



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 Elizabeth Mary Brown

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

- a) The identity of the deceased is Elizabeth Mary Brown.
- b) Mrs Brown was born on 4 December 1940 and was 80 years of age. She was widowed and lived alone in Strahan. She has one daughter and, during her working life, she was employed as a cleaner and cook.

On the morning of Monday 13 September 2021, Mrs Brown was driving her newly-acquired manual transmission Toyota Starlet hatchback vehicle in a southerly direction on Lynch Street in Strahan approaching the intersection of Harvey Street. She was unaccustomed to driving a manual vehicle. She failed to give way as she was required to do by a visible give way sign that was facing her. She drove into the path of another vehicle, a Ford Territory, being driven lawfully along Harvey Street on her right. The vision of the driver of the Ford was partially obstructed by foliage and the driver, who had right of way, could not have prevented the collision. The Ford came to a stop within a short distance on a nature strip on Harvey Street. The collision with Mrs Brown's vehicle was minor and the occupants of the Ford were not hurt. However, Mrs Brown's vehicle then continued to travel in an arc to the left along Harvey Street for about 50 metres before colliding heavily with a power pole. Mrs Brown was not wearing her seatbelt at the time.

In the crash, Mrs Brown suffered multiple injuries, including a head injury and fractured right femur, and was airlifted to the Royal Hobart Hospital. She underwent surgery to repair her fractured femur. In the following days, her condition did not improve and her prognosis became poor. After discussions with family members, she was provided with palliative care and active treatment ceased. She passed away on 29 September 2021.

I am satisfied that Mrs Brown's vehicle was mechanically sound and roadworthy. I also satisfied that Mrs Brown, who was known to enjoy alcohol, was not affected by alcohol at the time of the crash. I also discount that she suffered a medical event which caused her to drive into the intersection. It is more likely that Mrs Brown's driving error in entering the intersection when it was unsafe to do so was caused by a lack of adequate attention combined with difficulty operating the unfamiliar manual transmission of her vehicle. She had been driving her new Toyota Starlet for about one month before the crash but struggled with changing gears and drove only in second gear. The Strahan police officers, who knew Mrs Brown, were monitoring her competence with her new vehicle but had not observed any significant issues, other than to note that she was driving more slowly than previously. Nevertheless, Constable Wayne Bradford had put in train enquiries with the Department of State Growth licensing unit to determine her fitness to drive, which were pending at the time of her death.

- c) Mrs Brown's cause of death was multiple injuries.
- d) Mrs Brown died on 29 September 2021 at the Whittle Ward, Hobart in Tasmania.

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

- Tasmania Police Report of Death,
- Opinion of the forensic pathologist regarding cause of death;
- Affidavits confirming identification and life extinct;
- Toxicology report regarding analysis of Mrs Brown's ante-mortem blood sample;
- Ambulance Tasmania records;
- Report of the transport inspector;
- Affidavits of witnesses Robert Jones, Katy Usher and Alison Snell;
- Affidavit of Constable Wayne Bradford;
- Affidavit of Senior Constable Sven Mason, crash investigator; and
- Scene photographs, maps and Tasmania Police information.

Comments and Recommendations

I am satisfied that appropriate steps had been taken by the local Strahan police officers to monitor Mrs Brown's driving in the weeks before her death. No more could have been reasonably done by the date of her crash.

This case is yet another instance of a driver failing to wear a seatbelt and, as a consequence, reducing her chances of surviving the crash.

The circumstances of Mrs Brown'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 appreciation to Scenic Constable Sven Mason, investigating officer.

I convey my sincere condolences to the family and loved ones of Mrs Brown.

Dated: 22 July 2022 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart
Coroner