of Mrs Shayler-Appleton's death was multiple injuries; and
- d) Mrs Shayler-Appleton died on 21 December 2016 outside 912 Weetah Road, Weetah, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mrs Shayler-Appleton's death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; the results of toxicological analysis of samples taken at autopsy and from the driver of the vehicle which struck Mrs Shayler-Appleton; police and witness affidavits; medical records; and forensic and photographic evidence.

The evidence satisfies me that at about 10:15pm on Wednesday, 21 December 2016 Mrs Shayler-Appleton left a residence at 912 Weetah Road, Weetah with her two young daughters and family friends Fernanda Thornton and David Waterhouse. The group all got into Mr Waterhouse's dark blue Mitsubishi Lancer which was parked facing east on Weetah Road, outside 912 Weetah Road. Initially, Mrs Shayler-Appleton was seated in the rear passenger seat next to her two daughters. Mr Waterhouse was driving and his partner, Ms Thornton, was seated in the front passenger seat.

Mr Waterhouse executed a U-turn in the driveway of 912 Weetah Road. After completing the U-turn his vehicle was parked facing west on Weetah Road. Mrs Shayler-Appleton and Ms Thornton both got out of the vehicle to change seats at the

request of the girls in the back who wanted Ms Thornton to sit with them. At this time the Mitsubishi Lancer was partially covering the roadway and another vehicle was parked on the opposite side of the road.

I note that Weetah Road is a country road with a speed limit of 100 km/h. The evidence was that there was no street lighting in the vicinity. It was sometime after sunset and of course dark. The evidence was also that Mrs Shayler-Appleton was wearing dark clothing.

As Mrs Shayler-Appleton and Ms Thornton were in the process of changing places in the Mitsubishi Lancer (which necessitated Mrs Shayler-Appleton walking on the road) a Mazda Van was being driven by Mr Nicholas Bryan along Weetah Road in an easterly direction. As Mr Bryan turned a corner in the road he came across the Mitsubishi Lancer. Tests performed after the crash by Tasmania Police Crash Investigators confirmed that Mr Bryan was travelling at a speed of about 90 km/h; i.e. roughly 10 km an hour less than the lawful speed limit. He braked heavily, collided with Mrs Shayler-Appleton, threw her some distance onto an embankment and then hit another parked vehicle. His vehicle rolled and came to rest on its side.

Police and emergency services were quickly on the scene. Although competent first aid was performed upon Mrs Shayler-Appleton by persons present at the scene nothing could be done to save her as the injuries she had sustained when hit by Mr Bryan's van were massive and quickly fatal.

Mr Bryan subsequently underwent a breath analysis which revealed a blood alcohol reading of 0.098 g of alcohol per 200 mL of breath. I received evidence from Constable Nigel Housego, one of the Police Crash Investigators, after a comprehensive and careful investigation. Constable Housego's opinion, which I accept, was that the two vehicles parked across from each other on either side of the road would have given Mr Bryan the impression of the road was blocked. Constable Housego calculated as part of the crash investigation that after Mr Bryan came around the corner and prior to braking he would have had a perception/reaction time of 1.998 seconds. As a general rule, a perception /reaction time of between 2.5 and 3 seconds is applied to night-time driving situations. I am satisfied in the circumstances that although Mr Bryan was driving with a blood alcohol level of 0.98 g per 200 mL of breath that fact alone did not cause the fatal crash.

In addition crash investigators were able to exclude mobile phone use, the road surface and weather conditions as having contributed to the happening of the crash.

Furthermore, a subsequent examination of the vehicles involved in the crash found no defects or faults that may have caused or contributed to its happening.

After Mrs Shayler-Appleton's body was formally identified and photographed it was removed from the scene and transported by mortuary ambulance to the Royal Hobart Hospital. At the Hospital mortuary an autopsy was carried out by experienced forensic pathologist Dr Donald McGillivray Ritchey. Dr Ritchey expressed the opinion, which I accept, that the cause of Mrs Shayler-Appleton's death was multiple injuries. Relevantly Dr Ritchey found she had suffered massive blunt trauma to her head, neck, thorax, abdomen and pelvis as well as her left arm, leg and significant internal injuries. Dr Ritchey observed that the severity of her injuries were such that they would have resulted in near instantaneous death.

Comments and Recommendations

The circumstances of Mrs Gemma Shayler-Appleton'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 convey my sincere condolences to the family and loved ones of Mrs Shayler-Appleton.

Dated 20 June 2018 at Hobart in Tasmania.

Simon Cooper

Coroner