



MAGISTRATES COURT of TASMANIA
CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

Coroners Act 1995

Coroners Rules 2006

Rule 11

I, Duncan Fairley, Coroner, having investigated the death of Ashley Samantha Edmonds

Find that:

- a) The identity of the deceased is Ashley Samantha Edmonds;
- b) Ashley died in the circumstances set out below;
- c) Ashley was born in Newcastle, New South Wales on 4 May 1998 and was aged 13 years;
- d) Ashley died at Gordon River Road, Karanja on 29 February 2012;
- e) The cause of Ashley's death was severe head and chest injuries received as a pedestrian involved in a collision with a utility motor vehicle; and
- f) Ashley was a student at the date of her death.

Background:

Ashley was born in Newcastle, New South Wales on 4 May 1998, the eldest of 5 children to Jason and Lisa Edmonds. As at February 2012 the Edmonds family resided at 50 Karanja Court, Karanja with both Ashley and her sister Jemma attending Glenora High School. According to her parents Ashley was a healthy child with no physical restrictions.

Ashley's journey to and from school was regularly undertaken by coach service, operated by Derwent Valley Buses. At the conclusion of the school day it was the habit of the coach driver, Mr Desmond Itchins, to drop the children off on the southern verge of Gordon River Road, opposite the entry to Karanja Court. That practice required Ashley and her sister to cross both lanes of Gordon River Road. The relevant section of Gordon River Road is subject to a speed limit of 100 km/h.

Circumstances Surrounding the Death:

On Wednesday 29 February 2012 Ashley and Jemma Edmonds attended Glenora High School as usual. At the end of the school day they began the return journey to their home. Ashley and Jemma, together with a number of other students, were collected by Desmond Itchins in a 53 seat capacity Mercedes coach at about 3:05pm. The journey between Glenora and Karanja Court is relatively brief. Mr Itchins brought the bus to a halt opposite Karanja Court shortly before 3:15pm. Mr Itchins activated the school bus warning lights and Ashley alighted from the coach together with her sister. Activation of the warning lights by Mr Itchins triggered the operation of rule 374(1) of the *Road Rules 2009* which prescribes a speed limit of 40 km/h for vehicles travelling within 50 metres of school buses.

At about the time Ashley and Jemma exited the bus a white Ford Ranger utility was being driven by Bradley John Chaplin in a south-easterly direction on Gordon River Road towards Glenora. Ashley and Jemma walked to the rear of the bus along its passenger side before turning and emerging onto the road. Ashley proceeded to cross the carriageway in front of her sister. A collision then ensued between the utility and Ashley, causing her to suffer severe head and chest injuries.

Immediately after the collision Jemma ran to fetch her parents. A number of people were able to provide immediate assistance, including Ms Meagan Leembruggen a paramedic employed by Ambulance Victoria. Ms Leembruggen rendered initial first aid and directed attempts at resuscitation until Tasmanian Ambulance Service (TAS) personnel arrived on scene at approximately 3:50pm. Upon arrival TAS paramedics assessed Ashley's condition and determined that any further resuscitation efforts would be futile. Ashley was pronounced deceased at 4.00pm and transported to the Royal Hobart Hospital.

Post-Mortem Examination:

An autopsy was carried out by State Forensic Pathologist, Dr Christopher Lawrence on 1 March 2012. In his opinion the cause of Ashley's death was head and chest injuries suffered in the collision. I accept Dr Lawrence's opinion.

Proceedings in the Hobart Magistrates Court:

On 6 separate dates between 26 June 2013 and 16 October 2013 Mr Chaplin appeared before the Magistrates Court in Hobart for hearing in relation to charges arising from the

incident. Those charges included an allegation of causing the death of another person by negligent driving contrary to section 32(2A) of the *Traffic Act 1925*.

