



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Errol Adrian Fletcher

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

- a) The identity of the deceased is Errol Adrian Fletcher;
- b) Mr Fletcher died as a result of an injury when he was hit by a vehicle;
- c) Mr Fletcher's cause of death was traumatic closed head injuries; and
- d) Mr Fletcher died on 2 December 2022 at the Royal Hobart Hospital (RHH), Hobart in Tasmania.

#### **Introduction**

On Monday, 28 November 2022 at 12:30pm Mr Fletcher was walking north on the footpath across the driveway exit of the BP service station located at 60 Main Road Huonville. The weather was overcast but there was no rain. At the same time Joshua Vaughan was driving a red SsangYong Q200 Musso utility registration J97AC (the vehicle) out of the driveway exit of the service station. Mr Vaughan did not stop and as a result his vehicle struck Mr Fletcher. Mr Fletcher was pushed backward onto the roadway where he struck the back of his head. Mr Fletcher was taken to the RHH where he was placed in an induced coma in the intensive care unit. He succumbed to his injuries and passed away on 2 December 2022.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Fletcher's death which includes:

- The Police Report of Death for the Coroner;
- Affidavit as to identity;
- Tasmania Health Service (THS) Death Report to Coroner;
- Report of the forensic pathologist Dr Donald Ritchey;
- Affidavit of the forensic scientist Mr Neil McLachlan-Troup of Forensic Science Service Tasmania;

- Electronic patient care record and CCR retrieval record obtained from Ambulance Tasmania (AT);
- Medical records obtained from the THS;
- Affidavit of Louise Ford;
- Affidavit of Sandra Niven;
- Affidavit of Nathan Startup;
- Affidavit of Senior Constable Steven Bomford;
- Affidavit of Constable Jared Gowen;
- Affidavit of Amanda Fletcher;
- Statement of Joshua Vaughan;
- Police prosecution file and documentation advising of the outcome of the complaint filed against Mr Vaughan; and
- CCTV footage and body worn camera footage.

## **Background**

Mr Fletcher was 74 years of age (date of birth 20 April 1948), a widower and he resided alone at the date of his death. Mr Fletcher was born in Huonville and grew up in the Huonville area. He had a limited education in that he did not go to high school. He commenced work upon leaving school and worked in orchards and dairies in the local area and he also worked as a tractor driver and landscaper.

Mr Fletcher married Margaret Fletcher when he was 21 or 22 years of age. Mrs Fletcher passed away in 2018. They had eight children one of whom has passed away. When Mr Fletcher was between 50 and 55 years of age he moved back to the Huon area having previously moved away. When he moved back he performed some part-time gardening and orchard work but he never returned to full-time work. He assisted the elderly in the community by mowing their lawns.

Mr Fletcher was in fair health for his age. He did develop diabetes later in life but that was under control. He had been a heavy smoker all his life and had developed emphysema. He gave up smoking three years prior to his death. He did have difficulties with shortness of breath. He also had hearing aids for the last five years of his life but he could hear without them. He had good vision and did not require glasses.

Mr Fletcher enjoyed gardening and had a vegetable garden. He loved football and cricket.

### **Circumstances leading to death**

On the morning of Monday, 28 November 2022 Mr Fletcher left his unit and was in the driveway about to leave his property when he spoke to Louise Ford. Ms Ford works for Huon Regional Care as a home care and domestic cleaner. That morning she had been rostered to attend Mr Fletcher's home for a one-hour care visit. She has known him all her life. As a result of speaking to Mr Fletcher she determined the appointment must have been booked incorrectly as he was not expecting her. Ms Ford assumed he was walking up to the supermarket. She says he seemed his normal self. He told her he would see her next week.

Mr Fletcher has walked out onto Main Road and headed in a north-easterly direction on the eastern side of Main Street past the BP service station. As he has walked on the footpath past the exit to the service station he was hit by the vehicle driven by Mr Vaughan. Mr Fletcher was struck by the bonnet of that vehicle and pushed backwards onto the roadway where he struck the back of his head. Mr Vaughan stopped his vehicle and remained at the scene and assisted Mr Fletcher with others who stopped to help until they were relieved by medical personnel.

