



MAGISTRATES COURT of TASMANIA
CORONIAL DIVISION



Record of Investigation into Death (With Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

I, Simon Cooper, Coroner, having investigated the death of Brett Edward Williams

With an inquest at Hobart on 14 March 2018

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

- a) The identity of the deceased is Brett Edward Williams;
- b) Mr Williams died in the circumstances set out below;
- c) The cause of Mr Williams death was stab wounds of the chest and abdomen; and
- d) Mr Williams died on the 17 December 2011 at 23 Marsdens Lane, Eggs And Bacon Bay, Tasmania.

The Role of the Coroner

1. A coroner in Tasmania has jurisdiction to investigate a death and must hold an inquest if she or he suspects homicide. In this sad case there was no doubt Mr Williams died as a result of homicide and therefore his death had to be investigated in the coronial jurisdiction, irrespective of what other investigations had taken place and no matter what other legal proceedings had arisen from it.
2. When investigating any death, whether or not an inquest is held, a coroner performs a role very different to other judicial officers. The coroner's role is inquisitorial. She or he is required to thoroughly investigate a death and to make findings with respect to that death. This process requires the making of various findings, but without apportioning legal or moral blame for the death (see *R v Tennent; ex parte Jaeger* [2000] TASSC 64, per Cox CJ at paragraph 7). A coroner is required to make findings of fact from which conclusions may be drawn by others (see *Keown v Khan* [1998] VSC 297;

[1999] 1 VR 69, Calloway JA at 75 – 76). A coroner neither punishes nor awards compensation – that is for other proceedings in other courts, if appropriate. Nor does a coroner charge people with crimes or offences arising out of death the subject of investigation. In fact a coroner in Tasmania may not even say that he or she thinks someone is guilty of a crime or offence (see section 28 (4) of the *Coroners Act* 1995).

3. In the case of Mr Williams' death, understandably his family were anxious to find the answers to many questions they had. Some of those questions, such as why certain people were not charged with particular crimes or offences, are not questions that I can answer. Mr Williams' son and daughter both spoke eloquently at the inquest about their father and their terrible sense of loss.
4. One matter that the *Act* requires a finding to be made about is how death occurred (see section 28 (1) (b) of the *Act*). It is well-settled that this phrase involves the application of the ordinary concepts of legal causation (see *March v E. & M.H. Stramare Pty. Limited and Another* [1990 – 1991] 171 CLR 506). Any coronial inquiry necessarily involves a consideration of the particular circumstances surrounding the particular death so as to discharge the obligation imposed by section 28 (1) (b) upon the coroner.
5. It is also important to recognise that where someone is charged with a crime in relation to a particular death no finding of a coroner about the same death may 'contain a finding which is inconsistent' with the result of the proceedings relating to that charge (see section 25 (4) of the *Act*).

Mr Williams' Background

6. Brett Edward Williams was born in Hobart on 18 August 1965. At the time of his death he was 46 years of age, unmarried and in receipt of a disability pension. Mr Williams' mother, Janice, and adopted father, Danny, are both still alive. He is survived by two brothers, Dion and Craig, a son, Danny Fazackerley, and a daughter, Brittany Birrel.
7. Mr Williams had a long history of illness and disability. One leg was shorter than the other necessitating the wearing by him of a built-up shoe. Reportedly, he suffered an acquired brain injury as a result of a bicycle accident when quite young. His eyesight was very poor. Notwithstanding all this he could (and did) live independently and was

still able to drive a vehicle, although a condition of his license was that he drive only during daylight hours.

8. For the two or so years leading up to his death Mr Williams had lived alone at a home he owned at 23 Marsdens Lane, Eggs and Bacon Bay. Unable to perform paid work, primarily due to his compromised vision, he spent most of his time working on his property. The property consisted of approximately 5 acres of land with water frontage. A number of buildings were on the property. Part of one building was converted to a private bar which Mr Williams referred to as the "The Church" where he brewed and drank his own beer.

Circumstances Surrounding the Death

9. Mr Williams became acquainted with a couple who rented a house not far from his at 47 Flakemores Road, Eggs and Bacon Bay. That couple, Stuart Barry Russell and Bronte Margaret Dallas-Clarke, had met each other when both had been inpatients at a psychiatric unit in Hobart in mid-2011. They commenced cohabitating; initially in what was described as a "humpy" at New Road Franklin and then, after that accommodation burnt down, at the Flakemores Road address.
10. A matter of a few days before Mr Williams' death Russell and Dallas-Clarke met Christopher Morgan Smith outside a pub in central Hobart. He promptly moved in with them at Eggs and Bacon Bay.
11. The behaviour of Russell, Dallas-Clarke and Smith whilst living at Eggs and Bacon Bay was reported to be problematic. The trio seem to have spent a good deal of their time drinking to excess and lighting bonfires in the yard of 47 Flakemores Road. Eventually they were asked to leave the property by the real estate agent and agreed to do so on 15 December 2011.
12. Russell seems to have reached an agreement with Mr Williams for him and Dallas-Clarke to stay in a small caravan on Mr Williams' property near the water's edge. It was also apparently agreed that Smith would stay in the "The Church".
13. On Friday 16 December 2011, Russell, Dallas-Clarke and Smith commenced to move their belongings from 47 Flakemores Road to Mr Williams' property. Mr Williams

assisted them to do that. He owned a campervan which he drove between the two addresses helping them to move their property. While this was occurring Mr Williams and Dallas-Clarke consumed a good deal of homebrew beer. Russell consumed a considerable amount of red wine. Mr Smith appears to have had little to drink. At some stage later in the afternoon Mr Williams and Dallas-Clarke took out a dinghy and caught two salmon on the river nearby. Later still they started cooking salmon in Mr Williams' house.

