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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 Molli Margaret Anne Marriott

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

- a) The identity of the deceased is Molli Margaret Anne Marriott;
- b) Molli died as a result of injuries sustained in a motor vehicle crash on 1 November 2014 on Boyer Road, New Norfolk as a rear seat passenger in a motor vehicle driven by her mother, Tamara Whitford;
- c) The cause of Molli's death was multiple, severe, traumatic injuries; and
- d) Molli died on 1 November 2014 at New Norfolk in Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Molli Margaret Anne Marriott's death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; relevant police and witness statements and affidavits; an opinion of the crash investigator; medical records and reports; court documents; and forensic evidence.

The deceased is Molli Margaret Ann Marriott, aged 4 years, born on 27 July 2010. Molli lived with her siblings and parents. Her parents are Tamara Brooke Whitford and Adrian Marriott. The family lived at 33 North Crescent, New Norfolk. At the time of Molli's death Ms Whitford was aged 33 years and unemployed.

At the time of the crash that resulted in Molli's death, Ms Whitford was not the holder of a driver's licence. Her novice L2 driver's licence had expired on 8 May 2013 and her licence was also suspended for non-payment of fines.

Ms Whitford had been convicted between 2003 and 2014 of 11 offences of either driving whilst suspended or driving whilst unlicensed. Further, in 2013, Ms Whitford was sentenced in the Magistrates Court to a fine and period of disqualification in respect of driving a motor vehicle as an unlicensed driver with a very high level of alcohol in her body.

At approximately 6.00pm on Saturday 1 November 2014, Ms Whitford commenced to drive from her residence to Brighton in an easterly direction along Boyer Road. She was driving for the purposes of returning Brayden Lynch to his home. Brayden was a friend of another of Ms Whitford's daughters, Makayla Marriott, aged 14, and he had been visiting her. Ms Whitford was driving a white 1990 Mitsubishi Magna sedan. The vehicle belonged to a friend, Jessica Asker.

Brayden was a front seat passenger in the vehicle at the time. Both Brayden and Ms Whitford were wearing their seat belts. In the rear of the vehicle, seated behind Ms Whitford, was Tori Street, aged 14, and Makayla. Seated in the centre rear was Ms Whitford's son, Max Marriott. Molli was in the rear left in a booster seat.

At the time of the journey it was daylight, overcast and the road was wet following intermittent showers throughout the day. Traffic on the road was light.

Ms Whitford was travelling on a level section of road as she approached a closed left hand curve which is situated in the vicinity of 1467 Boyer Road. The posted speed limit on the section of road at the location of the crash is 80km/h. There was also a 65km/h speed advisory sign facing her as she approached the curve. Boyer Road at this location comprises a single carriageway in either direction in an east/west orientation. The roadway is constructed of a bitumous material which was in good condition. The lanes are separated by double continuous white lines. On both sides of the road there are gravel verges followed by a table drain and vertical embankments (known as a "cutting").

As Ms Whitford negotiated the left hand curve the evidence indicates that she was travelling at, or slightly under, the permissible maximum speed limit of 80kmh. She failed to negotiate the corner and the vehicle veered off the roadway to the left. The vehicle continued 35.5 metres whilst travelling along the roadside table drain parallel to the roadway. As the vehicle continued along the table drain the passenger side of the vehicle rode up the embankment and collided with a rocky outcrop causing the vehicle to overturn driver's side first onto the roadway. The vehicle slid on its roof for a distance of 14.5 metres before coming to a stop in the middle of the roadway facing a general northerly direction.

During the course of the vehicle overturning two of the rear seat passengers, Max and Molli, were ejected from the vehicle. As the vehicle overturned and came to rest Molli was unfortunately trapped between the vehicle and the road surface and was pronounced deceased at the scene by ambulance paramedics who arrived shortly after the crash.

Ms Whitford and the remaining passengers in the vehicle were conveyed to the Royal Hobart Hospital for observation and were all released a short time later.

Police officers from New Norfolk and Bridgewater Police Stations attended and the road was closed soon after their arrival. Tasmania Fire Service and State Emergency Service personnel also attended the scene. Subsequently, officers from Crash Investigation Services arrived to inspect, mark and analyse the scene to determine how the crash occurred.

Ms Whitford was identified as the driver and submitted to a blood test pursuant to the *Road Safety (Alcohol and Drugs) Act 1970*. This subsequently returned a reading of 0.065 g/100ml. The presence of THC (cannabis) was also detected. After the blood test Ms Whitford made a signed affidavit regarding the circumstances surrounding the crash.

