



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Claire Louise Litchfield

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

- a) The identity of the deceased is Claire Louise Litchfield, date of birth 28 September 1979.
- b) Ms Litchfield was 39 years of age when she died. She was a resident of Milton Keynes in the United Kingdom. She has a son, born in 1998, and she was working as a recruitment director. At the time of her death, she and her partner, Mark Tidborough, were tourists in Tasmania. They had arrived in Australia on 15 September 2019 and spent time in Sydney with Ms Litchfield's sister before arriving in Tasmania on 18 September 2019.

At 8.00pm on 19 September 2019, Ms Litchfield and her partner decided to go for a walk in the Hobart central business district to look at the town centre. After leaving their accommodation at the youth hostel on Argyle Street, they walked north on the footpath of that street towards a set of traffic lights at the intersection of Argyle Street and Collins Street ("the intersection"). The intersection was a distance of less than 100 metres from the youth hostel.

When the couple arrived at the traffic lights of the intersection, the pedestrian crossing signal was red. Mr Tidborough pressed the button on the pole to cross Collins Street and they both took one step rearward waiting for the green crossing signal. Once the green pedestrian signal was illuminated, they both began to cross in a northerly direction across Collins Street, walking between the broken intermittent lines allocated for pedestrians. Four seconds after they stepped off the curb and were walking in the intersection, they were hit by a Holden Arcadia station wagon vehicle driven by one Allan Kelly. Mr Kelly had been driving north on Argyle Street intending to make a right-hand turn at the intersection. Mr Kelly had been stationary on Argyle Street at the intersection for 27 seconds on a red light before turning right into the intersection and

hitting Ms Litchfield and Mr Tidborough as they were lawfully crossing the street. In total, Ms Litchfield and Mr Tidborough were visible to Mr Kelly for approximately 37 seconds prior to impact. Nevertheless, Mr Kelly did not see them, as he should have done and as was his obligation. Tragically, Ms Litchfield died shortly after she was transported to hospital. Mr Tidborough suffered minor injuries.

- c) Ms Litchfield's cause of death was multiple injuries caused by being hit by a vehicle as a pedestrian.
- d) Ms Litchfield died on 19 September 2019 at Hobart, Tasmania.

In making the above findings, I have had regard to the evidence gained in the comprehensive investigation into Ms Litchfield's death. The evidence includes:

- The Police Report of Death for the Coroner;
- Affidavits confirming identity and life extinct;
- Affidavit of the forensic pathologist conducting the autopsy;
- Toxicology report of Forensic Science Service Tasmania;
- Ambulance Tasmania record of attendance;
- Tasmanian Health Service medical records for Ms Litchfield;
- Affidavit of Mark Tidborough, partner of Ms Litchfield;
- Statutory declarations of Thomas McDonagh, Elliott Turner, Jacqueline Emmett and Samantha Stratton – all witnesses to the circumstances of the crash;
- Affidavits of I I attending and investigating police officers, including forensics officers;
- Scene photographs and drone footage;
- Recording of the 000 emergency call;
- Affidavits of three specialist crash investigators;
- Affidavit of a Transport Inspector regarding the condition of Mr Kelly's vehicle;
- Statutory declarations from representatives of nearby premises with associated CCTV footage;
- Blood test results for Allan Kelly;
- Police Interview with Allan Kelly;
- Prior conviction list for Allan Kelly;
- Street lighting report of JMG Engineers and Planners; and
- Prosecution file and court records relating to the charge against Allan Kelly.

Comments and Recommendations

I am satisfied that a thorough investigation of Ms Litchfield's tragic death has taken place. I note that Mr Kelly's driver's licence had expired and had also been suspended for unpaid fines. Mr Kelly was charged with and pleaded guilty to causing Ms Litchfield's death by negligent driving contrary to section 32(2A) of the *Traffic Act 1925*. On 14 November 2022, he was sentenced in the Hobart Magistrates Court to a period of six months imprisonment, wholly suspended for a period of two years on the basis that he not commit another offence punishable by imprisonment and comply with the terms of a Community Corrections Order. He was sentenced to a Community Corrections Order for a period of 24 months. His licence was cancelled for a period of six months commencing on 14 November 2022.

I note that the criminal proceedings against Mr Kelly took three years to finalise. Nevertheless, it was appropriate to await their conclusion prior to concluding my findings.

I am satisfied upon the evidence that Ms Litchfield's death was caused solely by Mr Kelly failing to see her on the road, as he should have done if he was paying proper attention to his driving.

In the circumstances, it is not desirable that a public inquest be held into the death of Ms Litchfield.

I extend my appreciation to investigating officer, Senior Constable Adam Hall, for his high quality investigation and report.

The circumstances of Ms Litchfield'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 Ms Litchfield.

Dated: 5 May 2023 at Hobart in the State of Tasmania.

Olivia McTaggart

Coroner



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