



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

I, Andrew McKee, Coroner, having investigated the deaths of Shane Elliott Williamson, Rodney Leo Rowe and Adam David Robertson

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

- a) The identity of the deceased is Shane Elliott Williamson; and
- b) Mr Williamson's cause of death was multiple fatal injuries;
- c) The identity of the deceased is Rodney Leo Rowe; and
- d) Mr Rowe's cause of death was multiple fatal injuries;
- e) The identity of the deceased is Adam David Robertson; and
- f) Mr Robertson's cause of death was multiple severe trauma;
- g) Messrs Williamson, Rowe and Robertson died as a result of injuries sustained in a two vehicle crash; and
- h) Messrs Williamson, Rowe and Robertson died on 26 February 2020 at Carrick, Tasmania.

Introduction

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Messrs Williamson's, Rowe's and Robertson's death. The evidence includes:

- Tasmania Police Reports of Death;
- Opinion of the Forensic Pathologist who conducted the post-mortem examination of the bodies of Messrs Williamson, Rowe and Robertson;
- Forensic Science Services toxicology results of samples obtained at autopsy of Messrs Williamson, Rowe and Robertson;
- Report from Northern Crash Investigation Services;
- Affidavits of life extinct and identification for Messrs Williamson, Rowe and Robertson;
- Affidavit of attending police officers;

- Medical records and reports of Messrs Williamson and Robertson;
- CCTV Footage from Hagley Garage;
- Affidavit of Transport Inspector Casey Perkins of the inspection of both motor vehicles involved in the crash;
- Affidavit of Lisa Gestro, partner of Mr Robertson;
- Affidavit of Jamie Van Der Matten, granddaughter of Mr Williamson;
- Affidavit of Annette Bingham, partner of Mr Rowe;
- Affidavit of Dale Badcock, owner/manager of Hagley Garage;
- Affidavit of Adam Christopher;
- Affidavit of Cassandra Madge;
- Affidavit of Tyson Clarke, witness to the crash;
- Affidavit of Daniel Southon, witness to the crash;
- Affidavit of Robert Anderson, witness to the crash;
- Affidavit of Kellie Panton, witness at the crash site;
- Affidavit of Sebastian Groves, Tasmania Ambulance;
- Affidavits of attending and investigating police officers; and
- Forensic and photographic evidence.

Background

Shane Williamson

Shane Elliott Williamson was born in Devonport, Tasmania on 18 August 1954 and was 65 years of age at the date of his death. Mr Williamson was one of eight children born to the marriage of Harold and Eleanor Williamson. He was raised in the Devonport area, attending local schools. At the conclusion of his formal education, he obtained employment as a train driver with TasRail. After being made redundant from that position, he worked in various roles. In the 20 years preceding his death he was self-employed, installing cladding.

Throughout his life he was married twice and had five children.

In 2000, he commenced a relationship with Ms M Harrison. That relationship ended when Ms Harrison died in 2016. From that point onward, Mr Williamson lived alone.

Mr Williamson and Ms Harrison cared for Ms Harrison's granddaughter. Mr Williamson shared a close relationship with Ms Van Der Matten. He visited her daily and was close to Ms Van Der Matten's children.

Rodney Rowe

Rodney Leo Rowe was born in Launceston, Tasmania on 29 January 1957 and was 63 years of age at the date of his death. Mr Rowe was one of three children born to the marriage of Leo and Winifred Rowe.

Mr Rowe was raised in the Deloraine area, attending local schools. At the conclusion of his formal education he obtained employment in a saw mill. Throughout his working life he was employed at Comalco Aluminum Smelter as a production worker and held various manual laboring positions. He was forced to retire due to a back injury.

Mr Rowe underwent a successful operation, which allowed him to work casually in his retirement for Mr T Murfett as a cladder.

Mr Rowe met and commenced a defacto relationship with Ms A Bingham in 2016.

Adam Robertson

Adam David Robertson was born in Camden, New South Wales on 29 January 1984. At the date of his death he was 35 years of age and living in a defacto relationship with his partner of 10 years, Ms L Gestro. The couple had two children together. Mr Robertson was in receipt of a carer's pension.