14. Russell remained at the caravan with Smith, drinking. At about 8.00pm Russell told Smith he was going to the house to see how dinner was progressing. I am satisfied that he armed himself with a knife (which knife was subsequently discovered by police the next day) before he went to the house. The knife was from a set, the remainder of which were found by police (again the next day) in a knife block inside a wheelie bin containing kitchen chattels near the caravan. The evidence was that the wheelie bin had been used to ferry chattels from 47 Flakemores Road earlier in the day. When Russell reached the front door of the house a violent confrontation immediately occurred between him and Mr Williams. I am satisfied that both men were intoxicated. Considerable shouting accompanied the physical exchange between Mr Williams and Russell. In the course of the physical exchange Russell stabbed Mr Williams four times with a knife. The stab wound which caused his death was one to his heart (which was in fact wounded twice - a fact which demonstrates beyond argument that this blow inflicted by Mr Russell upon Mr Williams involved two thrusts).
15. As Mr Williams lay on the floor dying neither Russell nor Dallas-Clarke nor Smith did anything to help him. Instead, according to Dallas-Clarke the three held something in the nature of a vigil, apparently lighting a candle, burning incense and sharing a bottle of wine by Mr Williams' body. Russell, Dallas-Clarke and Smith discussed what to do next. Dallas-Clarke and Smith left and returned to 47 Flakemores Road while Russell remained behind to attempt to burn Mr Williams' body and house with a view to destroying evidence. He obtained petrol, poured some over Mr Williams' body, splashed more in the vicinity and ignited it. The fire did significant damage to the body and various items in its vicinity but did not take hold. Russell then returned to 47 Flakemores Road where he told Dallas-Clarke and Smith that he had been unsuccessful in burning the house.

15. The next morning a neighbour of Mr Williams, Mr Stephen Henley, arrived at about 7.45am to borrow a wheelbarrow. He found Mr Williams' dead and burnt body inside the house and called for emergency services. Ambulance officers were first to arrive at 8.24am. The first police officer, a uniform Constable from nearby Cygnet, arrived less than 10 minutes later and secured the scene. He was followed by CIB and Forensic Services officers who arrived at 10.15am. An investigation was commenced immediately and by 11.45am Russell, Dallas-Clarke and Smith were all in police custody.
16. Dallas-Clarke and Smith were both co-operative with police; Russell was not. He initially denied any involvement in the matter and declined to be interviewed. Later, he asserted he stabbed and killed Mr Williams whilst acting in self-defence. He was charged with Mr Williams' murder, pleaded not guilty and was convicted after a trial. On 7 December 2012 he was sentenced to 22 years imprisonment to date from 17 December 2011 in respect of murdering Mr Williams (as well as attempted arson). Neither Dallas-Clarke nor Smith were charged with any crime or offence arising out of the events of the evening of 16 December 2011 at Eggs and Bacon Bay.
17. Russell appealed his conviction. His appeal was dismissed by the Court of Criminal Appeal on 21 December 2016.
18. At the trial the jury had evidence from highly experienced forensic pathologist, Dr Donald McGillivray Ritchey. I also had the benefit of evidence from him. Dr Ritchey expressed the opinion, which I accept (as must the jury), that the cause of Mr Williams' death was multiple stab wounds of the chest and abdomen. Dr Ritchey said there were four stab wounds on the front of Mr Williams' body. Those wounds included the single stab wound on the left side of the chest which had two haemorrhagic wound tracks both of which had penetrated into the right ventricle of the heart. Dr Ritchey said there was severe internal bleeding within the pericardium that led to rapid death. He noted three other stab wounds on the front of the body which produced relatively minor injury. He was unable to identify definitive defensive wounds on either Mr Williams' fingers, hands, wrists, forearms or upper arms.
19. The jury also had evidence from Ms Miriam Connor, a highly experienced forensic scientist at Forensic Science Service Tasmania. So did I. Ms Connor conducted the

analysis of samples taken from Mr Williams' body at autopsy. She detected alcohol as having been present at the level of 0.173 g per 100 ml of blood along with THC, the active constituent of cannabis.

Conclusion

20. I am satisfied on all of the evidence to the requisite legal standard that Mr Brett Edward Williams died as a result of stab wounds inflicted upon him by Stuart Barry Russell at 23 Marsdens Lane, Eggs and Bacon Bay, Tasmania in the evening of 17 December 2011.

Comments and Recommendations

21. The circumstances of Mr Williams' death do not require me to make any comments or recommendations pursuant to section 28 of the *Act*.
22. I wish to express my thanks to Ms Anna Norton of the Office of the Director of Public Prosecutions for her assistance in this matter.
23. In concluding, I convey my sincere condolences to the family of Mr Williams on the loss of a much loved father and son.

Dated 20 April 2018 in Tasmania.

Simon Cooper
Coroner