



# 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, Olivia McTaggart, Coroner, having investigated the death of Margaret Joan Jackson

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

- a) The identity of the deceased is Margaret Joan Jackson;
- b) Mrs Jackson died as a result of injuries sustained in a two vehicle crash on 11 September 2016 on Interlaken Road, Interlaken in Tasmania;
- c) The cause of Mrs Jackson's death was chest and abdominal injuries; and
- d) Mrs Jackson died on 11 September 2016 at Interlaken Road, Interlaken in Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mrs Jackson's death. The evidence comprises an opinion of the State Forensic Pathologist who conducted the autopsy; a detailed report from the crash investigator; relevant police and witness affidavits; medical records and reports; and forensic evidence.

Mrs Jackson was born in New Norfolk in Tasmania on 30 July 1932 and was aged 84 years. She resided with her husband, Anthony Jackson, in New Norfolk.

On Sunday 11 September 2016 Mr and Mrs Jackson travelled to Tunbridge to attend the Tunbridge open market. This was a fortnightly trip for the couple. They had lunch before commencing the return journey home to New Norfolk. Mr Jackson was driving his 2002 Nissan X-Trail wagon registered number E28KB ("the Nissan") and Mrs Jackson was the front seat passenger. Mrs Jackson has never held a driver's licence.

At around 1.00pm on that day Mr Jackson was driving the Nissan in a westerly direction on Interlaken Road, from the direction of Oatlands towards Interlaken, to reach their home in New Norfolk. Both Mr and Mrs Jackson were wearing fitted seatbelts.

At this point on the journey Interlaken Road was constructed of compacted gravel. It had been re-sheeted and graded between 23 and 24 August 2016, a process which involved the loosening of the previous base and the application of new gravel. As a consequence, on the southern road edge there was an area of loose gravel build-up. Adjacent to the build-up on the southern side was a near-vertical rock face. On the northern road edge there was also build-up of loose gravel. Adjacent to the loose gravel on the northern side was a steep down-slope leading to bush land. As a consequence of the recent work to the road the loose gravel was very slippery. The evidence

suggests the surface may have been damp due to intermittent drizzle during the day. The speed limit for the road, being gravel, was 80 kmh.

Before the crash, Mr Jackson was travelling on an uphill section of Interlaken Road. At this location there was one west bound lane and one east bound lane, with sufficient width for two vehicles. The lanes were not separated by any road markings. Mr Jackson commenced to negotiate a closed left hand curve. He was driving on the correct side of the road.

In the opposite direction, Zayde Branch was driving his 2002 Toyota Hilux utility registered number FD0039 ("the Toyota"). He had one front seat passenger in his vehicle, being his friend, Bentley Attrill. Mr Branch was a provisional driver and aged 17 years. Following Mr Branch's vehicle was another utility being driven by Ethan Goss, aged 18 years. Mr Goss had two passengers and held a provisional licence. The occupants of both vehicles were all known to each other and had been four-wheel driving near Woods Lake earlier in the day and were returning to Oatlands along Interlaken Road.

Mr Branch proceeded to take the same corner as Mr Jackson, but in the opposite direction. He therefore faced a right hand curve. A crash then occurred between the two vehicles.

In his affidavit for the investigation, Mr Jackson stated as follows:

*"I reckon we had been travelling about 15 to 20 minutes on Interlaken Road. Margaret and I were having a general conversation about the scenery. I was travelling uphill on the incline with a curve to the left. Due to the curve I couldn't see any traffic in the opposite direction approaching me. My speed would have been about 50kmh, it wouldn't have been 60 or above.*

*I was on my side of the gravel road. There were no lane markings on the road. As I was negotiating the curve, on my side, I was as close to the left-hand side of the road as I could get, I was virtually in the gutter.*

*I observed what appeared to be a black 4 wheel drive vehicle directly in front of me. It was coming straight at me. It was basically at the front of my bonnet. The vehicle although heading straight at me appeared to be at a slight angle but I can't be 100% sure about that.*

*As soon as I saw the other vehicle the front of my car collided with it."*

In his affidavit, Mr Jackson stated that he believed the road was in good condition and it was not causing him any problems with controlling or handling his vehicle. He said that he drove with care on the road and that he was driving to the conditions.

