



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 the direction of the Coroner pursuant to s 57(1)(c) of the *Coroners Act 1995*)

I, Madeleine Wilson, Coroner, having investigated the death of OR

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

- a) The identity of the deceased is OR whose date of birth is 1 January 2021.
- b) OR was aged 3 years and was born at Cairns, in Queensland. He lived with his mother SN and 4 year old sister PT at George Town in Tasmania.

In the early hours of 22 March 2024 OR and his sister were back seat passengers in a car being driven by their mother. SN picked up an acquaintance, EI, in George Town and drove to Pipers River, stopping enroute to smoke methamphetamine before stealing a utility¹. EI drove the stolen utility while SN followed behind in her car, a black Holden Barina. OR and his four-year-old sister PT were seated in individual car seats² in the back seat, neither of which were secured to the vehicle.³

While driving west along Bridport Road, approximately 100 meters from the Big Hill Road junction, SN's vehicle veered left onto the gravel verge, travelled across the verge and through a ditch before hitting a stand of trees. The vehicle sustained significant front-end damage.

The force of the impact resulted in OR being thrown forward in his child seat towards the point of impact. OR was ejected between the driver and passenger seat. His child seat contacted the left corner at the rear of the driver

¹ Record of Interview with EI.

² Affidavit of Senior Constable Michal Rybka

³ Affidavit of Senior Constable Michal Rybka

seat, as he was thrown forward.⁴ OR's head and upper body suffered a heavy impact with the interior components of the vehicle.

Upon being alerted to the crash, EI returned to the scene and drove the children and SN to a nearby house where the occupant of the house drove him and the children to the hospital⁵. OR was taken into a treatment room and medical staff commenced cardiopulmonary resuscitation (CPR) but he was unable to be revived⁶.

Following the crash, a Transport Safety and Investigation officer examined the Holden Barina.

An inspection of two child seats located in the vehicle post-accident revealed that both had exceeded the recommended 10-year post-manufacture expiry date. Further, no anchor points were used to secure either child seat to the passenger compartment. A "Babylove BL90A/2010" child seat was found unrestrained and jammed between the driver's seat back and the roof. An "Infra-secure cs7110" child seat was located lying back between the back of the front passenger seat and the rear seat cushion⁷. I am unable to make a final determination as to the position the child seats had been in at the time of the collision.

- c) OR died from multiple blunt force injuries, including "massive head injury" comprising a fractured skull; fracture of the jaw; fractured right shoulder and large pneumothorax (lung collapse)⁸, sustained in a motor vehicle accident.

- d) OR died on 22 March 2024 at Lefroy, Tasmania.

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

⁴ Affidavit of Senior Constable Michal Rybka

⁵ Affidavit of Sean Barwick

⁶ Affidavit of Ashleigh Brooks.

⁷ Affidavit of Transport Inspector Freddie Todman

⁸ Interim Post Mortem Preliminary Findings and Extended Short Final Report of Death by Dr Rebecca Irvine, Forensic Pathologist

- The Police Report of Death for the Coroner;
- Affidavits confirming identity;
- Police interview with EI;
- Statutory declaration of Sean Barwick;
- Statutory declaration of Ashleigh Brooks;
- Statutory declaration of Kaye Mahnken;
- Statutory declaration of Kayla Stewart;
- Affidavit of Transport Safety and Investigation Officer Freddie Todman;
- Affidavit of Constable Marcus Williams;
- Affidavit of Constable Todd Paeglitis;
- Affidavit of Constable Brett Tyson;
- Statutory declaration of Senior Constable Jonathon Frankcombe;
- Statutory declaration of Constable Elizabeth Butt;
- Statutory declaration of Constable Sven Mason;
- Statutory declaration of Senior Constable Haydn Barnard;
- Statutory declaration of Detective Senior Constable Robert Shepherd;
- Statutory declaration of Senior Constable Michael Rybka;
- Transcript of proceedings relating to SN's conviction of causing death by negligent driving;
- Affidavit of forensic scientist Neil McLachlan-Troup and
- Report of forensic pathologist Dr Rebecca Irvine.

Comments and Recommendations

OR lost his life because the child seat he was in was not properly secured to the back seat of the car in which he was travelling. Upon the car leaving the road and colliding with a tree, OR was ejected forwards, hitting the interior components of the vehicle and sustaining multiple blunt force injuries which caused his death.

SN was charged and pleaded guilty to causing death by negligent driving as well as numerous summary offences arising from her driving.

Magistrate Simon Brown noted that neither child had been properly secured at the time of the accident and that the failure to secure the child seats was very serious . His Honour imposed a global sentence upon SN of 5 months imprisonment, wholly suspended on condition that she not commit any offence punishable by imprisonment for two years and ordered she comply with a Community Corrections Order for 12 months. On the charge of causing death by negligent driving, she was disqualified from driving for two years.⁹

I extend my appreciation to Senior Constable Michal Rybka for his investigation and report.

The circumstances surrounding OR's death are not such that require me to make any recommendations pursuant to section 28 of the *Coroners Act 1995*. However, I do make comment that if the child seat had been secured correctly to the vehicle, the outcome for the child may have been different.

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

Dated: 27 February 2026 at Hobart, in the State of Tasmania.

Madeleine Wilson
Coroner

⁹ Transcript of sentencing hearing dated 29 July 2025.