Mr Robertson was born to Joanne Robertson and Stephen Morgan in 1984. Mr Robertson grew up in the Sydney area. He was estranged from his father, had little contact with his mother and had previously resided with his grandmother. He had personal relationships with two women whilst in Sydney and had three children from those relationships.

Mr Robertson used illicit substances in Sydney. He was convicted of a number of offences involving violence and possession of an illicit substance.

According to Ms Gestro, when they moved to Tasmania Mr Robertson ceased use of illicit substances, however, recommenced using illicit substances in October of 2019.

In the weeks preceding the motor vehicle crash Mr Robertson was displaying signs of paranoia and engaging in family violence against Ms Gestro.

A number of persons who knew Mr Robertson as a customer of their businesses and interacted with him on a regular basis noted that his behaviour on the day preceding the motor vehicle crash was unusual and out of character. He was described as paranoid and appeared as

if he was affected by illicit substances. He told one of those individuals that they would not see him again.

Circumstances leading to the collision

On 25 February 2020 Mr Williamson and Mr Rowe had made arrangements to travel together to a work site in Stanley the next day. On 26 February at approximately 5.10am Mr Williamson collected Mr Rowe from his home in Prospect Vale. Mr Williamson was driving a Mazda BT-50 ute, registration number B28YV.

Mr Williamson and Mr Rowe commenced their journey to Stanley. At approximately 5.30am Mr T Clarke left his residence to travel to work at Westbury. Mr Clarke sighted Mr Williamson's ute in Prospect and followed behind. Mr Clarke noted that Mr Williamson was travelling within the speed limit and obeying the road rules. At the same time Mr D Southon was travelling from his residence to his place of employment at Westbury. Mr Southon was travelling behind Mr Clarke. He made similar observations regarding Mr Williamson's driving.

In the days preceding the collision, Mr Robertson had been using illicit substances. His partner noted that he was not sleeping and that he had become paranoid.

In the hours preceding the collision, Ms Gestro was the victim of a violent assault upon her person by Mr Robertson. After the assault Mr Robertson placed their children in the family's Toyota Prado, registration number FS3665, which was registered to Ms Gestro. Mr Robertson wanted Ms Gestro to get into the car but she refused to do so. Mr Robertson returned inside the house and Ms Gestro went and hid in a shed. Mr Robertson exited the house and drove away.

After 30 minutes Ms Gestro went to a neighbour's house and requested they call police.

Mr Robertson was observed by Mr R Anderson travelling east on the Bass Highway at approximately 5.20am. Mr Robertson overtook Mr Anderson's vehicle. Mr Anderson estimated that Mr Robertson was travelling at approximately 110 to 115km/h after he completed the overtaking manoeuvre. Mr Anderson then lost sight of Mr Robertson's vehicle.

The collision

Mr Robertson was driving the Toyota Prado east on the Bass Highway. Mr Williamson was driving his Mazda BT-50 ute west on the Bass Highway.

The collision between the two vehicles occurred when the Toyota driven by Mr Robertson crossed the centerline on the roadway and travelled onto the incorrect side of the roadway. The vehicles have collided head on causing significant damage to both vehicles.

The collision was witnessed by Mr Clarke and Mr Southon. The physical evidence is consistent with the above description.

Mr Clarke and Mr Southon immediately called 000 and requested the assistance of emergency services. They, along with other members of the public who stopped at the scene of the collision, provided what assistance they could until the arrival of emergency services.

An ambulance en route from Deloraine to Launceston was requested to attend the crash scene until arrival of a backup ambulance.

Messrs Robertson, Williamson and Rowe were declared deceased at the scene.

Located at the scene were Mr Robertson's children. Neither child had been properly restrained in the collision. Both were later assessed at the Launceston General Hospital and fortunately, neither child received any significant injury.

Condition of the Mazda and Toyota motor vehicles prior to the collision

Both vehicles were inspected after the collision by Mr C Perkins, a transport safety inspector. I am satisfied he is qualified to express the opinions contained in the affidavits he swore as part of the coronial investigation.

Taking into account the extensive damage sustained to both vehicles, Mr Perkins was of the view that those components of the Mazda BT-50 that could be examined were free from defects. In relation to the Toyota Prado, he was unable to locate any fault which would have caused the vehicle to steer or veer unexpectedly into the oncoming lane.