In his statement for the investigation, Mr Branch stated that as he turned into the corner he sighted the Nissan approaching. He stated that he was driving as close to the left hand side of the road as practical to allow the two vehicles to pass each other but that his vehicle then began to slide. He stated as follows:

*“As I turned into the right corner I saw the approach of the Nissan X-trail. I did not have any impression other than the car was coming towards me at a reasonable speed. I kept well to the left on the roadway but the gravel meant that my car started to slide. I saw two alternatives being to try and correct the slide or to move my car to the far right (wrong) side of the road. I decided to do the latter course as there was a greater risk in rolling off the road and downhill.*

*I got to the far right of the road. I was approximately parallel with the line of the road and very close to the bank on the right hand side. My vehicle was almost stopped at the time of impact. I had braked as hard as I dared. I did not want to lock up my wheels as I did not wish to lock my brakes as I knew it would reduce my control of the car.*

*As I was on the far right of the road the Nissan continued towards me. The cars collided approximately left headlight to left headlight.”*

Mr Goss, travelling behind Mr Branch, stated in his affidavit in the investigation:

*“We hadn’t been going for long and we started going downhill through some bends. I saw Zayde’s car slide as he went through a left hand corner. It looked as though he was trying to correct as he had a right hand bend coming up. I saw him slide again and then he went onto the wrong side of the road and headed towards the bank.*

*The next thing I knew there was a big bang and car parts where (sic) going through the air. I then saw a silver X-trail towards the middle of the road, which then rolled backwards down the bank.”*

Mr Branch outlined that he applied the brakes as hard as he felt he could in the circumstances to try to avoid a collision with the Nissan without his vehicle ‘locking up’ and losing control. However, ultimately a collision could not be avoided.

The Toyota came to rest wedged against the vertical rock face on the southern side. The Nissan came to rest over the embankment (down-slope). The rear of the Nissan was resting against a tree and the front of the vehicle was at the top of the embankment.

After the crash, Mr and Mrs Jackson remained in the vehicle. Mrs Jackson was initially attended to by the occupants of the vehicle being driven by Mr Goss and also by Mr Attrill. At that stage she appeared conscious but unresponsive. However her condition deteriorated quickly. A 000 call was made and CPR was maintained by various persons on the scene until the arrival of ambulance paramedics. At no stage during the course of the CPR did Mrs Jackson display any signs of life. At 1.55 pm paramedics confirmed that she was deceased. Mr Jackson was conveyed from the crash scene by rescue helicopter and admitted to the Royal Hobart Hospital with injuries that were not life-threatening. Mr Branch and Mr Attrill received no injuries of significance in the crash.

Police officers, including crash investigators and forensics officers, attended the crash scene and commenced a scene examination, analysis and investigation. As a result of the investigation, Sergeant Rodney Carrick, the lead crash investigator, provided me with a detailed report regarding his conclusions. Those conclusions, among others, included:

- The speed of the Nissan at impact was approximately 46kmh. The speed of the Toyota was approximately 67kmh at the commencement of the skid and 62kmh at impact.
- Mr Jackson was driving on his correct side of the road and Mr Branch was on the incorrect side of the road. The approximate point of impact was in the correct lane for travel by Mr Jackson.
- Both drivers had limited sight distance of the approach of the other vehicle, the sight distance available to each due to the bend would have been in the vicinity of 40 metres.
- Although the Toyota was assessed by a transport inspector as having tyre compliance issues, these did not have relevance to the crash.

I accept the conclusions of Sergeant Carrick.

On 11 September 2016, Mr Branch was subjected to a blood test pursuant to the *Road Safety (Alcohol and Drugs) Act 1970*. The blood sample was subsequently analysed and no alcohol and/or drugs were detected in that sample. I therefore further conclude that Mr Branch was not affected by alcohol and drugs at the time of the crash.