### **Investigation**

AT received the call to attend at 12:41pm. An ambulance was at the scene by 1:10pm and after treating Mr Fletcher he was taken to the RHH at 1:38pm arriving at 3:19pm. He was treated en route. The rescue helicopter was activated and it landed at a nearby field in Huonville. Mr Fletcher was transported to the helicopter but it was decided that transport by air offered no benefit and he was therefore transported to hospital by road ambulance.

Police officers from the Huonville police station initially attended the accident. Traffic was diverted until Mr Fletcher was moved by ambulance and transported to the RHH. The on-call crash investigator was spoken to regarding the circumstances of the collision and the injuries that were known at that time. As a result crash investigation services and forensic services did not attend the scene.

Mr Vaughan was breath tested at the scene. The test returned a negative result. Mr Vaughan advised police he did not wish to be interviewed however he made a statement on the date of the accident in which he said:

*"I finished filling up and pulled up to the side of the road to merge into traffic. I looked to the left, the old guy was about 2-3 metres on the other side of the large BP sign and still on the footpath at that stage. He was walking towards me.*

*My front tyres were near the crack in the bitumen where the BP driveway meets the road itself. I looked to my right, there was a gap in traffic and went to pull in behind a white car that was passing. The white car past me and I watched it go in front of me including seeing the front of my vehicle. I then looked right again to make sure no other cars were coming. I went to drive forward but then saw the old man right in front of my car, slightly to the left. I saw him fall over. I stopped my vehicle and got out to assist the male.*

*Where the male landed was were [sic] he had fallen. He had not been moved apart from applying a towel to the back of his head.”*

Police investigations determined Mr Vaughan had a current Tasmanian learner LI driver licence with no licence conditions attached. He was driving while unaccompanied at the time of the accident. The vehicle was registered to his partner and the registration was current.

The forensic pathologist Dr Donald Ritchey conducted a post mortem examination on 6 December 2022 and subsequently advised Mr Fletcher’s cause of death was traumatic closed head injuries as a result of being hit by the vehicle. He noted toxicology was positive for prescription medications and drugs which were used to treat him which were not toxic and not a cause of death. I accept Dr Ritchey’s opinion.

Mr Vaughan was charged on complaint 90443/23 with negligent driving causing death, failing to give way to a pedestrian when entering a roadway, and being a learner driver who drove while unaccompanied. The particulars of negligence with respect to the first charge were that Mr Vaughan failed to keep a proper lookout and failed to give way to Mr Fletcher who was a pedestrian. He pleaded guilty to charges one and three while the second charge, because it represented one of the particulars of negligence of the first charge, was subsumed and dismissed. On 15 November 2023 Deputy Chief Magistrate Daly recorded convictions in relation to the first and third charges and sentenced Mr Vaughan to a period of imprisonment which was wholly suspended for a period of 24 months on the basis that he not commit another offence punishable by imprisonment during that time. He also disqualified Mr Vaughan from driving for a period of 12 months commencing on 15 November 2023 and ordered that within the period of 18 months from 15 November 2023 Mr Vaughan was to complete 100 hours of community service. Mr Vaughan was also fined.

### **Comments and Recommendations**

I am satisfied having considered all of the evidence this very unfortunate accident occurred as a result of Mr Vaughan’s negligent driving. Having seen Mr Fletcher walking towards his vehicle from the left prior to merging into the traffic on Main Street, he looked twice to the right and he saw a gap in the traffic. He then drove off without checking on where Mr

Fletcher was. Mr Vaughan therefore failed to keep a proper lookout and he failed to give way to Mr Fletcher who was entitled to right of way.

I extend my appreciation to investigating officer Constable Jared Gowan for his investigation and report.

The circumstances of Mr Fletcher'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 Mr Fletcher.

**Dated:** 11 July 2024 at Hobart, in the State of Tasmania.

**Magistrate Robert Webster**  
**Coroner**