In relation to the Mazda BT-50, he was of the opinion the load bearing equipment/ladder racks fitted to the vehicle were found to be compliant as per the Transport Light Vehicle Inspection Manual.

If appropriately placed on the Mazda, the load or cladding being carried by the vehicle would have been compliant as per the Transport Tasmania load carrying requirements.

Crash investigation and toxicology reports

A thorough investigation of the collision was conducted by Senior Constable M Rybka.

I am satisfied that Senior Constable Rybka is qualified to express the opinions contained in the Crash Investigation Report and his affidavit sworn 26 February 2020.

Senior Constable Rybka has given the following description of the collision in his affidavit sworn 26 February 2020:

“Collision Reconstruction

The Toyota Prado four wheel drive has been travelling east towards Launceston on the Bass Highway at an estimated speed of between 110 km/h – 115km/h. The vehicle’s headlights were on and there were no street lights on this straight section of the highway. The Toyota Prado has commenced crossing the painted broken white centre lines into the west-bound traffic lane.

At this time, the Mazda BT50 ute, laden with vinyl house cladding, was travelling west at an estimated speed of 100 km/h on the Bass Highway. The Mazda had passed under the Illawarra Road overpass at Carrick and was on the same stretch of roadway as the Prado. The driver Williamson has perceived the oncoming Prado. He has reacted by steering the Mazda ute onto the extreme left side of his lane and over the continuous white edge line. The Prado at this point has been completely in the west-bound traffic lane.

A slightly offset head on collision has occurred between the Mazda and the Prado in the west-bound lane, 220 mm north of the southern continuous edge line. There was no braking application or skidding from either vehicle prior to impact. The right front of each vehicle has overlapped the other vehicle by an appropriate distance of 1.2 metres at impact. After impact, the Mazda has been forced rearward, for a distance of 4.7 metres, while rotating approximately 120° in a counter-clockwise direction. Its front has then impacted with a grassed drainage culvert on that side of the roadway causing it to come to final rest.

Post-impact with the Mazda, the Prado has continued to travel in an easterly direction, towards the same drainage culvert. From the point of impact to its position of final rest, the Prado has travelled 1.6 metres (measured to the rear of the vehicle only). Its front right wheel has dipped into the drainage culvert, which has resulted in the rear left wheel separating from contact with the ground.”

Mr N McLachlan-Troup analysed samples of Messrs Robertson’s and Williamson’s blood taken at autopsy. He swore affidavits outlining the results of testing upon the blood samples obtained at autopsy and in Mr Robertson’s case, produced a signed proof of evidence. I am satisfied Mr McLachlan-Troup is qualified to express the opinions contained in the affidavits and proof of evidence.

Toxicological testing of samples taken at autopsy that related to Mr Williamson found that he had therapeutic levels of paracetamol in his blood. No alcohol was detected in Mr Williamson's blood.

Toxicological testing of samples taken at autopsy that related to Mr Robertson found that he had no alcohol in his blood. Methamphetamine was detected in his blood at 8.5mg/L. This concentration of 8.5mg/L was described by Mr McLachlan-Troup as a high concentration. Mr McLachlan-Troup's proof of evidence noted that the blood sample in question was taken from a body cavity which made it highly likely that it was artificially elevated compared to a blood sample taken from a peripheral site (usually a femoral vein). Mr McLachlan-Troup was unable to comment as to how much the blood sample was artificially elevated. Earlier in his proof of evidence he noted that the median blood methamphetamine concentration observed in Forensic Science Service Tasmania coronial cases was 0.2 mg/L.

I am therefore unable to make a precise finding as to the concentration of methamphetamine in Mr Robertson's blood.