As to the road condition, I accept that there was loose gravel on the roadway that caused a propensity to slip. However, the evidence indicates that it was not unusual for the gravel build-up to be present in light of the recent re-sheeting.

Mr Branch had travelled west bound on Interlaken Road during the course of the morning on his way to Woods Lake. The crash occurred on his return journey. Having driven on the road that morning he would have been well aware of the build-up of loose gravel and the slippery nature of the roadway. Further, I accept the statement of Mr Goss that on the return journey the back end of the Toyota had slid on occasions at a speed of around 80kmh.

Mr Branch said in his unsworn statement that he consciously drove onto the incorrect side of the road knowing that a vehicle was approaching from the opposite direction. He stated that he undertook this action due to the sliding of his vehicle and to prevent it travelling off the road and down the embankment on the left-hand side. However, I am doubtful that his account is correct in this regard. Consistent with the evidence of Mr Goss, Mr Jackson, and the evidence from the scene as analysed by Sergeant Carrick, I find that Mr Branch would not have had line of sight of oncoming vehicles as he stated, nor sufficient perception reaction time.

It is therefore a more likely scenario that Mr Branch's vehicle went into a slide coming into the right-hand corner, as described by Mr Goss, and his vehicle unintentionally crossed onto the incorrect side of the road and into the path of Mr Jackson's vehicle.

A third scenario is that Mr Branch gained control of his vehicle before the corner and decided to cut the corner without seeing Mr Jackson's vehicle. I note that the 12.5 metre tyre mark from the Toyota immediately before the impact point was situated parallel to the road and on the far right and next to the verge. This would suggest that Mr Branch had been travelling on the incorrect side of the road for a distance well in excess of the line of sight to Mr Jackson's vehicle.

Without hearing from the witnesses I am not able to determine which of these scenarios is correct. However, I am satisfied that the Toyota did slide approaching the corner and that the slide

influenced, whether voluntarily or involuntarily, the subsequent pathway of the vehicle onto the incorrect side of the road. Unfortunately, the road markings and scene were somewhat compromised by other vehicles having driven over them before the road could be closed. This fact has limited the ability of Sergeant Carrick and crash investigators to make more detailed conclusions regarding aspects of the crash.

However, on any of these scenarios, I conclude that Mr Branch did not sufficiently drive to the road conditions at the time. Being aware of the gravel build up and the “blind” nature of the corner, his obligation was to adhere to his correct side of the road to anticipate oncoming vehicles and to drive at a speed that would prevent it sliding. It should have been apparent to a driver exercising the appropriate degree of care that caution was required. Unfortunately, Mr Branch did not exercise that degree of caution, such that his vehicle crossed onto the incorrect side of the road and into the path of the Nissan. His inexperience may well have been a factor in his driving.

I find that Mr Jackson was driving prudently, at an appropriate speed for the conditions and wholly within his lane. When encountering Mr Branch’s vehicle in front of him, wholly within his lane, he had insufficient perception/reaction time to take evasive action.

I note that, prior to being received by the Coroner’s Office, the evidence in this investigation was forwarded by the investigating officer to the Office of the Director of Public Prosecutions for the purpose of seeking advice as to whether any charges should be laid against Mr Branch in respect of the crash. Based upon that advice, Mr Branch was not charged with any offence. It is not part of a coroner’s function to review or comment upon any decision made by a prosecuting authority in respect of the laying of charges arising from the circumstances surrounding a death.

### **Comments and Recommendations**

This very sad case serves as a reminder to road users upon the State’s unsealed roads, of the importance of driving to the condition of the road, particularly where safety considerations require driving significantly slower than the legal speed limit.

I am very grateful to Sergeant Rodney Carrick for his thorough investigation.

I convey my condolences to Mr Jackson and family members of Mrs Jackson, all of whom have been greatly affected by her unexpected death.

**Dated:** 19 March 2018 at Hobart in the State of Tasmania.

**Olivia McTaggart**  
**Coroner**