



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased, and family by direction of the Coroner pursuant to s57(1)(c) of the Coroners Act 1995)

I, Simon Cooper, Coroner, having investigated the death of HN

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

- a) The identity of the deceased is HN;
- b) HN died as a result of injuries sustained as the rider of a scooter on a public street when he was struck by a motor vehicle;
- c) The cause of HN's death was severe traumatic brain injury; and
- d) HN died, aged 16 years, on 26 July 2023 at the Royal Hobart Hospital, Hobart, Tasmania

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

- Police Report of Death for the Coroner;
- Tasmanian Health Service – Death Report to Coroner;
- Affidavit confirming identity;
- Report – Dr Andrew Reid, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Records – Ambulance Tasmania;
- Medical Records – Department of Health and Human Services;
- Medical Records – Derwent Valley Medical Centre;
- Records – Department for Education, children and Young People;
- Affidavit – RV, sworn 26 July 2023;
- Affidavit – Tanisha Chatterton, sworn 12 August 2023;

- Affidavit – Peter Evans, sworn 3 August 2023;
- Affidavit – Sharnnie James, sworn 9 August 2023;
- Affidavit – Charlie Coleman, sworn 9 August 2023;
- Affidavit – Shaun Gray, sworn 23 July 2023;
- Affidavit – Sergeant Jamie Hart, sworn 3 January 2024;
- Affidavit – Senior Constable Adam Hall, Crash Investigation Service, sworn 21 January 2024;
- Collision Analysis Report – Senior Constable Kelly Cordwell;
- Affidavit – Constable Nicholas Monk, Forensic Services, sworn 2 March 2024 (and photographs);
- Report – Craig Shepherd, Transport Safety and Investigation Officer, sworn 17 August 2023;
- Report – Forensic Science Service Tasmania – Charlie Coleman; and
- Forensic evidence, Visibility testing video and Tasmania Police information holdings.

Circumstances of death

Shortly before 7.00 pm on Sunday, 23 July 2023 HN left his home in New Norfolk. Witnesses saw him riding a scooter on the Lyell Highway in the direction of Hobart. He was wearing dark clothing.

The scooter was not fitted with lights or reflectors. It was black. HN was not wearing a helmet.

Mr Coleman and his partner were travelling in the same direction as HN. At around 8.40 pm the vehicle driven by Mr Coleman struck HN. Neither Mr Coleman nor his partner saw HN on the road prior to the crash. Mr Coleman stopped immediately after the crash and tendered to HN. Other members of the public also stopped to offer assistance.

The area where the crash occurred has no designated footpath or bicycle lane.

One of those who stopped, Mr Shaun Gray, called 000 at 8.42 pm.

Police and Ambulance personnel were quickly on the scene.

HN was airlifted to the Royal Hobart Hospital where he was admitted and underwent emergency brain surgery.

Unfortunately, his injuries were too serious to survive and he was placed on life support.

At about 5.15 pm on 26 July 2023, HN's life support was switched off and he passed away.

Investigation

Given the serious nature of the crash, experienced Crash Investigation Officer, Senior Constable Kelly Cordwell APM attended the scene where she commenced an investigation. She provided a comprehensive report which has informed these findings. In summary, Senior Constable Cordwell concluded that at the point of collision HN was riding in the Hobart bound lane of the Lyell Highway and Mr Coleman had no perception to reaction time to avoid hitting HN.

I accept Senior Constable Cordwell's conclusion. I consider that she is well qualified to express the opinion that she did and the methodology she used is both conventional and sound.

HN's body was formally identified after his death and then examined by Dr Andrew Reid, Forensic Pathologist. Dr Reid provided a report in which he expressed the opinion that the cause of HN's death was severe traumatic brain injury. I accept Dr Reid's report.

Testing carried out at the laboratory of Forensic Science Service Tasmania determined that Mr Coleman had neither alcohol nor any significant drugs present in his body at the time of the crash.

Mr Coleman's Mitsubishi Lancer was inspected by Mr Craig Shepherd, a Transport Safety and Investigation Officer. Mr Shepherd found the vehicle was non-compliant in several areas including, but not limited to, steering, suspension, mis-matched tyre sizes, fastening devices and engine oil leaks on to the exhaust system.

Conclusion

I am satisfied that Mr Coleman had no time to avoid hitting HN.

Given the area where the crash occurred it is completely reasonable in my view for a driver not to expect to encounter a pedestrian or a person on a scooter on the roadway.

Although Mr Coleman's car was unroadworthy as identified by the Transport Safety and Investigation Officer, I do not consider those defects caused or contributed to the happening of the collision.

There is no evidence that speed, inattention, alcohol or drugs caused or contributed to the happening of the crash which claimed HN's life.

Comments and Recommendations

The circumstances of HN's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

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

Dated: 5 November 2024 at Hobart, in the State of Tasmania.

Simon Cooper

Coroner