In the affidavit Mr McLachlan-Troup swore on 20 April 2020 he outlined the following effects of methamphetamine use on an individual:

“Illicit Drug

Methylamphetamine is an extremely potent CNS stimulant, and results in behavioural and physiological effects. Methylamphetamine generates intense euphoria, confidence and feelings of superiority in addition to elevation in sensory awareness, increased energy and decrease in appetite. Its use can also result in dizziness, tremor, insomnia, dysphoria, paranoia and dyskinesia (abnormally or impairment of voluntary movement). Chronic usage may lead to personality changes, irritability, anxiety, hyperactivity and psychosis. Methylamphetamine has physical effects including increased heart rate, blood pressure and respiration, pupil dilation, and teeth grinding. Methylamphetamine has a profound effect on the thought processes, decision making and psychomotor skills required for driving. Scientific research has demonstrated that methylamphetamine use may result in the following driving behaviours, drifting in and out of the lane, erratic driving, weaving, speeding, drifting off the road and high-speed collisions. Additionally, driving ability may be adversely affected due to methylamphetamine's capacity to impair perception, judgement, attention, memory and psychomotor function and may cause poorer time estimation (therefore increasing reaction time). Other effects noted in drivers using methylamphetamine include rapid or confused speech, rapid pulse, agitation, paranoia, dilated pupils, violence and aggressive attitude.”

Senior Constable Rybka expressed the opinion that the cause of the collision lies entirely with Mr Robertson. I accept that opinion. Mr Williamson was observed by two witnesses to be driving in an appropriate manner, within the speed limit. Mr Williamson took evasive action in an attempt to avoid the collision.

Both vehicles were free from defects, which could have contributed to or caused the collision.

Neither driver was using a mobile phone. Speed did not play a part in the collision nor did the consumption of alcohol by either driver. The condition of the roadway and the prevailing weather conditions did not cause or contribute to the collision.

The reason Mr Robertson's vehicle crossed onto the incorrect side of the roadway

Senior Constable Rybka has indicated that he cannot determine the exact reason Mr Robertson's vehicle crossed onto the incorrect side of the roadway. He has opined that three possibilities exist:

- a) Mr Robertson driving whilst drug impaired
- b) Mr Robertson driving while fatigued
- c) Mr Robertson intending to commit suicide

As to point c), Ms Gestro is of the view that Mr Robertson would not have taken any action which would have placed his children at harm. She expressed the view that she believed it was the ingestion of illicit substances and a lack of sleep which were causative of the collision.

All three possibilities are supported by the available evidence. I am unable to make a precise finding as to what caused Mr Robertson's vehicle to cross onto the incorrect side of the roadway.

I am, however, satisfied that the ingestion of methamphetamine by Mr Robertson played a significant part in this collision occurring. He has chosen to drive a motor vehicle after consuming methamphetamine. The consumption of that drug caused him not to sleep in the days preceding the collision. According to Ms Gestro the physical and mental state he was in prior to making the decision to drive came about due to the ingestion of illicit substances.

Post-mortem examinations

Mr Williamson

A post-mortem examination was conducted by Dr R Fernando. Dr Fernando opined that Mr Williamson's cause of death was multiple fatal injuries following a motor vehicle accident. I accept Dr Fernando's opinion as to Mr Williamson's cause of death.

Mr Rowe

A post-mortem examination was conducted by Dr R Fernando. Dr Fernando opined that Mr Rowe's cause of death was multiple fatal injuries following a motor vehicle accident. I accept Dr Fernando's opinion as to Mr Rowe's cause of death.

Mr Robertson

A post-mortem examination was conducted by Dr T Brain. Dr Brain opined that Mr Robertson's cause of death was multiple severe trauma. I accept Dr Brain's opinion as to Mr Robertson's cause of death.

Comments and recommendations

The circumstances of Messrs Williamson, Rowe and Robertson's deaths are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I wish to **comment** that this case is another example of the consequences that flow from individuals driving motor vehicles after consuming illicit substances.

This collision exposed members of the public and first responders to the aftermath of a fatal collision.

I convey my sincere condolences to the family and loved ones of Shane Elliott Williamson, Rodney Leo Rowe and Adam David Robertson.

Dated: 6 August 2021 at Hobart Coroners Court in the State of Tasmania.

Andrew McKee
Coroner

On 6 August 2021 Coroner Olivia McTaggart, as Delegate of the Chief Magistrate for the State of Tasmania, directed that the investigation into the death of Shane Elliott Williamson be re-

opened and the findings be amended on the ground that the original contained factual errors, namely that Jamie Van Der Matten is Mr Williamson's granddaughter, not grandson, and that Mr Williamson had five children but not all to his first marriage. The findings made by this document follow that re-opened investigation and replace those previous findings made on 23 July 2021.