In summary, Magistrate Mrs O McTaggart made the following findings of fact:

- Mr Chaplin was driving a Ford Ranger utility in an easterly direction on Gordon River Road at or close to the maximum permitted speed of 100 km/h;
- At a distance of approximately 600 metres from the point of collision Mr Itchins' stationary Mercedes bus, complete with warning lights activated, became visible to Mr Chaplin;
- The Mercedes bus was positioned on the southern side of Gordon River Road opposite the entrance to Karanja Court;
- When the utility was approximately 500 metres west of the point of collision Mr Itchins made several straight arm up and down waving gestures directed towards Mr Chaplin;
- Mr Itchins waved in the same manner when Mr Chaplin's vehicle was approximately 200 metres from the point of collision;
- Somewhere between 200 metres and 100 metres before the point of collision Mr Chaplin reduced the speed of his vehicle to 80 km/h;
- Mr Chaplin continued to travel at 80 km/h up to and at the point of collision;
- The collision between Ashley and the utility vehicle occurred without Mr Chaplin applying the brakes on his vehicle or attempting to swerve away from the pedestrian;
- Travelling at 80km/h as he was, Mr Chaplin did not have time to react and take evasive action between Ashley emerging from behind the bus and the moment of collision;
- Ashley initially contacted either the front right corner or the drivers side mirror of the utility.

At the conclusion of her decision dated 11 December 2013 Magistrate McTaggart made the following findings:

“Ashley’s act in running out onto the road in very close proximity to the defendant’s approaching vehicle made it impossible for the defendant to stop but did not break the chain of causation. Simply put, had the defendant reacted in his approach by slowing as the prudent driver would have, Ashley would have had time to safely cross the road.

The defendant was at least required to be travelling at 40km/h for a distance of 60 meters before the collision, being the prescribed 50 meter distance together with the length of the bus. At 40km/h instead of 80km/h, in this zone alone he would have allowed Ashley a further 2.7 seconds to cross the road. Added to this period of time would be, at the very minimum, the additional time for deceleration from 80km/h to 40km/h before reaching the prescribed zone. Clearly this would have been another several seconds. As stated the prudent driver would have, in any event, slowed well before the legal requirement to do so.

Thus Ashley would have safely crossed the road, had the defendant not deprived her of that opportunity by his speed that was twice the prescribed limit at the time of the collision. I am satisfied beyond reasonable doubt that the defendant’s negligent driving caused Ashley’s death.”

The learned magistrate proceeded to sentence Mr Chaplin in relation to all of the matters before the court. In relation to the charge of causing the death of another person by negligent driving she imposed a head sentence of 4 months imprisonment with the activation of such being wholly suspended on condition that Mr Chaplin commit no driving or traffic offences punishable by imprisonment for a period of 18 months. In addition Magistrate McTaggart disqualified Mr Chaplin from holding or obtaining a drivers licence for a period of 12 months.

The Magistrate’s Orders did not conclude the proceedings before the courts. In accordance with section 110 of the *Justices Act 1959* Mr Chaplin sought to have Magistrate McTaggart’s determination reviewed by a Judge of the Supreme Court. The Notice of Review set out 4 grounds for consideration and, by his decision of 18 June 2014 the learned Chief Justice determined only 1 of those grounds in allowing the motion and setting aside the Order of Magistrate McTaggart convicting Mr Chaplin of causing death by negligent driving. There followed an appeal by the State at the conclusion of which the Full Court unanimously quashed the Order of the learned Chief Justice. The remaining 3 grounds on the Notice of Review were subsequently determined, with the learned Chief Justice dismissing each. A

second appeal to the Full Court, on this occasion brought by Mr Chaplin, was unsuccessful. Thus, all of Magistrate McTaggart's original Orders remained effective.

Comments and Recommendations:

I accept and adopt the findings of Magistrate McTaggart summarised herein. It is apparent that Ashley's death occurred as a combined consequence of her running onto Gordon River Road from behind the school bus and the failure on the part of Mr Chaplin to drive the Ford utility vehicle in a manner appropriate to the circumstances.

I have decided not to hold a public inquest into Ashley's death because the investigations undertaken and subsequent proceedings in the criminal jurisdiction have adequately disclosed the identity of the deceased, the date, place, cause of death, relevant circumstances concerning how Ashley's death occurred and the particulars needed to register her death pursuant to 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 already disclosed. In addition I am content that the circumstances of Ashley's death do not require me to make any specific comment or recommendation other than to say they should stand as a tragic reminder to all road users of the importance of exercising care when driving in close proximity to school buses.

In conclusion I wish to acknowledge Sergeant Rodney Carrick of Tasmania Police Crash Investigation Services for his thorough investigation and Report.

I convey my sincere condolences to Ashley's family and friends.

Dated: 30 January 2018 at Launceston in the State of Tasmania.

Duncan Fairley
Coroner