In relation to the crash she stated in her affidavit as follows:

*"We drove past the rowing boards and the road was a bit slippery from the rain. It had been raining on and off all day. We approached the bend by the bridge which is a left-hand bend. I was travelling at about 60km per hour. As I drove around the corner, the rear of the car slid to the right and the nose of the car went into the left-hand bank*

*causing the car to flip over. It's sort of rolled a bit sideways and then flipped end over end backwards."*

It appears from the crash investigator's calculations that Ms Whitford was travelling faster than 60km/h but it is nevertheless likely that her speed was not excessive.

Ms Whitford subsequently took part in a video record of interview with police. In that interview she told police, amongst other things:

- That she had borrowed the vehicle from a friend and she was assisting moving her son into a new house at Newtown;
- That she had been told by her partner earlier in the day that the tyres on the vehicle looked bald and that she should be careful in the wet;
- That two of the rear seat passengers were sharing a seatbelt;
- That Molli had been buckled in by her 10-year-old son;
- That she recalled telling Molli during the journey to put her belt back on;
- That she took no other action to ensure that Molli was restrained;
- That she knew Molli would get out of her restraints about twice a week;
- That she drank four glasses of alcohol during the day prior to the crash, and between eight and 10 glasses of alcohol the evening before;
- That her learners licence had expired, that her licence was suspended due to unpaid fines and that she had been unable to obtain a provisional licence due to failing the driving test;
- That she was aware that, being without a licence, she was not permitted by law to have any alcohol in her body; and
- That she was used to driving a manual vehicle and not an automatic vehicle.

The vehicle was taken possession of by Police and conveyed to the Patrick Street garage for inspection by Transport Inspector, Peter Moses, who concluded that the vehicle was in an un-roadworthy condition due to the non-compliance of all tyres. I accept the conclusion of Mr Moses.

The expert evidence in the investigation also allows me to conclude that Molli's child seat was not anchored with the correct webbing.

On 3 November 2014 Dr Donald Ritchey, Forensic Pathologist, conducted an autopsy upon Molli. He concluded that Molli died as a result of severe traumatic injuries of the entire body as a result of the crash. In particular, he noted that she sustained severe crushing injuries of the chest, abdomen and pelvis with severe internal bleeding that would have led to near instantaneous death.

Ms Whitford was charged with, and pleaded guilty to, a number of driving offences, namely: causing the death of another person by negligent driving; being an unlicensed driver with alcohol in her body; driving whilst an illicit drug was present in her blood; driving with defective tyres; unlicensed driving; and permitting a child passenger to be unrestrained in a child restraint and a seatbelt respectively.

On 11 January 2016 Ms Whitford was sentenced in the Magistrates Court by Magistrate Sam Mollard. His Honour imposed a sentence of 6 months imprisonment, 5 months of which was suspended for a period of 3 years on the condition that Ms Whitford was of good

behaviour and did not commit any offences. She therefore was required to immediately serve a period of imprisonment of one month. She was also disqualified from driving for a total period of 3 years.

In his sentencing remarks, Magistrate Mollard stated that Ms Whitford's loss of control was unexplained but it was likely that the wet road, consumption of alcohol, illegal tyres and lack of driving skill contributed to the crash and Molli's death. He further stated that, being wholly untrained, Ms Whitford's driving was a risk to the safety of other persons and she was ill-equipped to deal with any loss of control.

### **Comments and Recommendations:**

In deciding to drive, Ms Whitford had no proper regard for the safety of Molli or any of the occupants of the vehicle. She was aware that her vehicle had too many occupants and also that, immediately before the crash, Molli was likely to be unrestrained.

Having embarked upon the journey, she should have stopped the vehicle when it became apparent that Molli was not restrained by her harness. Had she done so, there would have been a good chance that Molli would not have been ejected from the vehicle and would have survived.

Before the journey, Ms Whitford had been made aware of deficiencies in the tyre tread. She was unlicensed and not competent to pass the test for a provisional driver. Additionally, she had consumed a large quantity of alcohol the previous evening and further alcohol during the day before the crash. She also had an illicit drug in her system. She was well aware before commencing the journey that, by driving the vehicle, she would be committing a number of offences. Ms Whitford's disregard for the law and for the safety of her passengers resulted in Molli's death. Although I am not able to determine exactly why Ms Whitford lost control of the vehicle, all of the factors to which I have referred no doubt contributed.

This tragic case serves, particularly, as a reminder of the significantly elevated risk of death or serious injury to the occupants of a motor vehicle and other road users when a driver chooses to drive whilst impaired by the consumption of alcohol and drugs.

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

The circumstances of Molli'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 condolences to the family and loved ones of Molli Margaret Anne Marriott.

**Dated:** 31 January 2018 at Hobart in the State of Tasmania.

**Olivia McTaggart**  
**Coroner**